

This is an unofficial version

ONTARIO REGULATION 359/09
made under the
ENVIRONMENTAL PROTECTION ACT
RENEWABLE ENERGY APPROVALS UNDER PART V.0.1 OF THE ACT

[Skip Table of Contents](#)

CONTENTS

[PART I](#)
INTERPRETATION

- [1.](#) Interpretation
[2.](#) Negative environmental effect

[PART II](#)
CLASSES OF RENEWABLE ENERGY GENERATION FACILITIES

- [3.](#) Anaerobic digestion facilities
[4.](#) Solar facilities
[5.](#) Thermal treatment facilities
[6.](#) Wind facilities

[PART III](#)
APPLICATION OF THE ACT TO RENEWABLE ENERGY PROJECTS

- [7.](#) Exemption, standby generator
[8.](#) Exemptions, subs. 47.3 (1) of the Act
[9.](#) Exemptions, s. 47.3 of the Act
[10.](#) Prescribed activities

[PART IV](#)
RENEWABLE ENERGY APPROVALS

[APPLICATION OF PART](#)

- [11.](#) Application of Part
[12.](#) Eligibility, renewable energy approval
[13.](#) Supporting documents

[CONSULTATION](#)

- [14.](#) List of aboriginal communities
[15.](#) Notices of project and meetings
[16.](#) Consultation with public
[17.](#) Consultation with aboriginal communities
[18.](#) Consultation with municipalities, local authorities

[PROTECTED PROPERTIES, ARCHAEOLOGICAL AND HERITAGE RESOURCES](#)

- [19.](#) Protected properties
[20.](#) Consideration of archaeological and heritage resources
[21.](#) Consideration of archaeological resources
[22.](#) Archaeological assessment
[23.](#) Heritage assessment

	<u>NATURAL HERITAGE</u>
<u>24.</u>	Natural heritage assessment
<u>25.</u>	Natural heritage, records review
<u>26.</u>	Natural heritage, site investigation
<u>27.</u>	Natural heritage, evaluation of significance
<u>28.</u>	Confirmation from Ministry of Natural Resources
	<u>WATER</u>
<u>29.</u>	Water assessment
<u>30.</u>	Water, records review
<u>31.</u>	Water, site investigation
	<u>NIAGARA ESCARPMENT</u>
<u>32.</u>	Niagara Escarpment
	<u>PART V</u>
	PROHIBITIONS — RENEWABLE ENERGY PROJECTS
	<u>APPLICATION AND INTERPRETATION OF PART</u>
<u>33.</u>	Application of Part
<u>34.</u>	Significant and provincially significant natural features
	<u>GENERAL PROHIBITIONS</u>
<u>35.</u>	Associated transformers
<u>36.</u>	Non-renewable energy sources
	<u>NATURAL FEATURES AND WATER BODIES — GENERAL</u>
<u>37.</u>	Specified wetlands, provincial parks, conservation reserves
<u>38.</u>	Specified natural features
<u>39.</u>	Water bodies
<u>40.</u>	Water bodies, continued
	<u>NATURAL FEATURES AND WATER BODIES — GREENBELT</u>
<u>41.</u>	Specified natural features in Natural Heritage System
	<u>NATURAL FEATURES AND WATER BODIES — OAK RIDGES MORAINES</u>
<u>42.</u>	Oak Ridges Moraine
<u>43.</u>	Specified natural features
<u>44.</u>	Water bodies
<u>45.</u>	Water bodies, continued
<u>46.</u>	Rapid infiltration basin or column
	<u>ANAEROBIC DIGESTION FACILITIES</u>
<u>47.</u>	Class 1 and 2 anaerobic digestion facilities, less than or equal to 500 kW
<u>48.</u>	Class 1 and 2 anaerobic digestion facilities, greater than 500 kW
<u>49.</u>	Class 2 anaerobic digestion facilities, financial assurance
<u>50.</u>	Class 3 anaerobic digestion facilities
	<u>THERMAL TREATMENT FACILITIES</u>
<u>51.</u>	Class 2 thermal treatment facilities
<u>52.</u>	Class 2 and 3 thermal treatment facilities
	<u>WIND FACILITIES</u>
<u>53.</u>	Class 3, 4 and 5 wind facilities
<u>54.</u>	Specified wind turbines, prohibition and requirements
<u>55.</u>	Wind turbines, requirements re location
	<u>PART VI</u>
	POWERS AND DUTIES OF DIRECTOR
<u>56.</u>	Great Lakes Charter
<u>57.</u>	Discretion re reporting requirement
	<u>PART VII</u>
	HEARINGS
<u>58.</u>	Date to require hearing
<u>59.</u>	Date of deemed confirmation
<u>60.</u>	Exemption, s. 142.1 of the Act
<u>61.</u>	Commencement
<u>Table 1</u>	(reports (see section 13))
<u>Table 2</u>	(distance for liquid digestate storage (see sections 47 and 48))
<u>Table 3</u>	(distance for solid digestate storage (see sections 47 and 48))

PART I INTERPRETATION

Interpretation

1. (1) In this Regulation,

“alvar” means a naturally open area of thin or no soil over essentially flat limestone, dolostone or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs;

“anaerobic digestion” has the same meaning as in Ontario Regulation 160/99 (Definitions and Exemptions) made under the *Electricity Act, 1998*;

“anaerobic digestion facility” means a renewable energy generation facility at which biogas made from anaerobic digestion is used to generate electricity;

“applicant” means a person who applies for the issue of a renewable energy approval;

“archaeological resource” means, subject to subsection (2), an archaeological site or a marine archaeological site, both within the meaning of Ontario Regulation 170/04 (Definitions) made under the *Ontario Heritage Act*;

“area of natural and scientific interest (earth science)” means an area that has earth science values related to protection, scientific study or education;

“area of natural and scientific interest (life science)” means an area that has life science values related to protection, scientific study or education;

“biofuel” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“biofuel facility” means a renewable energy generation facility at which biofuel is used to generate electricity;

“biogas” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“biogas facility” means a renewable energy generation facility at which biogas is used to generate electricity but does not include an anaerobic digestion facility;

“biomass” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“board area” means, when used in relation to a Local Services Board, the geographical area within which the Local Services Board may exercise its jurisdiction;

“coastal wetland” means a wetland that is located,

- (a) on Lake Ontario, Lake Erie, Lake Huron, Lake Superior or Lake St. Clair,
- (b) on the St. Mary’s, St. Clair, Detroit, Niagara or St. Lawrence River, or
- (c) subject to subsection (3), on a tributary to any water body mentioned in clause (a) or (b) and, either in whole or in part, downstream of a line located two kilometres upstream of the 1:100 year floodline of the water body;

“conservation reserve” means a conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*;

“dam” means a structure or work forwarding, holding back or diverting water and includes a dam, tailings dam, dike, diversion, channel alteration, artificial channel, culvert or causeway;

“digestate” means any solid or liquid material that results from anaerobic digestion of biomass, source separated organics or farm material;

“earth science values” means values that relate to the geological, soil and landform features of the environment;

“farm material” means organic matter, other than biomass, that is derived from a plant or animal and that is available at a farm operation;

“farm operation” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act;

“Financial Assurance Guideline” means the publication of the Ministry of the Environment entitled “Guideline F-15 Financial Assurance” and dated November 2005, as amended from time to time and available from the Ministry;

“Greenbelt Plan” means the Greenbelt Plan established under subsection 3 (1) of the *Greenbelt Act, 2005* and by the Lieutenant Governor in Council by Order in Council No. 208/2005;

“heritage resource” means real property that is of cultural heritage value or interest and may include a building, structure, landscape or other feature of real property;

“intermittent stream” means a natural or artificial channel, other than a dam, that carries water intermittently and does not have established vegetation within the bed of the channel, except vegetation dominated by plant communities that require or prefer the continuous presence of water or continuously saturated soil for their survival;

“kettle lake” means a depression formed by glacial action and permanently filled with water;

“Lake Simcoe watershed” has the same meaning as in the *Lake Simcoe Protection Act, 2008*;

“lake trout lake” means a lake that has been designated by the Ministry of Natural Resources for lake trout management, as set out in records maintained by and available from that Ministry;

“life science values” means values that relate to the living component of the environment;

“liquid digestate” means any digestate that is not solid digestate;

“local roads area” means a local roads area established under the *Local Roads Boards Act*;

“local roads board” means a board of a local roads area under the *Local Roads Boards Act*;

“Local Services Board” means a Local Services Board within the meaning of the *Northern Services Boards Act*;

“municipal planning authority” means a municipal planning authority established under subsection 14.1 (1) of the *Planning Act*;

“name plate capacity” means, when used in relation to a renewable energy generation facility or a part of a renewable energy generation facility, the total of the design electricity generating capacities of all the generation units in or at the facility or the part of the facility;

“natural feature” means, subject to subsections 25 (2), 26 (2), 41 (3) and 43 (2), all or part of,

- (a) an area of natural and scientific interest (earth science),
- (b) an area of natural and scientific interest (life science),
- (c) a coastal wetland,
- (d) a northern wetland,
- (e) a southern wetland,
- (f) a valleyland,
- (g) a wildlife habitat, or
- (h) a woodland;

“Natural Heritage System” means the Natural Heritage System shown in Schedule 4 to the Greenbelt Plan;

“Niagara Escarpment Commission” means the Niagara Escarpment Commission continued under subsection 5 (1) of the *Niagara Escarpment Planning and Development Act*;

“Niagara Escarpment Plan” means the Plan approved under the *Niagara Escarpment Planning and Development Act*, as amended and revised in accordance with that Act;

“noise receptor” means a location described in subsection (4) at which noise discharged from a renewable energy generation facility is received;

“northern wetland” means a wetland located north of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;

“Oak Ridges Moraine Conservation Plan” means the plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and by Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under that Act;

“Oak Ridges Moraine Conservation Plan Area” means the area shown as the Oak Ridges Moraine Conservation Plan Area on the map entitled “Oak Ridges Moraine Conservation Plan Land Use Designation Map”, numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto, as that map is amended from time to time;

“Oak Ridges Moraine settlement area” means an area shown as a Settlement Area on the map entitled “Oak Ridges Moraine Conservation Plan Land Use Designation Map”, numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto, as that map is amended from time to time;

“odour receptor” means a location described in subsection (5) at which odour discharged from a renewable energy generation facility is received;

“permanent stream” means a stream that continually flows in an average year;

“planning board” means a planning board established under section 9 or 10 of the *Planning Act*;

“professional engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*;

- “professional geoscientist” means a person who holds a certificate of registration under the *Professional Geoscientists Act, 2000* and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario;
- “project location” means, when used in relation to a renewable energy project, a part of land and all or part of any building or structure in, on or over which a person is engaging in or proposes to engage in the project and any air space in which a person is engaging in or proposes to engage in the project;
- “Protected Countryside” means the Protected Countryside shown in Schedule 1 to the Greenbelt Plan;
- “Protected Countryside settlement area” means a town, village or hamlet that is located in the Protected Countryside and is shown in Schedule 1 to the Greenbelt Plan;
- “provincial park” means a provincial park within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*;
- “regulated mixed anaerobic digestion facility” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act;
- “renewable energy source” has the same meaning as in the *Electricity Act, 1998*;
- “sand barrens” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;
- “savannah” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;
- “seepage area” means a site of emergence of ground water where the water table is present at the ground surface, including a spring;
- “sewage” has the same meaning as in the *Ontario Water Resources Act*;
- “storm water” means rainwater runoff, water runoff from roofs, snowmelt and surface runoff;
- “storm water management facility” means a facility for the treatment, retention, infiltration or control of storm water;
- “solar facility” means a renewable energy generation facility at which one or more solar photovoltaic collector panels or devices use light to generate electricity;
- “solid digestate” means digestate that has a dry matter content of 18 per cent or more or a slump of 150 millimetres or less using the Test Method for the Determination of Liquid Waste

(slump test) set out in Schedule 9 to Regulation 347 of the Revised Regulations of Ontario made under the Act;

“sound power level” means the rating that,

- (a) is given to a wind turbine by the manufacturer of the wind turbine, calculated in accordance with standard CAN/CSA-C61400-11-07, “Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques”, dated October 2007, rounded to the nearest whole number, and
- (b) applies in respect of the wind turbine when the wind turbine is operating at 95 per cent of its name plate capacity;

“source separated organics” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“southern wetland” means a wetland located south of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;

“tallgrass prairie” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;

“thermal treatment” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act;

“thermal treatment facility” means a renewable energy generation facility at which the thermal treatment of biomass is used to generate electricity;

“unorganized territory” has the same meaning as in the *Municipal Act, 2001*;

“valleyland” means a natural area,

- (a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005, and
- (b) that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

“water body” includes a lake, a permanent stream, an intermittent stream and a seepage area but does not include,

- (a) grassed waterways,
- (b) temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through,
- (c) rock chutes and spillways,
- (d) roadside ditches that do not contain a permanent or intermittent stream,
- (e) temporarily ponded areas that are normally farmed,
- (f) dugout ponds, or
- (g) artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm animal yards, manure storage facilities and sites and outdoor confinement areas;

“water power facility” means a renewable energy generation facility at which the movement of water is used to generate electricity;

“wetland” means land such as a swamp, marsh, bog or fen, other than land that is being used for agricultural purposes and no longer exhibits wetland characteristics, that,

- (a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface, and
- (b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants;

“wildlife habitat” means an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species;

“wind facility” means a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines;

“wind turbine” means,

- (a) the structure that supports an electrical generator used to convert wind energy into electricity,
- (b) the electrical and mechanical equipment, including electrical generators, used to convert wind energy into electricity, and

(c) the base and foundation to which the structure mentioned in clause (a) is attached;

“woodland” means land,

(a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005,

(b) that has, per hectare, at least,

(i) 1,000 trees of any size,

(ii) 750 trees measuring over five centimetres in diameter, measured in accordance with subsection (7),

(iii) 500 trees measuring over 12 centimetres in diameter, measured in accordance with subsection (7), or

(iv) 250 trees measuring over 20 centimetres in diameter, measured in accordance with subsection (7), and

(c) that does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees;

“woodwaste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act.

(2) For the purposes of the definition of “archaeological resource” in subsection (1), an archaeological resource is real property but does not include buildings or structures, other than ruins, burial mounds, petroglyphs and earthworks.

(3) For the purposes of the definition of “coastal wetland” in subsection (1), the 1:100 year floodline includes wave run-up.

(4) Subject to subsection (6), for the purposes of the definition of “noise receptor” in subsection (1), the following locations may be noise receptors:

1. The centre of a building or structure used for overnight accommodation.
2. The centre of a building or structure used as an educational facility, a day nursery or a place of worship.
3. If the construction of a building or structure mentioned in paragraph 1 or 2 has not commenced but an approval under section 41 of the *Planning Act* or a building permit

under section 8 of the *Building Code Act, 1992* has been issued in respect of a building or structure mentioned in paragraph 1 or 2, the centre of the proposed building or structure.

4. The centre of a vacant lot, if,
 - i. the vacant lot has been zoned to permit a building or structure mentioned in paragraph 1 or 2, and
 - ii. no approval or building permit mentioned in paragraph 3 has been issued in respect of a building or structure mentioned in paragraph 1 or 2 on the vacant lot.
5. A portion of property that is used as a campsite or campground at which overnight accommodation is provided by or on behalf of a public agency or as part of a commercial operation.

(5) Subject to subsection (6), for the purposes of the definition of “odour receptor” in subsection (1), the following locations may be odour receptors:

1. A building or structure used for overnight accommodation.
2. A building or structure used for an institutional purpose, including an educational facility, a day nursery, a health care facility, a community centre or a place of worship,
3. A portion of a property used for recreational purposes that is not accessory to a building or structure mentioned in paragraph 1.
4. A portion of a property that is used as a campsite or campground at which overnight accommodation is provided by or on behalf of a public agency or as part of a commercial operation.
5. A portion of a property used for commercial activity.

(6) For the purposes of subsections (4) and (5), an odour receptor or noise receptor does not include a location on a parcel of land that,

- (a) is owned by a person who proposes to engage in the renewable energy project from which the noise or odour is to be discharged, if all or part of the facility is to be located on that parcel of land; or
- (b) is owned by a person who has entered into an agreement with the person mentioned in clause (a) to permit all or part of the facility to be located on that parcel of land.

(7) For the purposes of the definition of “woodland” in subsection (1), all measurements of the trees are to be taken at 1.37 metres from the ground.

(8) In this Regulation, a reference to a lake includes a kettle lake.

(9) In this Regulation, a reference to a lake trout lake that is at or above development capacity is a reference to a lake trout lake that has been identified by the Ministry of Natural Resources to be at or above development capacity, as set out in records maintained by and available from that Ministry.

(10) In this Regulation, unless otherwise specified, a reference to a project location is a reference to any part of the project location.

(11) In this Regulation, “environment” has the same meaning as in section 47.1 of the Act.

Negative environmental effect

2. In this Regulation, a reference to a negative environmental effect is a reference to a negative effect that will be caused or that might reasonably be expected to be caused to the environment.

PART II CLASSES OF RENEWABLE ENERGY GENERATION FACILITIES

Anaerobic digestion facilities

3. (1) An anaerobic digestion facility is an anaerobic digestion facility of a class set out in Column 1 of the Table to this section if,

- (a) the anaerobic digester of the facility is at a location set out opposite the class in Column 2 of the Table; and
- (b) the biogas used to generate electricity at the facility is made from the anaerobic digestion at the facility of the organic matter set out opposite the class in Column 3 of the Table.

(2) In this Regulation, a reference to a Class 1, 2 or 3 anaerobic digestion facility is a reference to an anaerobic digestion facility of that class.

TABLE

Item	Column 1	Column 2	Column 3
	Class of anaerobic digestion facility	Location of anaerobic digester	Organic matter

1.	Class 1	At a farm operation.	One or more of the following: 1. Biomass that is grown or harvested for the purpose of being used to generate electricity. 2. Biomass that is agricultural waste within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act. 3. Farm material.
2.	Class 2	At a farm operation.	One or more of the following: 1. Organic matter consisting of any biomass or a combination of biomass and farm material, other than organic matter that consists solely of organic matter described in Column 3 of Item 1. 2. Source separated organics.
3.	Class 3	At any location other than at a farm operation.	One or more of the following: 1. Biomass. 2. Source separated organics. 3. Farm material.

Solar facilities

4. (1) A solar facility is a solar facility of a class set out in Column 1 of the Table to this section if,

- (a) the solar photovoltaic collector panels or devices that form part of the facility are at a location set out opposite the class in Column 2 of the Table; and
- (b) the facility has a name plate capacity that meets the criteria set out opposite the class in Column 3 of the Table.

(2) In this Regulation, a reference to a Class 1, 2 or 3 solar facility is a reference to a solar facility of that class.

(3) For the purposes of this Regulation, two or more solar facilities that each meet the criteria set out for the same class of solar facility in subsection (1) shall be deemed to be a single solar facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

1. Two or more Class 1 solar facilities that have a combined name plate capacity of less than or equal to 10 kW are deemed to be a single Class 1 solar facility.
2. Two or more Class 1 solar facilities that have a combined name plate capacity of greater than 10 kW and whose solar photovoltaic collector panels or devices are not mounted on a roof or wall of a building are deemed to be a single Class 3 solar facility.

3. Two or more Class 3 solar facilities are deemed to be a single Class 3 solar facility.

TABLE

Item	Column 1	Column 2	Column 3
	Class of solar facility	Location of solar photovoltaic collector panels or devices	Name plate capacity of solar facility (expressed in kW)
1.	Class 1	At any location.	≤ 10
2.	Class 2	Mounted on the roof or wall of a building.	> 10
3.	Class 3	At any a location other than mounted on the roof or wall of a building.	> 10

Thermal treatment facilities

5. (1) A thermal treatment facility is a thermal treatment facility of a class set out in Column 1 of the Table to this section if,

- (a) the generating unit of the facility is at a location set out opposite the class in Column 2 of the Table; and
- (b) the biomass that is thermally treated to generate electricity at the facility meets the description set out opposite the class in Column 3 of the Table.

(2) In this Regulation, a reference to a Class 1, 2 or 3 thermal treatment facility is a reference to a thermal treatment facility of that class.

TABLE

Item	Column 1	Column 2	Column 3
	Class of thermal treatment facility	Location of generating unit	Description of biomass
1.	Class 1	At any location.	Biomass consisting solely of woodwaste.
2.	Class 2	At a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.
3.	Class 3	At any location other than at a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.

Wind facilities

6. (1) A wind facility is a wind facility of a class set out in Column 1 of the Table to this section if,

- (a) the wind turbines that form part of the facility are at a location set out opposite the class in Column 2 of the Table;
- (b) the facility has a name plate capacity that meets the criteria set out opposite the class in Column 3 of the Table; and

- (c) the greatest sound power level of any wind turbine that forms part of the facility meets the criteria set out in Column 4 of the Table.

(2) In this Regulation, a reference to a Class 1, 2, 3, 4 or 5 wind facility is a reference to a wind facility of that class.

(3) For the purposes of this Regulation, two or more wind facilities that each meet the criteria set out for the same class of wind facility in subsection (1) shall be deemed to be a single wind facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

1. Two or more Class 1 wind facilities that have a combined name plate capacity of greater than 3 kW are deemed to be,
 - i. a Class 2 wind facility, if the combined name plate capacity is less than 50 kW, or
 - ii. a Class 3 wind facility, if the combined name plate capacity is greater than or equal to 50 kW.
2. Two or more Class 2 wind facilities are deemed to be a single Class 2 wind facility.
3. Two or more Class 3 wind facilities are deemed to be a single Class 3 wind facility.
4. Two or more Class 4 wind facilities are be deemed to be a single Class 4 wind facility.
5. Two or more Class 5 wind facilities are deemed to be a single Class 5 wind facility.

TABLE

Item	Column 1	Column 2	Column 3	Column 4
	Class of wind facility	Location of wind turbines	Name plate capacity of the facility (expressed in kW)	Greatest sound power level (expressed in dBA)
1.	Class 1	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≤ 3	Any.
2.	Class 2	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	> 3 and < 50	Any.
3.	Class 3	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≥ 50	< 102

4.	Class 4	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≥ 50	≥ 102
5.	Class 5	At a location where one or more parts of a wind turbine is located in direct contact with surface water other than in a wetland.	Any.	Any.

PART III

APPLICATION OF THE ACT TO RENEWABLE ENERGY PROJECTS

Exemption, standby generator

7. (1) Section 9 of the Act does not apply in respect of the construction, alteration, replacement, use or operation of a standby generator that uses a fossil fuel to generate electricity at a renewable energy generation facility, if the standby generator is only operated in any of the following circumstances:

1. The standby generator is only operated for the purposes of testing or maintenance of the standby generator or the start up or shut down of the facility, and,
 - i. the standby generator has not operated for more than 60 hours in the past 12 months for those purposes, and
 - ii. the standby generator is operated only on weekdays between the hours of 7 a.m. and 7 p.m for those purposes.
2. The standby generator is only operated due to,
 - i. a serious risk to the health or safety of a person,
 - ii. a serious risk of harm to the natural environment, plant life or animal life, or
 - iii. a serious risk of injury or damage to property.

(2) This section does not apply in respect of a standby generator mentioned in subsection (1) if a certificate of approval was issued under section 9 of the Act in respect of the standby generator on a day before the day this section comes into force.

Exemptions, subs. 47.3 (1) of the Act

8. Subsection 47.3 (1) of the Act does not apply to a person who is engaging in a renewable energy project in respect of,

- (a) a Class 1 or 2 solar facility; or
- (b) a Class 1 wind facility.

Exemptions, s. 47.3 of the Act

9. (1) Section 47.3 of the Act does not apply to a person who is engaging in a renewable energy project if any of the following circumstances apply:

1. On a day before the day Part V.0.1 of the Act comes into force, all of the approvals, permits and other instruments mentioned in subsection 47.3 (1) of the Act that are required to construct, install, operate or use the renewable energy generation facility have been obtained.
2. No approvals, permits or other instruments mentioned in paragraph 1 were required to construct, install, operate or use a renewable energy generation facility on a day immediately before the day Part V.0.1 of the Act comes into force, and the construction or installation of the facility began on a day before the that Part of the Act comes into force.
3. On a day before the day Part V.0.1 of the Act comes into force, a notice of completion in respect of the renewable energy generation facility has been issued or published pursuant to an exempting regulation made under the *Environmental Assessment Act* and the proponent of the facility entered into a power purchase agreement with the Ontario Power Authority in respect of the supply of renewable energy from the facility.
4. The project is in respect of the changing or retirement of a renewable energy generation facility,
 - i. in respect of which all approvals, permits and other instruments referred to in paragraph 1 have been obtained on a day before the day Part V.0.1 of the Act comes into force or in respect of which none were required, or
 - ii. in respect of which, on a day before the day Part V.0.1 of the Act comes into force, a notice of completion referred to in paragraph 3 was issued or published before the changing or retirement occurred.
5. On a day before the day Part V.0.1 of the Act comes into force,
 - i. a power purchase agreement was entered into with the Ontario Power Authority in respect of the supply of renewable energy from the renewable energy generation facility,
 - ii. the use of the land at the project location was not prohibited by a zoning by-law or order under Part V of the *Planning Act*, and

- iii. the facility was not an undertaking that was designated to be subject to the *Environmental Assessment Act* pursuant to a regulation made under that Act.
6. The project is in respect of a water power facility.
 7. The project is in respect of a renewable energy generation facility that,
 - i. is designed to have a name plate capacity of less than or equal to 500 kW and on an annual basis, less than 90 per cent of the electricity generated at the facility is generated from a renewable energy source, or
 - ii. is designed to have a name plate capacity of greater than 500 kW and on an annual basis, less than 95 per cent of the electricity generated at the facility is generated from a renewable energy source.
 8. The project is in respect of a regulated mixed anaerobic digestion facility.
 9. The project is in respect of an anaerobic digestion facility that,
 - i. is located at a farm operation that is subject to an approved nutrient management strategy pursuant to the *Nutrient Management Act, 2002*, and
 - ii. would not have required a certificate of approval or provisional certificate of approval under subsection 27 (1) of the Act on a day before the day Part V.0.1 of the Act comes into force.

(2) For the purposes of paragraph 2 of subsection (1), construction or installation is deemed to begin,

- (a) on the day on which the first contract was awarded for carrying out any part of the construction or installation, if any contracts were awarded; or
- (b) on the day on which construction or installation began, if no contracts were awarded for carrying out any part of the construction or installation.

Prescribed activities

10. The following activities are prescribed for the purposes of paragraph 7 of subsection 47.3 (1) of the Act:

1. The construction, installation, use, operation or changing of a Class 3 solar facility, if the electricity generated at the facility is sold by the owner or operator of the facility.

2. The construction, installation, use, operation or changing of a wind facility, other than a Class 1 wind facility, if the electricity generated at the facility is sold by the owner or operator of the facility.
3. The construction, installation, use, operation or changing of a Class 1 anaerobic digestion facility.
4. The construction, installation, use, operation or changing of a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation.
5. The construction, installation, use, operation or changing of a Class 2 thermal treatment facility.

PART IV RENEWABLE ENERGY APPROVALS

APPLICATION OF PART

Application of Part

11. This Part applies to a person who proposes to engage in a renewable energy project in respect of which the issue of a renewable energy approval is required.

APPLICATION FOR RENEWABLE ENERGY APPROVAL

Eligibility, renewable energy approval

12. (1) In order to be eligible for the issue of a renewable energy approval, a person who proposes to engage in a renewable energy project shall, before submitting an application to the Director,

- (a) prepare the application in a form or format approved by the Director;
- (b) obtain or prepare, as the case may be, any documents that,
 - (i) are required under this Part to be submitted as part of the application, or
 - (ii) are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V; and
- (c) comply with all other requirements in this Part.

(2) If there is more than one person applying for the issue of a renewable energy approval in respect of a renewable energy project, those persons shall jointly submit one application for the issue of a renewable energy approval.

(3) An application to alter the terms and conditions of a renewable energy approval shall be prepared in a form or format approved by the Director and shall be submitted to the Director.

Supporting documents

13. (1) A person who proposes to engage in a renewable energy project shall submit a document set out in Column 1 of Table 1 as part of an application for the issue of a renewable energy approval in respect of the project if it is a project described opposite the document in Column 3.

(2) If a document set out in Column 1 of Table 1 is submitted as part of an application for the issue of a renewable energy approval, the person who is engaging in the renewable energy project shall ensure that the document meets the requirements set out opposite the document in Column 2 of Table 1.

(3) Any document submitted as part of an application for the issue of a renewable energy approval shall be in writing.

(4) Any document submitted as part of an application for the issue of a renewable energy approval that is a diagram, map or plan shall be drawn to scale and shall include a scale bar and a north arrow.

CONSULTATION

List of aboriginal communities

14. (1) A person who proposes to engage in a renewable energy project shall,

- (a) give the Director a draft of the project description report prepared in accordance with Table 1; and
- (b) obtain from the Director a list of aboriginal communities who, in the opinion of the Director,
 - (i) have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project, or
 - (ii) otherwise may be interested in any negative environmental effects of the project.

(2) This section does not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility.

Notices of project and meetings

15. (1) A person who proposes to engage in a renewable energy project shall distribute,

- (a) notice of the proposal to engage in the project; and
- (b) notices of the location and time of at least two public meetings to be held for the purpose of conducting consultations in respect of the project.

(2) Clause (1) (b) does not apply in respect of a proposal to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility.

(3) A notice mentioned in subsection (1) shall be in a form approved by the Director and shall be distributed in accordance with subsection (6),

- (a) at least 30 days before the first public meeting is held, if the notice mentioned in both clauses (1) (a) and (b) is required to be distributed; or
- (b) at least 30 days before the application for the issue of a renewable energy approval is submitted to the Director, if only the notice mentioned in clause (1) (a) is required to be distributed.

(4) The notices mentioned in clauses (1) (a) and (b) may be distributed together and in combination with any other notice in respect of the renewable energy project if,

- (a) this section is complied with in combining the notices; and
- (b) the combined notices include a clear description of all of the notices that are being combined.

(5) If the notices mentioned in clauses (1) (a) and (b) are both required to be distributed but are not distributed together, the notice mentioned in clause (1) (a) shall be distributed before any notice mentioned in clause (1) (b) is distributed.

(6) A notice mentioned in clause (1) (a) or (b) shall be distributed in accordance with the following rules:

1. The notice must be published on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated.

2. If the project location is in unorganized territory,
 - i. the notice must be published on two separate days in a newspaper with general circulation within 25 kilometres of the project location, or
 - ii. if no newspaper mentioned in subparagraph i exists, the notice must be posted in at least six conspicuous locations within 25 kilometres of the project location.
3. If it is reasonable to do so, the notice must be published in a newspaper printed by each aboriginal community on the list obtained under section 14, if the list was required to be obtained, and if such a newspaper exists and the publisher of the newspaper permits the publication.
4. If the person mentioned in subsection (1) has a website, the notice must be posted on the website.
5. A copy of the notice must be given to,
 - i. every assessed owner of land within 120 metres of the project location,
 - ii. every aboriginal community on the list obtained under section 14, if the list was required to be obtained, and any other aboriginal community that, in the opinion of the person mentioned in subsection (1), has or may have constitutionally protected aboriginal or treaty rights that could be adversely impacted by the renewable energy project or otherwise may be interested in any negative environmental effects of the project,
 - iii. the clerk of each local municipality and upper-tier municipality in which the project location is situated,
 - iv. the secretary-treasurer of each local roads board of a local roads area in which the project location is situated,
 - v. the secretary of each Local Services Board of a board area in which the project location is situated,
 - vi. the secretary-treasurer of a planning board that has jurisdiction in an area in which the project location is situated,
 - vii. the chair of the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan,

- viii. the Director, and
- ix. the Ministry's district manager in each district in which the project location is situated.

Consultation with public

16. (1) A person who proposes to engage in a renewable energy project shall hold at least two public meetings, each on a separate day, in accordance with this section,

- (a) in each local municipality in which the project location is situated; and
- (b) if the project location is in unorganized territory,
 - (i) within 25 kilometres of the project location, or
 - (ii) in the local municipality that is closest to the project location, if there is no appropriate place to hold a public meeting in the area described in subclause (i).

(2) This section does not apply in respect of a proposal to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility.

(3) Before the first public meeting is held, a person mentioned in subsection (1) shall ensure that a draft of the project description report prepared in accordance with Table 1 is posted on the person's website and remains posted until after the Director makes a decision under section 47.5 of the Act, if the person has a website.

(4) At the first public meeting that is held, a person mentioned in subsection (1) shall make a draft of the project description report prepared in accordance with Table 1 available for inspection.

(5) During a period of at least 60 days before the final public meeting is held, a person mentioned in subsection (1) shall make available drafts of all documents mentioned in subsection (6) by,

- (a) posting the drafts on the person's website, if the person has a website;
- (b) making paper copies of the drafts available to the public in each local municipality and in each part of unorganized territory in which the project location is situated;
- (c) making paper copies of the drafts available in any aboriginal community on the list obtained under section 14, if the aboriginal community agrees to the making of the drafts available in the community; and
- (d) distributing the drafts to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6).

(6) For the purposes of subsection (5), drafts of the following documents shall be made available if they are to be submitted as part of the application for the issue of a renewable energy approval:

1. All documents required under this Part to be submitted as part of the application, other than the consultation report prepared in accordance with Table 1.
2. All documents that are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V.

Consultation with aboriginal communities

17. (1) Before drafts of documents are made available or distributed under subsection 16 (5), a person who proposes to engage in a renewable energy project shall distribute the following to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6) in a form approved by the Director:

1. A draft of the project description report prepared in accordance with Table 1.
2. Any information the person has regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project.
3. A summary of each document mentioned in paragraphs 1 and 2 of subsection 16 (6) in respect of which information is being requested under paragraph 4.
4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts.

(2) A person mentioned in subsection (1) shall communicate with each aboriginal community regarding,

- (a) any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted by the renewable energy project; and
- (b) measures for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community.

(3) Subject to subsection (4), this section does not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility.

(4) If the Director is of the opinion that any consultation in addition to consultation required under subsection (2) is necessary to assess whether the project may have any adverse impacts on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts, the Director may, by written notice to a person mentioned in subsection (1), require the person to conduct consultation with any aboriginal community specified by the Director.

Consultation with municipalities, local authorities

18. (1) At least 90 days before the final public meeting is held for the purposes of subsection 16 (1) in respect of a renewable energy project, the person who proposes to engage in the project shall distribute a consultation form to,

- (a) the clerk of each local municipality and upper-tier municipality in which the project location is situated;
- (b) the secretary-treasurer of the local roads board of each local roads area in which the project location is situated; and
- (c) the secretary of the Local Services Board of each board area in which the project location is situated.

(2) The consultation form mentioned in subsection (1) shall be distributed for the purpose of consulting on matters relating to municipal or local infrastructure and servicing and shall be in a form and format approved by the Director.

(3) This section does not apply to a person who proposes to engage in a renewable energy project in respect of a Class 2 wind facility.

PROTECTED PROPERTIES, ARCHAEOLOGICAL AND HERITAGE RESOURCES

Protected properties

19. (1) A person who proposes to engage in a renewable energy project shall determine whether the project location is on a property described in Column 1 of the Table to this section.

(2) If the project location is on a property described in Column 1 of the Table to this section, a person mentioned in subsection (1) shall submit, as part of the application for the issue of a renewable energy approval, a copy of the written authorization,

- (a) of the person or body set out opposite the description in Column 2 of the Table; and
- (b) of the type set out opposite the description in Column 3 of the Table.

TABLE

Item	Column 1	Column 2	Column 3
	Description of property.	Person or body whose authorization is required.	Type of authorization required to be submitted.
1.	A property that is the subject of an agreement, covenant or easement entered into under clause 10 (1) (b) of the <i>Ontario Heritage Act</i> .	Ontario Heritage Trust.	Authorization to undertake any activities related to the renewable energy project that require the approval of the Ontario Heritage Trust pursuant to the easement or covenant.
2.	A property in respect of which a notice of intention to designate the property to be of cultural heritage value or interest has been given in accordance with section 29 of the <i>Ontario Heritage Act</i> .	Municipality that gave the notice.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
3.	A property designated by a municipal by-law made under section 29 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest.	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
4.	A property designated by order of the Minister of Culture made under section 34.5 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest of provincial significance.	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
5.	A property in respect of which a notice of intention to designate the property as property of cultural heritage value or interest of provincial significance has been given in accordance with section 34.6 of the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
6.	A property that is the subject of an easement or a covenant entered into under section 37 of the <i>Ontario Heritage Act</i> .	Municipality that entered into the easement or covenant.	Authorization to undertake any activities related to the renewable energy project that require the approval of the municipality that entered into the easement or covenant.
7.	A property that is part of an area designated by a municipal by-law made under section 41 of the <i>Ontario Heritage Act</i> as a heritage conservation district.	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the erection, demolition or removal of a building or structure on the property is proposed, a permit to alter the property or to erect, demolish or remove a building or structure on the property.

8.	A property designated as a historic site under Regulation 880 of the Revised Regulations of Ontario, 1990 (Historic Sites) made under the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the excavation or alteration of the property of historical significance is proposed, a permit to excavate or alter the property.
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Consideration of archaeological and heritage resources

20. (1) A person who proposes to engage in a renewable energy project shall consider whether engaging in the project may have an impact on any of the following:

1. An archaeological resource at the project location.
2. A heritage resource at the project location, other than at a part of the project location that is on a property described in Column 1 of the Table to section 19.
3. A property described in Column 1 of the Table to section 19 that abuts the parcel of land on which the project location is situated.

(2) If, as a result of the consideration under subsection (1), the person mentioned in subsection (1) concludes that there is no possibility of impact on a resource or a property described in paragraph 1, 2 or 3 of subsection (1), the person shall submit, as part of an application for the issue of a renewable energy approval, a written summary of the matters addressed in the consideration of the resource or property.

(3) This section does not apply to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility.

Consideration of archaeological resources

21. (1) This section applies to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or

- (d) a Class 2 thermal treatment facility.
- (2) A person mentioned in subsection (1) shall,
- (a) contact the Ministry of Culture to determine whether the project location is,
 - (i) within 250 metres of an archaeological resource that is set out by that Ministry in records it maintains, or
 - (ii) on property designated as a an archaeological site under Regulation 875 of the Revised Regulations of Ontario, 1990 (Archaeological Sites) made under the *Ontario Heritage Act*; and
 - (b) contact the clerk of each local municipality and upper-tier municipality in which the project location is situated to determine whether the project location is in an area that has been identified on a municipal archaeological plan.

Archaeological assessment

- 22.** (1) This section applies to a person if,
- (a) as a result of the consideration mentioned in subsection 20 (1), the person concludes that engaging in the renewable energy project may have an impact on an archaeological resource described in paragraph 1 of subsection 20 (1); or
 - (b) the person concludes, after complying with section 21, that the project location is situated as described in subclause 21 (2) (a) (i) or (ii) or clause 21 (2) (b).
- (2) A person to whom this section applies shall ensure that,
- (a) an archaeological assessment is conducted by a consultant archaeologist; and
 - (b) an archaeological assessment report is prepared by the consultant archaeologist mentioned in clause (a) and submitted to the Ministry of Culture.
- (3) As part of an application for the issue of a renewable energy approval, a person to whom this section applies shall submit,
- (a) written comments provided by the Ministry of Culture in respect of the archaeological assessment conducted under clause (2) (a);
 - (b) the archaeological assessment report prepared under clause (2) (b); and

- (c) if the project location is on property described in subclause 21 (2) (a) (ii), a copy of the permit issued by the Minister of Culture to excavate or alter the property or to remove an artifact from that property, as the case may be.

(4) In this section, a reference to a consultant archaeologist is a reference to a consultant archaeologist within the meaning of Ontario Regulation 8/06 (Licences under Part VI of the Act — Excluding Marine Archaeological Sites) made under the *Ontario Heritage Act*.

Heritage assessment

23. (1) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a heritage resource described in paragraph 2 of subsection 20 (1), the person shall,

- (a) conduct a heritage assessment consisting of,
 - (i) an evaluation of whether there are any heritage resources at the project location, applying the criteria set out in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the *Ontario Heritage Act*, and
 - (ii) if any heritage resources are identified as a result of the evaluation under subclause (i), an evaluation of any impact of the renewable energy project on the heritage resources and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;
- (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
- (c) submit the report prepared under clause (b) to the Ministry of Culture.

(2) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a property mentioned in paragraph 3 of subsection 20 (1), the person shall,

- (a) conduct a heritage assessment consisting of an evaluation of any impact of the renewable energy project on the property and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;
- (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
- (c) submit the report prepared under clause (b) to the Ministry of Culture.

(3) As part of an application for the issue of a renewable energy approval, a person mentioned in subsection (1) shall submit,

- (a) written comments provided by the Ministry of Culture in respect of any heritage assessment conducted under this section; and
- (b) any heritage assessment reports prepared under this section.

NATURAL HERITAGE

Natural heritage assessment

24. (1) A person who proposes to engage in a renewable energy project shall conduct a natural heritage assessment, consisting of the following:

1. A records review conducted in accordance with section 25.
2. A site investigation conducted in accordance with section 26.
3. Subject to subsection (3), an evaluation of the significance or provincial significance of each natural feature identified in the course of the records review and site investigation, conducted in accordance with section 27.

(2) For the purposes of this section and sections 25 and 26, in conducting a records review or a site investigation, identifying natural features and determining the boundaries of any natural features, a person mentioned in subsection (1) shall use applicable evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time.

(3) This section and sections 25, 26, 27 and 28 do not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility.

Natural heritage, records review

25. (1) In conducting a records review mentioned in paragraph 1 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall ensure that a search for and analysis of the records set out in Column 1 of the Table to this section are conducted in respect of the project location for the purpose of making the determinations set out opposite the records in Column 2 of the Table.

(2) For the purposes of this section, “natural feature” includes all or part of,

- (a) a sand barrens, a savannah, a tallgrass prairie and an alvar, if the records review is being conducted in respect of a project location that is in the Protected Countryside; and

- (b) a sand barrens, a savannah and a tallgrass prairie, if the records review is being conducted in respect of a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan.

(3) The person mentioned in subsection (1) shall prepare a report setting out a summary of the records searched and the results of the analysis conducted under subsection (1).

TABLE

Item	Column 1	Column 2
	Records to be searched and analyzed	Determination to be made
1.	Records that relate to provincial parks and conservation reserves and that are maintained by the Ministry of Natural Resources.	Whether the project location is in a provincial park or conservation reserve or within 120 metres of a provincial park or conservation reserve.
2.	Records that relate to natural features and that are maintained by, <ol style="list-style-type: none"> i. the Ministry of Natural Resources, ii. the Crown in right of Canada, iii. a conservation authority, if the project location is in the area of jurisdiction of the conservation authority, iv. each local and upper-tier municipality in which the project location is situated, v. the planning board of an area of jurisdiction of a planning board in which the project location is situated, vi. the municipal planning authority of an area of jurisdiction of a municipal planning authority in which the project location is situated, vii. the local roads board of a local roads area in which the project location is situated, viii. the Local Services Board of a board area in which the project location is situated, and ix. the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan. 	Whether the project location is, <ol style="list-style-type: none"> i. in a natural feature, ii. within 50 metres of an area of natural and scientific interest (earth science), or iii. within 120 metres of a natural feature that is not an area of natural and scientific interest (earth science).

Natural heritage, site investigation

26. (1) In conducting a site investigation mentioned in paragraph 2 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the air, land and water within 120 metres of the project location is conducted for the purpose of determining,

- (a) whether the results of the analysis summarized in the report prepared under subsection 25 (3) are correct or require correction, and identifying any required corrections;
- (b) whether any additional natural features exist, other than those that were identified in the report prepared under subsection 25 (3);
- (c) the boundaries, located within 120 metres of the project location, of any natural feature that was identified in the records review or the site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c).

- (2) For the purposes of this section, “natural feature” includes all or part of,
- (a) a sand barrens, a savannah, a tallgrass prairie and an alvar, if the site investigation is being conducted in respect of a project location that is in the Protected Countryside; and
 - (b) a sand barrens, a savannah and a tallgrass prairie, if the site investigation is being conducted in respect of a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan.
- (3) The person mentioned in subsection (1) shall prepare a report setting out the following:
1. A summary of any corrections to the report prepared under subsection 25 (3) and the determinations made as a result of conducting the site investigation under subsection (1).
 2. Information relating to each natural feature identified in the records review and in the site investigation, including the type, attributes, composition and function of the feature.
 3. A map showing,
 - i. the boundaries mentioned in clause (1) (c),
 - ii. the location and type of each natural feature identified in relation to the project location, and
 - iii. the distance mentioned in clause (1) (d).
 4. The dates and times of the beginning and completion of the site investigation.
 5. The duration of the site investigation.
 6. The weather conditions during the site investigation.
 7. A summary of methods used to make observations for the purposes of the site investigation.
 8. The name and qualifications of any person conducting the site investigation.
 9. Field notes kept by the person conducting the site investigation.

Natural heritage, evaluation of significance

27. (1) In conducting the evaluation of the significance or provincial significance of a natural feature for the purposes of paragraph 3 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall evaluate any information available to the person relating to natural features, including all information obtained during,

- (a) the records review conducted in accordance with section 25;
- (b) the site investigation conducted in accordance with section 26; and
- (c) consultations conducted under sections 16, 17 and 18.

(2) For the purposes of the evaluation under subsection (1), a person shall determine that a natural feature is significant if it is a woodland, a valleyland or a wildlife habitat,

- (a) that the Ministry of Natural Resources has identified as significant; or
- (b) that is considered to be significant when evaluated using evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time, for significant natural features.

(3) For the purposes of the evaluation under subsection (1), a person shall determine that a natural feature is provincially significant if it is a southern wetland, a northern wetland, a coastal wetland, an area of natural and scientific interest (earth science) or an area of natural and scientific interest (life science),

- (a) that the Ministry of Natural Resources has identified as provincially significant; or
- (b) that is considered to be provincially significant when evaluated using evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time, for provincially significant natural features.

(4) The person mentioned in subsection (1) shall prepare a report that sets out the following:

1. For each natural feature shown on the map mentioned in paragraph 3 of subsection 26 (3), a determination of whether the natural feature is provincially significant, significant, not significant or not provincially significant.
2. A summary of the evaluation criteria or procedures used to make the determinations mentioned in paragraph 1.
3. The name and qualifications of any person who applied the evaluation criteria or procedures mentioned in paragraph 2.

4. The dates of the beginning and completion of the evaluation.

(5) This section does not apply if the project location is,

- (a) at least 50 metres outside of all areas of natural and scientific interest (earth science); and
- (b) at least 120 metres outside of all natural features that are not areas of natural and scientific interest (earth science).

(6) If the project location is in the Protected Countryside or in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan, this section does not apply in respect of,

- (a) a sand barrens, a savannah, a tallgrass prairie or an alvar; or
- (b) an area of natural and scientific interest (life science) that has been identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time, but that has not been identified by that Ministry as provincially significant.

Confirmation from Ministry of Natural Resources

28. (1) A person who proposes to engage in a renewable energy project shall submit to the Ministry of Natural Resources each report the person is required to prepare under subsections 25 (3), 26 (3) and 27 (4).

(2) The person mentioned in subsection (1) shall obtain the following in writing from the Ministry of Natural Resources:

1. Confirmation that the determination of the existence of natural features and the boundaries of natural features was made using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time.
2. Confirmation that the site investigation and records review were conducted using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time, if no natural features were identified.
3. Confirmation that the evaluation of the significance or provincial significance of the natural features was conducted using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time.
4. If the person has determined that the project location is not in a provincial park or conservation reserve, confirmation that that Ministry agrees with the determination.

5. If the person has determined that the project location is in a provincial park or conservation reserve, confirmation that engaging in the project is not prohibited by or under the *Provincial Parks and Conservation Reserves Act, 2006*.

(3) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall submit,

- (a) the reports mentioned in subsection (1);
- (b) a copy of any confirmation required under subsection (2); and
- (c) any additional written comments provided by the Ministry of Natural Resources in respect of the natural heritage assessment.

WATER

Water assessment

29. (1) A person who proposes to engage in a renewable energy project shall conduct a water assessment, consisting of the following:

1. A records review conducted in accordance with section 30.
2. A site investigation conducted in accordance with section 31.

(2) This section and sections 30 and 31 do not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility.

Water, records review

30. (1) In conducting a records review mentioned in paragraph 1 of subsection 29 (1), a person who proposes to engage in a renewable energy project shall ensure that a search for and analysis of the records set out in Column 1 of the Table to this section are conducted in respect of the project location for the purpose of making the determinations set out opposite the records in Column 2 of the Table.

(2) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall prepare a report setting out a summary of the records searched and the results of the analysis conducted under subsection (1).

TABLE

Item	Column 1	Column 2
	Records to be searched and analyzed	Determination to be made
1.	Records that relate to water bodies and that are maintained by, <ol style="list-style-type: none"> i. the Ministry of Natural Resources, ii. the Crown in right of Canada, 	Whether the project location is, <ol style="list-style-type: none"> i. in a water body,

	<ul style="list-style-type: none"> iii. a conservation authority, if the project location is in the area of jurisdiction of the conservation authority, iv. each local and upper-tier municipality in which the project location is situated, v. the planning board of an area of jurisdiction of a planning board in which the project location is situated, vi. the municipal planning authority of an area of jurisdiction of a municipal planning authority in which the project location is situated, vii. the local roads board of a local roads area in which the project location is situated, viii. the Local Services Board of a board area in which the project location is situated, and ix. the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan. 	<ul style="list-style-type: none"> ii. within 120 metres of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity, iii. within 300 metres of the average annual high water mark of a lake trout lake that is at or above development capacity, iv. within 120 metres of the average annual high water mark of a permanent or intermittent stream, or v. within 120 metres of a seepage area.
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Water, site investigation

31. (1) Subject to subsection (2), in conducting a site investigation mentioned in paragraph 2 of subsection 29 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the land and water located within 120 metres of the project location is conducted for the purpose of determining,

- (a) whether the results of the analysis summarized in the report prepared under subsection 30 (2) are correct or require correction, and identifying any required corrections;
- (b) whether any additional water bodies exist, other than those identified in the records review;
- (c) the boundaries, located within 120 metres of the project location, of any water body that was identified in the records review or the site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c).

(2) If, as a result of the records review conducted in accordance with section 30, the person mentioned in subsection (1) has identified, within 300 metres of the project location, the average annual high water mark of a lake trout lake that is at or above development capacity, the person shall ensure that a physical investigation of the land and water located within 300 metres of the project location is conducted for the purpose of determining,

- (a) whether the results of the analysis summarized in the report prepared under subsection 30 (2) are correct or require correction, and identifying any required corrections;
- (b) whether any additional water bodies exist, other than those that were identified in the report prepared under subsection 30 (2);
- (c) the boundaries of any lake trout lake that is at or above development capacity, if,

- (i) the lake was identified in the records review or the site investigation, and
 - (ii) the boundaries are within 300 metres of the project location;
- (d) the boundaries of any water body other than a lake trout lake that is at or above development capacity, if,
 - (i) the water body was identified in the records review or the site investigation, and
 - (ii) the boundaries are within 120 metres of the project location; and
- (e) the distance from the project location to the boundaries determined under clause (c) and (d).

(3) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall prepare a report setting out the following:

1. A summary of any corrections to the report prepared under subsection 30 (2) and the determinations made as a result of conducting the site investigation under subsection (1).
2. Information relating to each water body identified in the records review and in the site investigation, including the type of water body, plant and animal composition and the ecosystem of the land and water investigated.
3. A map showing,
 - i. the boundaries mentioned in clause (1) (c) or (2) (c) and (d),
 - ii. the location and type of each water body identified in relation to the project location, and
 - iii. the distances mentioned in clause (1) (d) or (2) (e).
4. The dates and times of the beginning and completion of the site investigation.
5. The duration of the site investigation.
6. The weather conditions during the site investigation.
7. A summary of methods used to make observations for the purposes of the site investigation.

8. The name and qualifications of any person conducting the site investigation.
9. Field notes kept by the person conducting the site investigation.

NIAGARA ESCARPMENT

Niagara Escarpment

32. (1) A person who proposes to engage in a renewable energy project in respect of a project location in the area of the Niagara Escarpment Plan shall submit drafts of the following reports, prepared in accordance with Table 1, to the chair of the Niagara Escarpment Commission at least 90 days before the final public meeting is held for the purposes of subsection 16 (1):

1. The project description report.
2. The design and operations report.
3. The construction plan report.
4. The decommissioning plan report.

(2) As part of an application for the issue of a renewable energy approval, a person who proposes to engage in a renewable energy project mentioned in subsection (1) shall submit,

- (a) evidence that the drafts mentioned in paragraphs 1, 2, 3 and 4 of subsection (1) were submitted to the chair of the Niagara Escarpment Commission; and
- (b) if a development permit is required in respect of the engaging in a renewable energy project under the *Niagara Escarpment Planning and Development Act*, a copy of the development permit.

PART V PROHIBITIONS — RENEWABLE ENERGY PROJECTS

APPLICATION AND INTERPRETATION OF PART

Application of Part

33. (1) This Part applies to a person who is engaging in a renewable energy project in respect of which the issue of a renewable energy approval is required, other than a renewable energy project in respect of a Class 2 wind facility.

(2) Despite subsection (1), sections 53, 54 and 55 apply to a person who is engaging in any renewable energy project in respect of a Class 3, 4 or 5 wind facility.

Significant and provincially significant natural features

34. In this Part, a reference to a significant natural feature or a provincially significant natural feature is a reference to a natural feature that,

- (a) the Ministry of Natural Resources has identified as significant or provincially significant, as the case may be; or
- (b) that has been confirmed in writing by the Ministry of Natural Resources to have been determined to be significant or provincially significant, as the case may be, using applicable evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time.

GENERAL PROHIBITIONS

Associated transformers

35. (1) No person shall construct, install or expand a transformer station that forms part of a renewable energy generation facility and that is capable of operating at a nominal voltage of 50 kV or more unless,

- (a) the transformer station is constructed, installed or expanded with an acoustic barrier with a density of 20kg/m² that breaks the line of sight with any noise receptors and is located at a distance of at least 500 metres from the nearest noise receptor; or
- (b) the transformer station is located at a distance of at least 1,000 metres from the nearest noise receptor.

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy generation facility, the applicant submits,

- (a) if the application is in respect of a wind facility, a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms” dated October 2008, as amended from time to time and available from the Ministry; or
- (b) if the application is in respect of a facility other than a wind facility, a noise study report prepared in accordance with Table 1.

Non-renewable energy sources

36. No person shall operate or use a renewable energy generation facility unless, on an annual basis,

- (a) if the facility has a name plate capacity of less than or equal to 500 kW, at least 90 per cent of the electricity generated at the facility is generated from a renewable energy source; and

- (b) if the facility has a name plate capacity of greater than 500 kW, at least 95 per cent of the electricity generated at the facility is generated from a renewable energy source.

NATURAL FEATURES AND WATER BODIES — GENERAL

Specified wetlands, provincial parks, conservation reserves

37. No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A provincially significant southern wetland.
2. A provincially significant coastal wetland.
3. A provincial park or a conservation reserve, unless the construction, installation or expansion of the facility is not prohibited by or under the *Provincial Parks and Conservation Reserves Act, 2006*.

Specified natural features

38. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A provincially significant northern wetland or within 120 metres of a provincially significant northern wetland.
2. Within 120 metres of a provincially significant southern wetland.
3. Within 120 metres of a provincially significant coastal wetland.
4. A provincially significant area of natural and scientific interest (earth science) or within 50 metres of a provincially significant area of natural and scientific interest (earth science).
5. A provincially significant area of natural and scientific interest (life science) or within 120 metres of a provincially significant area of natural and scientific interest (life science).
6. A significant valleyland or within 120 metres of a significant valleyland.
7. A significant woodland or within 120 metres of a significant woodland.
8. A significant wildlife habitat or within 120 metres of a significant wildlife habitat.

9. Within 120 metres of a provincial park.
10. Within 120 metres of a conservation reserve.

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with any procedures established by the Ministry of Natural Resources, as amended from time, that,
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature, provincial park or conservation reserve referred to in paragraphs 1 to 10 of subsection (1),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),
 - (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
 - (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with any procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project.

Water bodies

39. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project in a project location that is in any of the following locations:

1. A lake or within 30 metres of the average annual high water mark of a lake.
2. A permanent or intermittent stream or within 30 metres of the average annual high water mark of a permanent or intermittent stream.
3. A seepage area or within 30 metres of a seepage area.

(2) Subsection (1) does not apply if the facility is a facility mentioned in subsection (3) and, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 3 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a).

(3) Subsection (2) applies in respect of the following facilities:

- 1. A Class 3 or 4 wind facility, if no wind turbine or transformer station is constructed, installed or expanded in a project location described in subsection (1).
- 2. A Class 5 wind facility, if no transformer station is constructed, installed or expanded in a project location described in subsection (1).
- 3. A Class 3 solar facility, if no solar photovoltaic panel or device and no transformer station is constructed, installed or expanded in a project location described in subsection (1).
- 4. An anaerobic digestion facility, if no biomass storage areas, source separated storage areas, farm material storage areas, digestate storage tanks, generating units, flares, anaerobic digesters and transformer stations are constructed, installed or expanded in a project location described in subsection (1).
- 5. A thermal treatment facility, if no biomass storage areas or transformer stations are constructed, installed or expanded in a project location described in subsection (1).

Water bodies, continued

40. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. Within 120 metres of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity.
2. Within 300 metres of the average annual high water mark of a lake trout lake that is at or above development capacity.
3. Within 120 metres of the high water mark of a permanent or intermittent stream.
4. Within 120 metres of a seepage area.

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 4 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a).

NATURAL FEATURES AND WATER BODIES — GREENBELT

Specified natural features in Natural Heritage System

41. (1) Subject to subsection (2) and in addition to sections 37, 38, 39 and 40, this section applies to a person who is constructing, installing or expanding a renewable energy generation facility as part of a renewable energy project at a project location in the Protected Countryside.

(2) This section does not apply to a person who is constructing, installing or expanding a renewable energy facility as part of a renewable energy project at a project location that is entirely within a Protected Countryside settlement area.

(3) In this section, a reference to a natural feature includes all or part of a sand barrens, a savannah, a tallgrass prairie and an alvar in the Protected Countryside.

(4) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations in the Natural Heritage System:

1. A southern wetland that is not a provincially significant southern wetland or within 120 metres of a southern wetland that is not a provincially significant southern wetland.
2. A sand barrens, savannah or tallgrass prairie or within 120 metres of a sand barrens, savannah or tallgrass prairie.
3. An alvar or within 120 metres of an alvar.
4. An area of natural and scientific interest (life science) that is mentioned in clause 27 (6) (b) or within 120 metres of an area of natural and scientific interest (life science) that is mentioned in that clause.

(5) Subsection (4) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with any procedures established by the Ministry of Natural Resources, as amended from time, that,
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature referred to in paragraphs 1 to 4 of subsection (4),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),
 - (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
 - (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with any procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project.

NATURAL FEATURES AND WATER BODIES — OAK RIDGES MORAINE

Oak Ridges Moraine

42. (1) In addition to sections 37 and 38, sections 43, 44, 45 and 46 apply to a person who is constructing, installing or expanding a renewable energy generation facility as part of a renewable energy project in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan.

(2) Sections 39 and 40 do not apply to a person who is constructing, installing or expanding a renewable energy generation facility as part of a renewable energy project at a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan.

Specified natural features

43. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A southern wetland that is not a provincially significant southern wetland or within 120 metres of a provincially significant southern wetland.
2. A sand barrens, savannah or tallgrass prairie or within 120 metres of a sand barrens, savannah or tallgrass prairie.
3. An area of natural and scientific interest (life science) that is mentioned in clause 27 (6) (b) or within 120 metres of an area of natural and scientific interest (life science) that is mentioned in that clause.

(2) In this section, a reference to a natural feature includes all or part of a sand barrens, a savannah and a tallgrass prairie in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan.

(3) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with procedures established by the Ministry of Natural Resources, as amended from time to time, that,
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature referred to in paragraphs 1 to 3 of subsection (1),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),

- (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
 - (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project.

(4) Except in respect of a natural feature mentioned in paragraph 1, 2 or 3 of subsection (1) that is located in an Oak Ridges Moraine settlement area, subsection (1) does not apply in respect of the construction, installation or expansion of a renewable energy generation facility as part of a renewable energy project at a project location that is entirely within an Oak Ridges Moraine settlement area.

Water bodies

44. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A kettle lake or within 30 metres of the average annual high water mark of a kettle lake.
2. A permanent or intermittent stream or within 30 metres of the average annual high water mark of a permanent or intermittent stream.
3. A seepage area or within 30 metres of a seepage area.

(2) Subsection (1) does not apply in respect of the construction or installation of a transmission line that is being constructed or installed as part of the renewable energy generation facility or to the expansion of a transmission line that is part of the renewable energy generation facility if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the construction, installation or expansion of the transmission line and of the operation or use of the transmission line on any water body referred to in paragraphs 1 to 3 of subsection (1) and on land within 30 metres of the water body;

- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a).

Water bodies, continued

45. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. Within 120 metres of the average annual high water mark of a kettle lake that is not a lake trout lake that is at or above development capacity.
2. Within 300 metres of the average annual high water mark of a kettle lake that is a lake trout lake that is at or above development capacity.
3. Within 120 metres of the average annual high water mark of a permanent or intermittent stream.
4. Within 120 metres of a seepage area.

(2) Subsection (1) does not apply if, as part of an application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 4 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a).

(3) Except in respect of a water body mentioned in paragraph 1, 2, 3 or 4 of subsection (1) that is located, in whole or in part, within an Oak Ridges Moraine settlement area, subsection (1) does not apply in respect of the construction, installation or expansion of a renewable energy generation facility as part of a renewable energy project if the project location is entirely within an Oak Ridges Moraine settlement area.

Rapid infiltration basin or column

46. (1) No person shall construct, install or expand a part of a renewable energy generation facility that will be used or operated, or is used or operated, as a rapid infiltration basin or a rapid infiltration column.

(2) For the purposes of subsection (1),

“rapid infiltration basin” and “rapid infiltration column” have the same meanings as in subsection 47 (3) of Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under the *Oak Ridges Moraine Conservation Act, 2001*.

ANAEROBIC DIGESTION FACILITIES

Class 1 and 2 anaerobic digestion facilities, less than or equal to 500 kW

47. (1) This section applies to a person who is constructing, installing or expanding a Class 1 or Class 2 anaerobic digestion facility that has a name plate capacity of less than or equal to 500 kW.

(2) No person shall construct, install or expand a facility mentioned in subsection (1) unless any biomass storage areas, farm material storage areas, digestate storage tanks, generating units, flares and anaerobic digesters of the facility are,

- (a) at least 250 metres from the nearest odour receptor; or
- (b) at least 125 metres from the nearest odour receptor, if,
 - (i) the conditions set out in subsection (3) are met, or
 - (ii) the facility is designed to minimize the discharge of odour to at least the same extent as if the conditions set out in subsection (3) were met.

(3) For the purposes of subclause (2) (b) (i), the following conditions must be met:

1. The facility must be designed to be equipped with an anaerobic digester that has a gas storage cover with a design permeability of less than 500 cm³/m²/day/bar.
2. If the facility is designed to be equipped with,

- i. any digestate storage tanks storing liquid digestate, the tanks storing liquid digestate with a total storage volume set out in Column 1 of Table 2 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table, and
 - ii. any digestate storage tanks storing solid digestate, the tanks storing solid digestate with a total storage volume set out in Column 1 of Table 3 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table.
3. If the facility is designed to be equipped with flares, they must be located at a distance from the nearest odour receptor that is equal to or greater than the greatest distance at which any digestate storage tank is required to be located from the nearest odour receptor under paragraph 2.
 4. The facility must be designed to operate with a minimum average monthly input of five per cent manure.

Class 1 and 2 anaerobic digestion facilities, greater than 500 kW

48. (1) This section applies to a person who is constructing, installing or expanding a Class 1 or Class 2 anaerobic digestion facility that has a name plate capacity of greater than 500 kW.

(2) Subject to subsections (3) and (4), no person shall construct, install or expand a facility mentioned in subsection (1) unless the following conditions are met:

1. All biomass storage areas, farm material storage areas, digestate storage tanks, generating units, flares and anaerobic digesters of the facility must be located at a distance of at least 250 metres from the nearest odour receptor.
2. The facility must be designed to be equipped with an anaerobic digester that has a gas storage cover with a design permeability of less than 500 cm³/m²/day/bar.
3. Subject to paragraph 1, if the facility is designed to be equipped with,
 - i. any digestate storage tanks storing liquid digestate, the tanks storing liquid digestate with a total storage volume set out in Column 1 of Table 2 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table, and
 - ii. any digestate storage tanks storing solid digestate, the tanks storing solid digestate with a total storage volume set out in Column 1 of Table 3 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table.

4. Subject to paragraph 1, if the facility is designed to be equipped with flares, they must be located at a distance from the nearest odour receptor that is equal to or greater than the greatest distance at which any digestate storage tank is required to be located from the nearest odour receptor under paragraph 3.
5. The facility must be designed to operate with a minimum average monthly input of five per cent manure.

(3) Paragraphs 2, 3, 4 and 5 of subsection (2) do not apply if the facility has been designed to minimize the discharge of odour to at least the same extent as if the conditions set out in those paragraphs were met.

(4) Subsection (2) does not apply in respect of a project mentioned in subsection (1) if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits the following reports prepared in accordance with Table 1:

1. Emission summary and dispersion modelling report.
2. Noise study report.
3. Odour study report.

Class 2 anaerobic digestion facilities, financial assurance

49. (1) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of a Class 2 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

Class 3 anaerobic digestion facilities

50. (1) No person shall construct, install or expand a Class 3 anaerobic digestion facility unless the facility is,

- (a) designed to be equipped with,
 - (i) an anaerobic digester that has a gas storage cover with a design permeability of less than $500 \text{ cm}^3/\text{m}^2/\text{day}/\text{bar}$, and
 - (ii) a high efficiency flare system; or

- (b) designed to minimize the discharge of odour to at least the same extent as if the facility had the characteristics set out in clause (a).

(2) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of a Class 3 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(3) The financial assurance estimate mentioned in subsection (2) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

THERMAL TREATMENT FACILITIES

Class 2 thermal treatment facilities

51. (1) No person shall construct, install or expand a Class 2 thermal treatment facility unless,

- (a) all biomass storage areas of the facility are located at a distance of at least 250 metres from the nearest odour receptor; and
- (b) the generating unit of the facility is located at a distance of at least 250 metres from the nearest odour receptor.

(2) Clause (1) (a) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits an odour study report prepared in accordance with Table 1.

(3) Clause (1) (b) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits the following reports prepared in accordance with Table 1:

1. Emission summary and dispersion modelling report.
2. Noise study report.

Class 2 and 3 thermal treatment facilities

52. (1) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of waste at a Class 2 or Class 3 thermal treatment facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

WIND FACILITIES

Class 3, 4 and 5 wind facilities

53. (1) No person shall construct, install or expand a wind turbine that is to form part of a Class 3, 4 or 5 wind facility unless,

- (a) the distance between the base of the wind turbine and any public road rights of way or railway rights of way is equivalent to, at a minimum, the length of any blades of the wind turbine, plus 10 metres; and
- (b) the distance between the base of the wind turbine and all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded is equivalent to, at a minimum, the height of the wind turbine, excluding the length of any blades.

(2) Clause (1) (b) does not apply in respect of a boundary of the parcel of land on which the wind turbine is constructed, installed or expanded if the abutting parcel of land on that boundary is,

- (a) owned by the person who proposes to engage in the renewable energy project in respect of the wind turbine; or
- (b) owned by a person who has entered into an agreement with the person mentioned in clause (a) to permit the wind turbine to be located closer than the distance specified in clause (1) (b).

(3) Clause (1) (b) does not apply if,

- (a) the distance between the base of the wind turbine and all boundaries of the parcel of land on which it is constructed, installed or expanded is equivalent to, at a minimum, the length of any blades plus 10 metres; and
- (b) as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the construction, installation or expansion of the wind turbine, the person who is constructing, installing or expanding the wind turbine submits a written assessment,
 - (i) demonstrating that the proposed location of the wind turbine will not result in adverse impacts on nearby business, infrastructure, properties or land use activities, and
 - (ii) describing any preventative measures that are required to be implemented to address the possibility of any adverse impacts mentioned in subclause (i).

Specified wind turbines, prohibition and requirements

54. (1) No person shall construct, install or expand a wind turbine that meets the following criteria unless the base of the wind turbine is located at a distance of at least 550 metres from the nearest noise receptor:

1. The wind turbine has a name plate capacity of greater than or equal to 50 kW.
2. The wind turbine is not located in direct contact with surface water other than in a wetland.
3. The wind turbine has a sound power level that is greater than or equal to 102 dBA.

(2) Subsection (1) does not apply in respect of a wind turbine that is constructed, installed or expanded as part of a Class 4 or 5 wind facility if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the facility, the person who proposes to construct, install or expand the wind turbine, submits,

- (a) results of measurements or calculations showing that the lowest hourly ambient sound level at a noise receptor is greater than 40 dBA due to road traffic for wind speeds less than or equal to 4 metres per second, obtained in accordance with the publication of the Ministry of the Environment entitled NPC-206 “Sound Levels due to Road Traffic”, dated October 1995, as amended from time to time and available from the Ministry; and
- (b) a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry, including a demonstration that the proposed facility will not exceed the lowest hourly ambient sound level measured or calculated under clause (a).

(3) If the issue of a renewable energy approval or a certificate of approval is required in respect of the construction, installation or expansion of one or more wind turbines mentioned in subsection (1) in a circumstance described in subsection (4), the person who is constructing, installing or expanding a wind turbine shall submit, as part of the application for the issue of the renewable energy approval or certificate of approval, a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry.

(4) Subsection (3) applies if,

- (a) one or more of the wind turbines has a sound power level greater than 107 dBA;

- (b) the application is in respect of one or more wind turbines that are to form part of a renewable energy generation facility consisting of 26 or more wind turbines, any of which has a sound power level greater than or equal to 102 dBA and less than 107 dBA; or
- (c) the application is in respect of a renewable energy generation facility that would, once constructed, installed or expanded, result in 26 or more wind turbines located within a three kilometre radius of any noise receptor.

(5) For the purposes of clause (4) (c), the number of wind turbines within a three kilometre radius of a noise receptor shall be calculated by determining the sum of,

- (a) the wind turbines with a sound power level equal to or greater than 102 dBA that the person proposes to construct, install or expand as part of the facility;
- (b) any wind turbines with a sound power level equal to or greater than 102 dBA that have already been constructed or installed;
- (c) any wind turbines with a sound power level equal to or greater than 102 dBA that have not yet been constructed or installed but in respect of which a renewable energy approval or certificate of approval has been issued by the Director; and
- (d) any wind turbines with a sound power level equal to or greater than 102 dBA that have been proposed to be constructed or installed and,
 - (i) in respect of which notice of the proposal for the issue of a renewable energy approval or certificate of approval has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, and
 - (ii) the Director has not refused or approved the proposal.

Wind turbines, requirements re location

55. (1) This section applies to a person who applies for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility consisting of a wind turbine mentioned in subsection 54 (1) if, at the time of the application, within a three kilometre radius of a noise receptor of the facility,

- (a) the person proposes to construct or install more than one wind turbine with a sound power level equal to or greater than 102 dBA as part of the same renewable energy generation facility;
- (b) a wind turbine with a sound power level equal to or greater than 102 dBA has been constructed or installed;

- (c) the construction or installation of a wind turbine with a sound power level equal to or greater than 102 dBA has not yet been completed but a renewable energy approval or certificate of approval has been issued by the Director in respect of it; or
- (d) a wind turbine with a sound power level equal to or greater than 102 dBA has been proposed to be constructed or installed and,
- (i) notice of the proposal for the issue of a renewable energy approval or a certificate of approval in respect of the facility has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, and
 - (ii) the Director has not refused or approved the proposal.

(2) Subject to subsection (3), no person shall construct, install or expand a wind turbine mentioned in subsection 54 (1) except in accordance with the following rules if, within a three kilometre radius of a noise receptor, the sum of the wind turbines at the proposed facility and the number of wind turbines mentioned in clauses (1) (b), (c) and (d) equals a number set out in Column 1 of the Table to this section:

1. If the sound power level of the wind turbines at the proposed facility corresponds to the sound power level set out in Column 2 of the Table opposite the number of wind turbines, the total distance from the wind turbine to its nearest noise receptor shall be, at a minimum, the distance set out in Column 3 opposite the sound power level.
2. For the purposes of this section, if the proposed facility is to consist of different models of wind turbines with varying sound power levels, the greatest sound power level of a wind turbine at the proposed facility shall be deemed to be the sound power level of every wind turbine at the facility.

(3) Subsection (2) does not apply if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility that consists of a wind turbine mentioned in subsection 54 (1), the person who is constructing, installing or expanding the facility submits a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry.

TABLE

Item	Column 1	Column 2	Column 3
	Number of wind turbines calculated in accordance with subsection (2)	Sound power level of wind turbine (expressed in dBA)	Total distance from wind turbine to nearest noise receptor of the wind turbine (expressed in metres)
1.	1-5	102	550
		103 – 104	600

		105	850
		106 – 107	950
2.	6-10	102	650
		103 – 104	700
		105	1000
		106 – 107	1200
3.	11-25	102	750
		103 – 104	850
		105	1250
		106 – 107	1500

PART VI POWERS AND DUTIES OF DIRECTOR

Great Lakes Charter

56. (1) In considering an application for the issue of a renewable energy approval, the Director shall ensure that Ontario’s obligations under the Great Lakes Charter with respect to the application are complied with.

(2) For the purposes of subsection (1),

“Great Lakes Charter” means the Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985 and amended by the Great Lakes Charter Annex, dated June 18, 2001.

Discretion re reporting requirement

57. Despite the requirement in Column 2 of Item 6 of Table 1 in respect of an emission summary and dispersion modelling report, the Director may relieve an applicant from the obligation to comply with any provision of subsection 26 (1) of Ontario Regulation 419/05 (Air Pollution – Local Air Quality) made under the Act that is specified by the Director, subject to any conditions specified by the Director, if the Director is of the opinion that compliance with the provision is not necessary to understand the impact of discharges of one or more contaminants.

PART VII HEARINGS

Date to require hearing

58. For the purposes of subsection 142.1 (2) of the Act, the prescribed day is the day on which notice of the decision made by the Director under clause 47.5 (1) (a), subsection 47.5 (2) or (3) of the Act is published in the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*.

Date of deemed confirmation

59. (1) Subject to subsection (2), the prescribed period of time for the purposes of subsection 145.2.1 (6) of the Act is six months from the day that the notice is served upon the Tribunal under subsection 142.1 (2) of the Act.

(2) For the purposes of calculating the time period mentioned in subsection (1), any of the following periods of time shall be excluded from the calculation of time:

1. Any period of time occurring during an adjournment of the proceeding if,
 - i. the adjournment is granted by the Tribunal on the consent of the parties, or
 - ii. the adjournment is on the initiative of the Tribunal or granted by the Tribunal on the motion of one of the parties and the Tribunal determines that an adjournment is necessary to secure a fair and just determination of the proceeding on its merits.
2. If an application for judicial review under the *Judicial Review Procedure Act* has been commenced with respect to the proceeding, the period of time from the day that the application is commenced until the day that the application is disposed of, if an adjournment of the proceeding before the Tribunal is granted by the Tribunal or a stay of the proceeding before the Tribunal is granted by the Divisional Court.

Exemption, s. 142.1 of the Act

60. Section 142.1 of the Act does not apply in respect of a renewable energy approval if the conditions set out in subclause 176 (9.1) (b) (i), (ii) or (iii) of the Act are met.

Commencement

61. This Regulation comes into force on the later of the day subsection 4 (1) of Schedule G to the *Green Energy and Green Economy Act, 2009* comes into force and the day this Regulation is filed.

**TABLE 1
(REPORTS (SEE SECTION 13))**

Item	Column 1 Name of document	Column 2 Requirements	Column 3 Renewable energy project
1.	Construction plan report	Set out a description of the following in respect of the renewable energy project: <ol style="list-style-type: none"> 1. Details of any construction or installation activities. 2. The location and timing of any construction or installation activities for the duration of the construction or installation. 3. Any negative environmental effects that may result from construction or installation activities within a 300 metre radius of the activities. 4. Mitigation measures in respect of any negative environmental effects mentioned in paragraph 3. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
2.	Consultation report	Set out information relating to consultations conducted in respect of the renewable energy project, including the following: <ol style="list-style-type: none"> 1. A summary of communication with any members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards regarding the project. 2. Evidence that the information required to be distributed to aboriginal communities under subsection 17 (1) was distributed. 3. Any information provided by an aboriginal community in response to a request made under paragraph 4 of subsection 17 (1). 4. Evidence that a consultation form was distributed in accordance with subsection 18 (1). 5. The consultation form distributed under subsection 18 (1), if any part of it has been completed by a municipality, local roads board or Local Services Board. 6. A description of whether and how, <ol style="list-style-type: none"> i. comments from members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards were considered by the person who is engaging in the project, ii. the documents that were made available under subsection 16 (5) were amended after the final public meeting was held, and iii. the proposal to engage in the project was altered in response to comments mentioned in subparagraph i. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
3.	Decommissioning plan report	Set out a description of plans for the decommissioning of the renewable energy generation facility, including the following: <ol style="list-style-type: none"> 1. Procedures for dismantling or demolishing the facility. 2. Activities related to the restoration of any land and water negatively affected by the facility. 3. Procedures for managing excess materials and waste. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
4.	Design and operations report	<ol style="list-style-type: none"> 1. Set out a site plan of the project location at which the renewable energy project will be engaged in, including, <ol style="list-style-type: none"> i. one or more maps or diagrams of, <ol style="list-style-type: none"> A. all buildings, structures, roads, utility corridors, rights of way and easements required in respect of the renewable energy generation facility and situated within 300 metres of the facility, B. any ground water and surface water supplies used at the facility, C. any things from which contaminants are discharged into the air, D. any works for the collection, transmission, treatment and disposal of sewage, E. any areas where waste, biomass, source separated organics and farm material are stored, handled, processed or disposed of, F. the project location in relation to any of the following within 125 metres: properties described in Column 1 of the Table to section 19, heritage resources, archaeological resources, the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan, the area of the Niagara Escarpment Plan, the Protected Countryside, the Lake Simcoe watershed, and G. any noise receptors or odour receptors that may be negatively affected by the use or operation of the facility, 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.

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| | <ul style="list-style-type: none"> ii. a description of each item diagrammed under subparagraph i, and iii. one or more maps or diagrams of land contours, surface water drainage and any of the following, if they have been identified in complying with this Regulation: properties described in Column 1 of the Table to section 19, heritage resources, archaeological resources, water bodies, significant or provincially significant natural features and any other natural features identified in the Protected Countryside or in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Plan. <ol style="list-style-type: none"> 2. Set out conceptual plans, specifications and descriptions related to the design of the renewable energy generation facility, including a description of, <ul style="list-style-type: none"> i. any works for the collection, transmission, treatment and disposal of sewage, including details of any sediment control features and storm water management facilities, ii. any things from which contaminants are discharged into the air, and iii. any systems, facilities and equipment for receiving, handling, storing and processing any waste, biomass, source separated organics, farm material and biogas. 3. Set out conceptual plans, specifications and descriptions related to the operation of the renewable energy generation facility, including, <ul style="list-style-type: none"> i. in respect of any water takings, <ul style="list-style-type: none"> A. a description of the time period and duration of water takings expected to be associated with the operation of the facility, B. a description of the expected water takings, including rates, amounts and an assessment of the availability of water to meet the expected demand, and C. an assessment of and documentation showing the potential for the facility to interfere with existing uses of the water expected to be taken, ii. a description of the expected quantity of sewage produced and the expected quality of that sewage at the project location and the manner in which it will be disposed of, including details of any sediment control features and storm water management facilities, iii. a description of any expected concentration of air contaminants discharged from the facility, iv. in respect of any biomass, source separated organics and farm material at the facility, <ul style="list-style-type: none"> A. the maximum daily quantity that will be accepted, B. the estimated annual average quantity that will be accepted, C. the estimated average time that it will remain at the facility, and D. the estimated average rate at which it will be used, and v. in respect of any waste generated as a result of processes at the project location, the management and disposal of such waste, including, <ul style="list-style-type: none"> A. the expected types of waste to be generated, B. the estimated maximum daily quantity of waste to be generated, by type, C. processes for the storage of waste, and D. processes for final disposal of waste. 4. Include an environmental effects monitoring plan in respect of any negative environmental effects that may result from engaging in the renewable energy project, setting out, <ul style="list-style-type: none"> i. performance objectives in respect of the negative environmental effects, ii. mitigation measures to assist in achieving the performance objectives mentioned in subparagraph i, iii. a program for monitoring negative environmental effects for the duration of the time that the project is engaged in, including a contingency plan to be implemented if any mitigation measures fail. 5. Include a response plan setting out a description of the actions to be taken while engaging in the renewable energy project to inform the public, aboriginal communities and municipalities, local roads boards and Local Services Boards with respect to the project, including, | |
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		<ul style="list-style-type: none"> i. measures to provide information regarding the activities occurring at the project location, including emergencies, ii. means by which persons responsible for engaging in the project may be contacted, and iii. means by which correspondence directed to the persons responsible for engaging in the project will be recorded and addressed. <p>6. If the project location is in the Lake Simcoe watershed, a description of whether the project requires alteration of the shore of Lake Simcoe, the shore of a fresh water estuary of a stream connected to Lake Simcoe or other lakes or any permanent or intermittent stream and,</p> <ul style="list-style-type: none"> i. how the project may impact any shoreline, including the ecological functions of the shoreline, and ii. how the project will be engaged in to, <ul style="list-style-type: none"> A. maintain the natural contour of the shoreline through the implementation of natural shoreline treatments, such as planting of natural vegetation and bioengineering, and B. use a vegetative riparian area, unless the project location is used for agricultural purposes and will continue to be used for such purposes. 	
5.	Effluent management plan report	<p>Set out a description of the following in respect of the renewable energy project:</p> <ul style="list-style-type: none"> 1. The quality and quantity of all sewage that is expected to be produced by or at the renewable energy generation facility. 2. The manner in which the sewage mentioned in paragraph 1 is proposed to be treated and disposed of, including details of any sediment control features and storm water management facilities. 3. Mitigation measures to ensure that the sewage mentioned in paragraph 1 will not result in negative environmental effects on the quality of any water. 4. If the sewage mentioned in paragraph 1 is proposed to be discharged into surface water, the assimilative capacity of the receiving water body. 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 or 3 anaerobic digestion facility. 2. A Class 1, 2 or 3 thermal treatment facility.
6.	Emission summary and dispersion modelling report	<p>Subject to section 57, report to be prepared in accordance with section 26 of Ontario Regulation 419/05 (Air Pollution — Local Air Quality) made under the Act.</p>	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation. 3. A Class 3 thermal treatment facility. 4. A biogas facility. 5. A biofuel facility.
7.	Hydrogeological assessment report	<ul style="list-style-type: none"> 1. Report to be completed by one of the following persons after the person has conducted a hydrogeological assessment in respect of the renewable energy project: <ul style="list-style-type: none"> i. A professional engineer. ii. A professional geoscientist. iii. A person working under the supervision of a person mentioned in subparagraph i or ii. 2. Set out the following information in respect of the renewable energy project: 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 anaerobic digestion facility if, <ul style="list-style-type: none"> i. the facility is located at a farm operation, and ii. section 10 or 13 of Ontario Regulation 267/03 (Nutrient Management Strategies) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation. 2. A Class 3 anaerobic digestion facility.

		<ul style="list-style-type: none"> i. Plans, specifications and descriptions of the geological and hydrogeological conditions of the land within 300 metres of any biomass storage areas, source separated organics storage areas, farm material storage areas, storage tanks and digester tanks. ii. An assessment of the suitability of the project location for the handling, storage and processing of biomass, taking into account, <ul style="list-style-type: none"> A. the design of the facility, including existing features and features that are proposed to be implemented to control the expected production of leachate, B. the ability to identify, through monitoring, any negative environmental effects that may result on ground water from leachate production, and C. the feasibility of contingency plans that could be implemented to control leachate produced in a quantity greater than expected or with a quality worse than expected. 	3. A Class 3 thermal treatment facility.
8.	Noise study report	Report to be prepared in accordance with Appendix A of the publication of the Ministry of the Environment entitled, "Basic Comprehensive Certificates of Approval (Air) – User Guide", dated April 2004, as amended from time to time and available from the Ministry.	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. Class 1 thermal treatment facility, if the generating unit of the facility is located anywhere other than at a farm operation. 3. A Class 3 thermal treatment facility. 4. A biogas facility. 5. A biofuel facility. 6. A Class 3 solar facility.
9.	Odour study report	<p>Set out a description of the following in respect of the renewable energy project:</p> <ul style="list-style-type: none"> 1. The significant process and fugitive sources of odour discharge from the renewable energy generation facility. 2. Any negative environmental effects that may result from the odour discharge mentioned in paragraph 1 at all odour receptors. 3. The technical methods that are expected to be employed to mitigate any negative environmental effects mentioned in paragraph 2 and the negative environmental effects that are expected to result if the technical methods are employed 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. A biogas facility. 3. A biofuel facility.
10.	Project description report	<p>Set out a description of the following in respect of the renewable energy project:</p> <ul style="list-style-type: none"> 1. Any energy sources to be used to generate electricity at the renewable energy generation facility. 2. The facilities, equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity. 3. If applicable, the class of the renewable energy generation facility. 4. The activities that will be engaged in as part of the renewable energy project. 5. The name plate capacity of the renewable energy generation facility. 6. The ownership of the land on which the project location is to be situated 7. Any negative environmental effects that may result from engaging in the project. 8. An unbound, well marked, legible and reproducible map that is an appropriate size to fit on a 215 millimetre by 280 millimetre page, showing the project location and the land within 300 metres of the project location. 	Any renewable energy project.
11.	Surface water assessment report	<ul style="list-style-type: none"> 1. Report to be completed by one of the following persons after the person has carried out a surface water assessment in respect of the renewable energy project: <ul style="list-style-type: none"> i. A professional engineer. ii. A professional geoscientist. 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 anaerobic digestion facility if, <ul style="list-style-type: none"> i. the facility is located at a farm operation, and

		<p>iii. A person working under the supervision of a person mentioned in subparagraph i or ii.</p> <p>2. Set out the following information:</p> <p>i. Plans, specifications and descriptions of the surface water features at the project location and any surface water features that will receive a direct discharge of sewage as part of engaging in the project.</p> <p>ii. An assessment of the suitability of the facility for the handling, storage and processing of biomass, source separated organics or farm material, taking into account,</p> <p>A. the design of the facility, including features that will be implemented to control the expected production of leachate, the flow of surface water and erosion and sedimentation resulting from the flow of surface water,</p> <p>B. the surface water features within 300 metres of the location where biomass, source separated organics or farm material will be handled, stored or processed, any surface water features that will receive a direct discharge of sewage from the facility and the surface water features of the project location,</p> <p>C. the ability to identify any negative environmental effects of leachate production on the surface water by monitoring, and</p> <p>D. the feasibility of contingency plans that can be implemented to control the negative environmental effects on surface water resulting from the production of leachate in a quantity greater than expected or with a quality worse than expected.</p>	<p>ii. section 10 or 13 of Ontario Regulation 267/03 (Nutrient Management Strategies) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation.</p> <p>2. A Class 3 anaerobic digestion facility.</p> <p>3. A Class 1, 2 or 3 thermal treatment facility.</p>
12.	Off-shore wind facility report	<p>Set out a description of the following:</p> <p>1. The nature of the existing environment in which the renewable energy project will be engaged.</p> <p>2. Any negative environmental effects that may result from engaging in the renewable energy project.</p> <p>3. Mitigation measures in respect of any negative environmental effects identified in paragraph 2 and the negative environmental effects that are expected to result if the measures are implemented.</p>	A renewable energy project in respect of a Class 5 wind facility.
13.	Wind turbine specifications report	Provide specifications of each wind turbine, including make, model, name plate capacity, hub height above grade, rotational speeds and acoustic emissions data, including the sound power level and frequency spectrum, in terms of octave-band sound power levels.	A renewable energy project in respect of a Class 3, 4 or 5 wind facility.

TABLE 2
(DISTANCE FOR LIQUID DIGESTATE STORAGE (SEE SECTIONS 47 AND 48))

Item	Column 1	Column 2
	Total Liquid Digestate Storage Volume (m ³)	Distance (m)
	≤1000	125
	>1000 and ≤ 1250	129
	>1250 and ≤ 1500	134
	>1500 and ≤ 1750	139
	>1750 and ≤ 2000	144
	>2000 and ≤ 2250	151
	>2250 and ≤ 2500	156
	>2500 and ≤ 2750	162
	>2750 and ≤ 3000	167
	>3000 and ≤ 3250	171
	>3250 and ≤ 3500	176
	>3500 and ≤ 3750	180
	>3750 and ≤ 4000	184
	>4000 and ≤ 4250	188

	>4250 and ≤ 4500	192
	>4500 and ≤ 4750	196
	>4750 and ≤ 5000	199
	>5000 and ≤ 5500	206
	>5500 and ≤ 6000	212
	>6000 and ≤ 6500	218
	>6500 and ≤ 7000	224
	>7000 and ≤ 7500	229
	>7500 and ≤ 8000	235
	>8000 and ≤ 8500	240
	>8500 and ≤ 9000	245
	>9000 and ≤ 9500	249
	>9500 and ≤ 10000	254
	>10000 and ≤ 11000	262
	>11000 and ≤ 12000	271
	>12000 and ≤ 13000	278
	>13000 and ≤ 14000	286
	>14000 and ≤ 15000	292
	>15000 and ≤ 16000	299
	>16000 and ≤ 17000	306
	>17000 and ≤ 18000	312
	>18000 and ≤ 19000	318
	>19000 and ≤ 20000	323

TABLE 3
(DISTANCE FOR SOLID DIGESTATE STORAGE (SEE SECTIONS 47 AND 48))

Item	Column 1	Column 2
	Total Solid Digestate Storage Volume (m ³)	Distance (m)
1.	≤ 2000	125
2.	> 2000 and ≤ 2250	132
3.	> 2250 and ≤ 2500	137
4.	> 2500 and ≤ 2750	141
5.	> 2750 and ≤ 3000	146
6.	> 3000 and ≤ 3250	150
7.	> 3250 and ≤ 3500	154
8.	> 3500 and ≤ 3750	158
9.	> 3750 and ≤ 4000	161
10.	> 4000 and ≤ 4250	165
11.	> 4250 and ≤ 4500	168
12.	> 4500 and ≤ 4750	171
13.	> 4750 and ≤ 5000	174
14.	> 5000 and ≤ 5500	180
15.	> 5500 and ≤ 6000	186
16.	> 6000 and ≤ 6500	191
17.	> 6500 and ≤ 7000	196
18.	> 7000 and ≤ 7500	201
19.	> 7500 and ≤ 8000	205
20.	> 8000 and ≤ 8500	210
21.	> 8500 and ≤ 9000	214
22.	> 9000 and ≤ 9500	218
23.	> 9500 and ≤ 10000	222
24.	> 10000 and ≤ 11000	230
25.	> 11000 and ≤ 12000	237
26.	> 12000 and ≤ 13000	243
27.	> 13000 and ≤ 14000	250
28.	> 14000 and ≤ 15000	256
29.	> 15000 and ≤ 16000	262
30.	> 16000 and ≤ 17000	267
31.	> 17000 and ≤ 18000	273
32.	> 18000 and ≤ 19000	278

33.	> 19000 and \leq 20000	283
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