

Ministry of the Environment
and Climate Change

Ministère de l'Environnement et de
l'Action en matière de changement
climatique



Environmental Approvals
Branch

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January 5, 2015

Mr. Brian Little and Ms. Eva Little [REDACTED]
[REDACTED]

Dear Mr. Little and Ms. Little:

I am in receipt of your December 10, 2014 email with attached letter dated December 4, 2014 regarding the Amherst Island Wind Energy Project proposed by Windlectric Inc. on Amherst Island.

In your letter, you raise further concerns about Windlectric Inc.'s noise assessment for the Renewable Energy Approval (REA) application and attach a report by Dr. John Harrison dated March 2014 regarding the noise assessment. The ministry received Dr. Harrison's report during the Environmental Registry 60-day public comment period for the project. The technical review team will ensure that Windlectric Inc.'s Noise Assessment Report meets all regulatory requirements, including compliance with the REA regulation O. Reg. 359/09 and the ministry's 2008 Noise Guidelines for Wind Farms, prior to making a decision on the application.

You also inquire about the requirement of Windlectric Inc. to obtain an Environmental Compliance Approval (ECA) for the cement batch plant related to the Amherst Island Wind Energy Project. As you are aware from my previous correspondence to you, the cement batch plant does not meet the definition of a renewable energy generation facility within the Electricity Act, 1998 and therefore is not a part of the REA. As noted in Windlectric Inc.'s Project Description Report submitted as part of the REA application and available on the project website, Windlectric Inc. will require an ECA for the cement batch plant.

ECAs are required by the *Environmental Protection Act* and the *Ontario Water Resources Act* for specific activities related to air and noise emissions, waste management activities and sewage works. Each ECA is site-specific and is tailored to the individual circumstances and characteristics of the facility and its local environment. In making a decision on an ECA application, the Signing Director must consider the environmental impact with respect to ministry legislation, regulation, policies and guidelines, and take into account concerns raised by the public during the review process. For information on the technical requirements of an ECA application as well as the ministry's ECA approval process, please refer to the ministry's 2012 "Guide to Applying for an Environmental Compliance Approval", which can be found on the ministry's website at: <https://www.ontario.ca/environment-and-energy/guide-applying-environmental-compliance-approval>

With respect to Windlectric Inc., the ministry is not currently aware of a submitted ECA or Permit to Take Water application for the cement batch plant. It is Windlectric Inc.'s responsibility to ensure they obtain appropriate provincial approvals and determine their applicable municipal approval responsibilities for the proposed project and its associated components. I recommend that you follow up with Windlectric Inc. regarding your inquiries about their ECA application status and associated consultation.

Regarding your request for a meeting with the ministry regarding this project, an appeal to the Divisional Court to allow an application for a judicial review of the REA application for the Amherst Island Wind Project has been filed. As such, the ministry is not in a position to meet about the project.

The REA application for the proposed Amherst Island Wind Energy Project is currently under technical review. When the ministry has made a decision regarding this application, a Decision Notice will be posted on the Environmental Bill of Rights Registry. You may also monitor the status of the ministry's review of the Amherst Island Wind Energy REA application at: <http://www.ontario.ca/environment-and-energy/renewable-energy-projects-listing>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Agatha Garcia-Wright', with a stylized flourish at the end.

Agatha Garcia-Wright
Director
Environmental Approvals Branch