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February 22, 2013

BY COURIER, EMAIL AND RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Comments of The Corporation of the County of Dufferin
Dufferin Wind Power Inc.
Board File: EB-2012-0365**

We are counsel to The Corporation of the County of Dufferin ("County") in respect of the above-noted proceeding.

We attach two hard copies of comments received from the County dated February 8, 2013, directed to the Ministry of the Environment, Environmental Approvals Branch, which we thought the Board should be aware of.

Yours truly,

AIRD & BERLIS LLP



Scott Stoll

SAS/ct
Encl.

cc: J. Hammond, DWPI
C. Keizer, Torys LLP
J. Myers, Tory LLP
All Intervenors

14135814.1

Sonya Pritchard
Chief Administrative Officer
spritchard@dufferincounty.ca
Tel: 519-941-2816 ext 2502



Court House
55 Zina Street
Orangeville, ON
L9W 1E5

County of Dufferin

February 8, 2013

Sarah Raetsen
Senior Program Support Coordinator, Ministry of the Environment
Operations Division, Environmental Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto Ontario, M4V 1L5

Dear Ms. Raetsen,

I am writing with regard to EBR Registry number 011-7852 from Dufferin Wind Power Inc.

The County of Dufferin is the owner of the abandoned rail corridor that has been proposed to house a significant portion of the 230 kV transmission line that will connect the wind turbine site in Melancthon to the Hydro One transformer station in Orangeville. The County of Dufferin was approached by Dufferin Wind Power in October 2011 for a request to grant an easement to install an overhead high voltage power line that would run along a significant portion of the vacant rail corridor. Since that time the County of Dufferin has reviewed the proposal and had discussions with representatives from Dufferin Wind in an attempt to achieve a better understanding of the project, its impacts on the local community, and to determine if it was appropriate to enter into an agreement to grant an easement.

The County of Dufferin has reviewed the documentation submitted through both the Renewable Energy Approval and Ontario Energy Board Leave to Construct Application processes, focusing on the proposed 230 kV transmission line. A number of questions and concerns have been identified through this review and are detailed in Appendix A to this letter. Of particular note are the absence of a Cumulative Effects Study, detailed Environmental Monitoring Plan, and an EMF Study specifically identifying the impacts of the overhead portion of the proposed transmission line on other uses in the corridor (such as trails) and adjacent properties. In addition, the form of agreement currently filed with the Ontario Energy Board is not complete and there are numerous amendments and additions required by County of Dufferin.

In conjunction with a review of the documentation, the County of Dufferin has consulted with local residents and interested parties. A significant number of whom are strongly opposed to both the wind turbine site and the transmission line. In general those people involved in the consultation feel there is insufficient information regarding the potential health risks associated with wind turbines and a high voltage power line in close proximity to residential, commercial, and institutional buildings. Local residents have submitted hundreds of pieces of correspondence through email, letters, and comment forms which are attached as Appendix B.

At a meeting of County Council on February 7, 2013 it was determined that the County of Dufferin is not prepared to grant an easement at this time and respectfully requests that Ministry of the Environment in conjunction with the Ministry of Energy take the following actions:

- Place a moratorium on the development of wind energy projects in the Province of Ontario until such time as the 2 year Health Canada Study on Wind Turbine Noise and Health, commissioned in July 2012, is completed and the results shared with the Canadian public.
- Require that all transmission lines to connect future wind energy projects in the County of Dufferin to the electricity grid be installed underground;
- Require that all transmission lines to connect future wind energy projects in the County of Dufferin to the electricity grid be routed to avoid the Town of Shelburne;
- Respond directly to the residents of the Dufferin County who have raised concerns about the safety, value, and design of the Dufferin Wind project (in the correspondence attached to this letter) prior to making a decision regarding the approval of the project.

Should you require additional information regarding this matter please feel free to contact the undersigned at your convenience.

Regards,

Sonya Pritchard, CMA
Chief Administrative Officer

Appendix A

Questions and Concerns Arising from a Review of The Proposal to Install a 230 kV Transmission on a portion of The County of Dufferin owned vacant rail corridor

The County of Dufferin is of the opinion that the following studies and plans are required to determine the appropriateness of granting an easement to construct the proposed 230 kV transmission line:

- A Cumulative Effects study to better determine the ecological and social effects as well as the impact on land values.
- A review of the Official Plan policies and zoning regulations which may otherwise apply to the potential use of the rail corridor for transmission purposes. Such matters may relate to: permitted uses, required setbacks from adjacent sensitive uses, potential impacts on planned residential intensification/development adjacent to the corridor, etc. Further information on the current local municipalities' land use planning status in relation to the proposed use, particularly with respect to sensitive land uses.
- Preparation of a comprehensive Monitoring Plan for construction, operations, and environmental impacts specifically identifying the role of the County of Dufferin and local municipalities.
- A review of the compatibility of other future utility or infrastructure uses.
- An additional EMF studies regarding the impact of the proposed overhead lines on other uses in the corridor (such as trails) and adjacent properties.

The County of Dufferin is also seeking clarification on the following:

- Confirmation that the County of Dufferin has the ability to review final design and easement requirements;
- Confirmation that the requested 10m easement is adequate for construction and ongoing maintenance both in general and specifically for the transition stations;
- Documentation clarifying the net benefit accruing to the County of Dufferin and others;
- Confirmation that DWPI is willing to establish a mutually agreeable procedure for dispute resolution on future issues;
- Confirmation that construction activities will not impact species at risk and will be in compliance with the relevant legislation;
- Clarification regarding the obligations of DWPI as an unlicensed transmitter with respect to ongoing operations and monitoring of high voltage line compared with obligations of a licensed transmitter and how this difference may impact the community;

Appendix B

Public Comments received by the County of Dufferin regarding The Proposal to Install a 230 kV Transmission on a portion of The County of Dufferin owned vacant rail corridor

The following is a list of the most common concerns and comments received through correspondence and raised at the public meetings:

- Concern regarding the potential negative health impacts of EMF and a desire for additional studies and information in this area prior to a decision on the project being made;
- Questions regarding the required setback distances from transmission lines to property lines and public and private buildings, and other structures;
- Concern that there has started to be and will continue to be a negative impact on property values;
- Concern with the safety of the design and construction being proposed;
- Concern with the tactics employed by Dufferin Wind Power throughout the consultation process.

Other concerns/questions raised by interested parties include:

- Need for Dufferin Wind Power to complete a detailed Emergency Response Plan;
- Request for a calculation of the additional cost to run the entire transmission line underground;
- Confirmation that the proposed line (with all necessary adjustments) will not exceed 50km in length.
- Will there be an opportunity to expand the capacity of the line to accommodate other projects?

Correspondence received from interested parties follows.