



association to protect AMHERST ISLAND

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September 5, 2014

WITHOUT PREJUDICE TO ALL OF OUR RIGHTS

Hon. Glen Murray
Minister of the Environment and Climate Change
Ferguson Block
11th Flr
77 Wellesley St W
Toronto ON M7A2T5

Dear Honourable Minister,

I am writing you in response to a letter dated August 28, 2014 from the Director of the Environmental Approvals Branch, Ms. Agatha Garcia Wright. On behalf of the Association to Protect Amherst Island, this is an appeal to you as Minister to review and overturn her decision to deny the Association's request to require a full environmental assessment of the proposed TransCanada Napanee Gas Plant. A detailed technical justification for this request will follow in a separate letter.

Sometimes political decisions have unintended consequences. The decision to relocate the Oakville Gas Plant to the shores of Lake Ontario impacts tiny Amherst Island in ways that today's legislative framework did not imagine. We are asking you to consider the impact of the proposed TransCanada Napanee Gas Plant, the Windlectric Inc. proposal to blanket the Island with turbines, the Lafarge 2020 Cement Project, and the existing Lennox Generating Station on Amherst Island. Ontarians on one small island should not be subjected to noise from four major industrial sources. To consider each project independent of the others is an abrogation of natural justice and the precautionary principle.

Some history is provided as context for the Association's appeal.

On November 13, 2013 the Association to Protect Amherst Island requested the Premier to put in place an integrated process to consider the impact of three new large concurrent projects on Amherst Island: the proposed Windlectric turbine project, the

proposed TransCanada Napanee Gas Plant, and the Lafarge Cement 2020 project in addition to the existing Lennox Generating Station.

The Association's specific requests were to:

- defer consideration of the Windlectric REA application pending completion of further studies on the cumulative impact of the four industrial projects on Island residents;
- ensure that noise and particulate emission monitoring equipment is installed on Amherst Island at this time to create a baseline for noise and particulate emissions;
- instruct MOE to respond to noise complaints concerning Lennox Generating Station and the Lafarge plant and enforce existing regulations now;
- require all three companies to engage one set of independent consultants to produce comprehensive reports on the cumulative impacts of noise and particulate emissions on Amherst Island such that the combined noise sources and the impact on receptors take into account the propagation of sound across water;
- given the very high fraction of homes within 4 dBA of the Ontario noise limit, require the Ministry of the Environment to incorporate uncertainty, the wind speed gradient, downwind turbulence and refraction in the prediction of turbine noise;
- publish the consultants' findings on the Environmental Registry and allow 90 days for public comment;

The Premier did not respond. Ms. Agatha Garcia-Wright, Director, Ministry of the Environment, in a carefully crafted explanation fundamentally acknowledged that the Government of Ontario has no integrated process for considering the cumulative impact of multiple initiatives and suggested that the Ministry of the Environment will have regard for its Environmental Values including cumulative impact in its consideration of the three projects.

Consequently in the absence of a process to consider the cumulative impacts, on January 24, 2014 the Association made several requests to the Premier:

- *requests once again that you instruct the Ministry of the Environment to put in place an integrated process to consider the cumulative impact of the Windlectric Inc. project posted under EBR 012-0774, the proposed TransCanada Napanee Gas Plant, and the Lafarge Cement 2020 project*
- *defer posting EBR 012-0774 Windlectric Inc. until such time as an integrated review process is in place*
- *as the concerns of the Association to Protect Amherst Island have not been met, elevate the proposed TransCanada Napanee Gas Plant to a full environmental review under section 116/01 Electricity Projects Regulation and defer the period for public comments until such time as the integrated review process is in place*
- *as the concerns of the Association to Protect Amherst Island have not been met, elevate the proposed Lafarge Cement 2020 project to a full environmental review under Ontario Regulation 101/07 Waste Management Projects Regulation and*

defer the period for public comments until such time as the integrated review process is in place.

Our preferred outcome is the rejection of the Windlectric REA application.

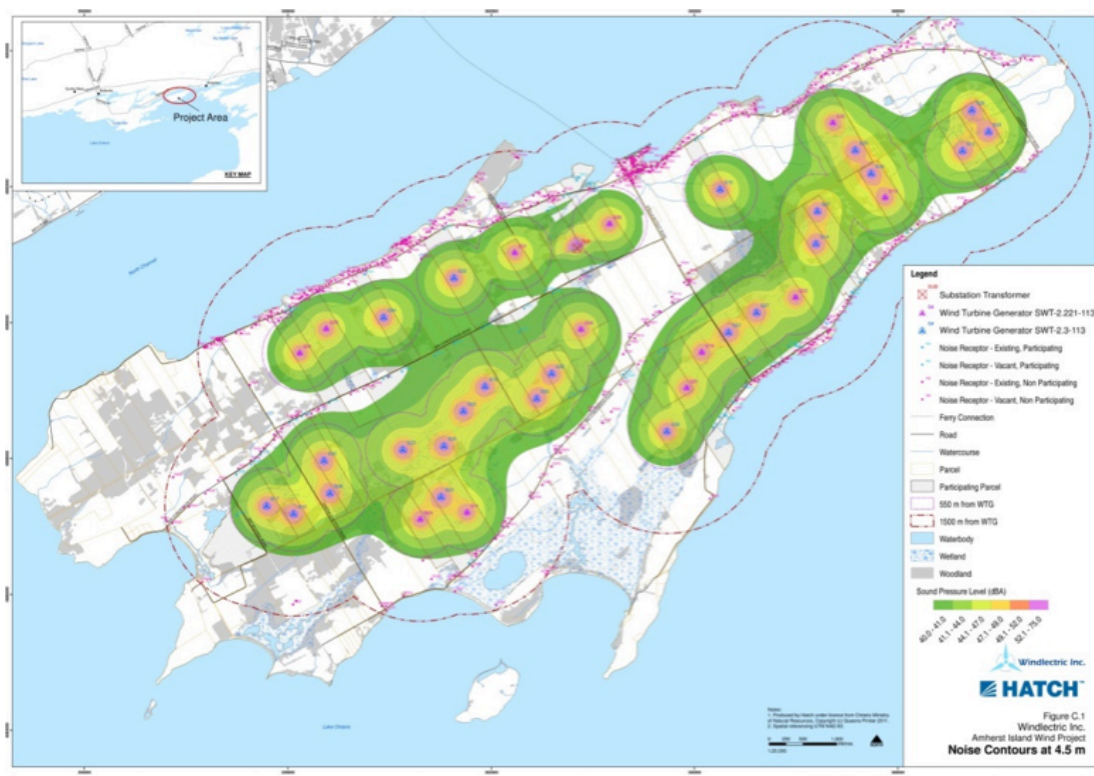
In a letter dated August 28, 2014 Ms. Garcia-Wright advised that:

On January 24, 2014, you requested that TransCanada be required to prepare an individual environmental assessment (EA) for the Project. I am taking this opportunity to inform you that I have decided that an individual EA is not required.

Hon. Minister, the Association respectfully implores you to look at the big picture.

Windlectric Inc. REA Application

Windlectric Inc. proposes to blanket the Island with wind turbines such that 137 homes will have projected noise within 1.5 decibels of the Ministry's limit. The Green Energy Act only requires Windlectric to consider the cumulative impact of other turbine projects not the existing Lennox Generating Station nor the proposed Lafarge Cement 2020 Project and the existing Plant and nor the proposed TransCanada Napanee Gas Plant.



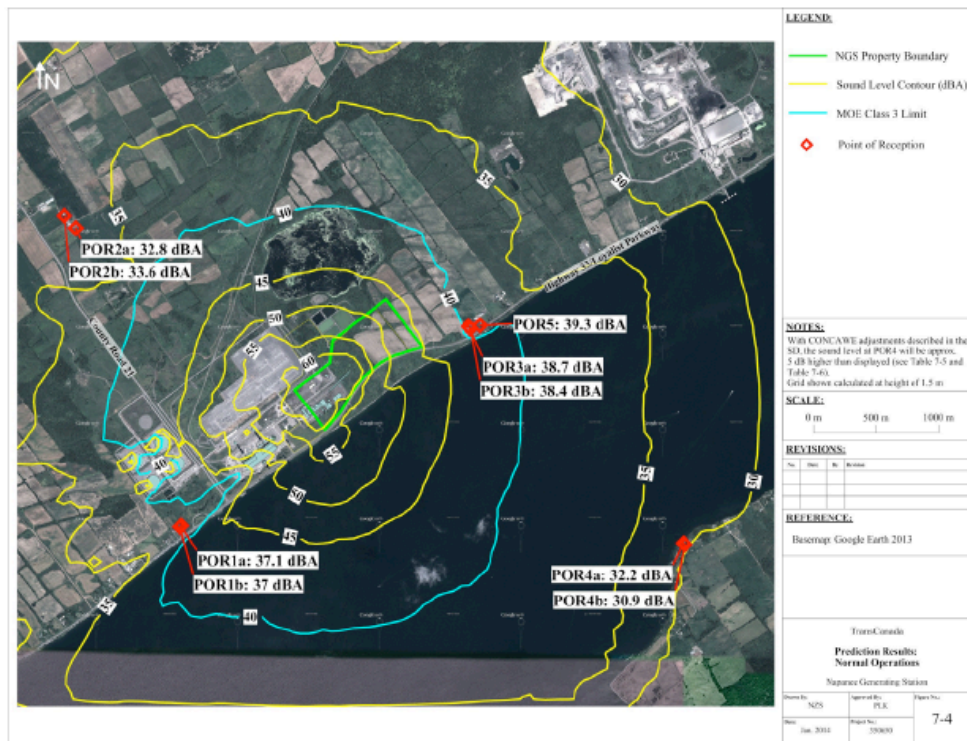
TransCanada Proposed Napanee Gas Plant

The proposed TransCanada Napanee Gas Plant will add to the noise and will impact residents on the north shore of the Island. TransCanada's acousticians have not used

an appropriate technical model to project the impact of sound travelling over water. As any Canadian in a canoe can attest, sound seems focused as it travels over water.



Acoustic Assessment for the Napanee Generating Station



Lafarge Cement Plant

Noise from the Lafarge 2020 Cement Project and the existing Lafarge Cement Plant similarly impact Amherst Island.



Lennox Generating Station

Noise from the existing Lennox Generating Station also impacts Amherst Island and should be considered in your evaluation.



Summary

Honourable Minister, the Association to protect Amherst Island respectfully requests you to:

1. as it appears to be the only option legally available, overturn the decision of the Director of Environmental Approvals with respect to the TransCanada Napanee Gas Plant

2. require an independent noise assessment of the impact of existing and proposed industrial projects on Amherst Island to be managed by MOECC and funded equally by TransCanada, LaFarge and Windlectric Inc.
3. defer technical review of the Windlectric Inc. project pending completion of the independent noise assessment

The Association understands that it is unlikely that the Government will cancel another gas plant. However, to impose three projects concurrently as if the others did not exist defies common sense and is not in the public interest. Our preferred option is the rejection of the Windlectric Inc. REA application.

Named one of the Top Ten Endangered Places in Canada by Heritage Canada the National Trust due to the impact of wind turbines on its rich cultural and natural heritage, Amherst Island is the wrong place, the very wrong place for wind turbines. The many reasons including its significance as an Important Bird Area; the high risk to public safety of industrialization of an Island with no ambulance, no water supply, and narrow roads; and the impact on groundwater and shallow wells are summarized in an attachment.

Dr. John Harrison will submit a technical justification for the request to overturn Ms. Garcia-Wright's decision concerning the TransCanada Napanee Gas Plant. Kindly advise a date and time when we may meet to discuss this important matter.

Sincerely

Peter G. S. Large P. Eng.
President
Association to Protect Amherst Island

CC
Premier Kathleen Wynne
Hon. Bob Chiarelli, Minister of Energy
Mr. Paul Evans, Deputy Minister, MOECC
Mr. Serge Imbrogno, Deputy Minister, ME
Ms. Doris Dumais, Director, MOE
Ms. Agatha Garcia-Wright, Director, MOECC
Mr. Randy Hillier, MPP
Mayor Bill Lowry and Members of Council, Loyalist Township
Mr. Peter Webster, TransCanada Napanee Generating Station Project
Mr. James Hinds, Chair and Members of the Board of Directors, OPA
Ms. Susan Kennedy, Associate General Counsel, OPA