

Guideline for Coordinated Municipal Responses to Renewable Energy Proposals

Regional Official Plan Guidelines



Halton Region Official Plan Guidelines

The **Regional Official Plan (ROP)** is Halton's guiding document for land use planning. It contains policies that guide decisions related to, among other things, managing growth and its effects on Halton's social, economic and natural environment.

The **ROP Guidelines** are a set of documents that clarify, inform, and aid in the implementation of the Plan's policies.

The Guidelines have been prepared in accordance with Section 192 of the ROP. They provide direction and outline approaches that can be used to satisfy the relevant policies of the Plan. They do not introduce additional policy requirements, and, in the event of a conflict between the Guidelines and the Regional Official Plan, the Plan shall prevail.

The Guidelines may be updated from time to time as required through a report to Regional Council.

For more information, visit halton.ca/ROP or halton.ca/ROPguidelines or call 311.

"This Plan calls for the preparation of certain guidelines or protocols to provide more detailed directions in the implementation of its *policies*."

Halton Region Official Plan – Section 192
as adopted by Regional Council, December 16, 2009

Guideline for Coordinated Municipal Responses to Renewable Energy (REA) Proposals

A coordinated response to renewable energy proposals is required when a renewable energy project is proposed within the Region that has the potential to impact Regional and local matters.

Purpose	To provide the Region and local municipalities a framework for preparing a municipal response to any proposed renewable energy projects under the <i>Green Energy and Green Economy Act, 2009</i> (GEGEA, 2009).
Application & Use	To coordinate a municipal response to proposed large-scale renewable energy production facilities that include: solar facilities, wind facilities, anaerobic facilities and thermal treatment facilities. Proponents are required to consult with affected municipalities to ascertain areas of concern, such as, but not limited to: natural heritage features; sensitive wildlife habitat; source water protection; emergency services; and appropriate road networks during construction phases. The REA Guideline outlines how the Regional and local municipalities may provide input to the implementation of a large-scale renewable energy project.
Supporting Documents	In addition to the policy direction provided by the Regional Official Plan, the following documents should be considered alongside this Guideline, as appropriate: <ul style="list-style-type: none">• Green Energy and Green Economy Act, 2009 (GEGEA, 2009)• Renewable Energy Development: A Guideline for Municipalities 2013 (Ministry of Energy)
Version	Version 1.0 This version of the REA Guidelines was brought before the Inter-Municipal Liaison Committee on June, 18 2014 through Report No. IMLC01-14.

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1.0 Introduction

1.1 Purpose

To provide the Region and local municipalities a framework to respond to a proposed renewable energy project under the *Green Energy and Green Economy Act, 2009* (GEGEA, 2009).

2.0 Municipal Consultation Requirements

The Provincial REA process applies to most renewable energy projects above a certain size. A proponent of a renewable energy project that is subject to the REA process is required to provide notice of public meetings, engage municipalities and stakeholders in the consultation process, prepare and submit reports and studies, and prepare the final REA application to the Ministry of Environment (MOE) to process and review.

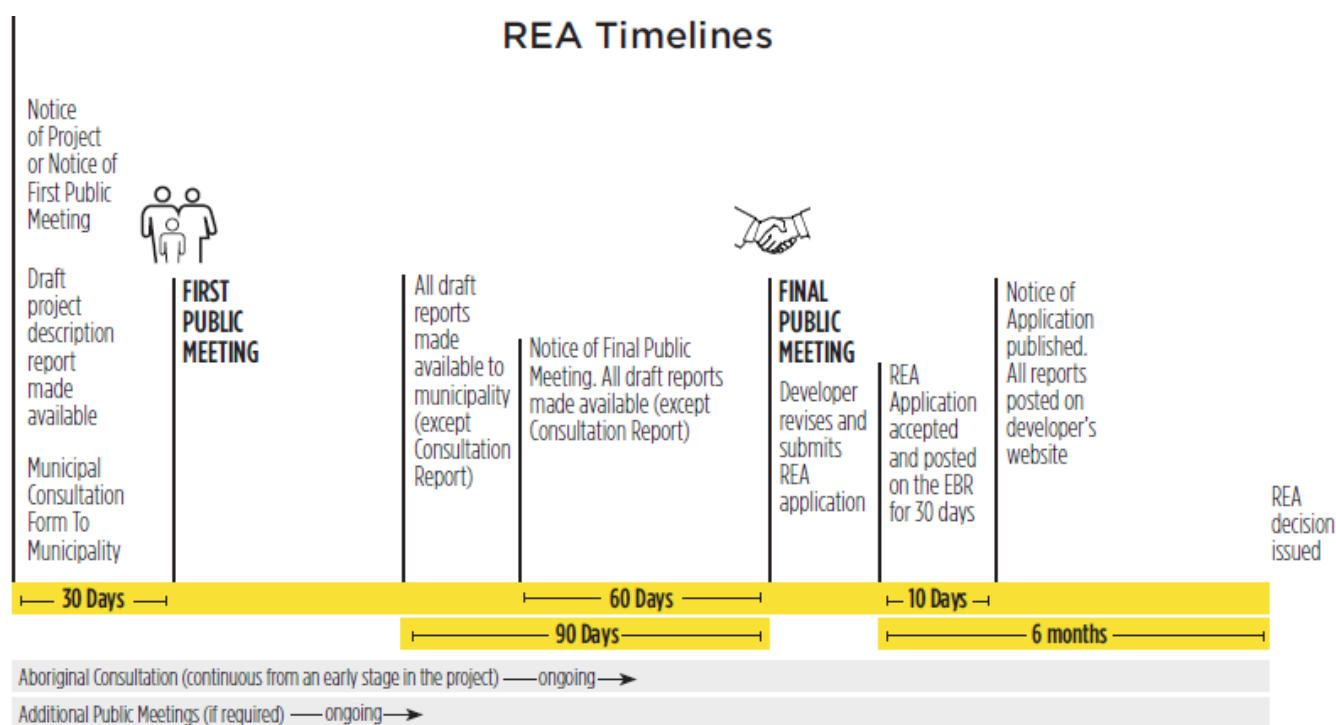


Figure 1 - The Regulatory Process for REA (from page 9 of *Renewable Energy Development: A Guideline for Municipalities Update for FIT 2.0*. The Renewable Energy Facilitation Office Ministry of Energy. http://www.energy.gov.on.ca/docs/en/ON9126_MEI_Guidance_Brochure9.pdf)

The proponent of an REA project is encouraged to engage Regional and local municipalities early and often in the process. The municipalities use the consultation process to ensure local interest and concerns are considered and mitigated by the project design. Early consultation allows municipalities to enter into agreements with the developer to clarify expectations and responsibilities around costs. The time frame for the notification and submission requirements for the REA process is identified in Appendix 2.

The proponent is required to submit a completed consultation form to the Ministry of Environment with its REA application along with an explanation of how municipal comments were considered in the design process.

2.1 Role of Municipalities

The role of the local municipality in responding to a proposed REA project will include commenting on matters of local interest. The Region's responsibility will pertain to commenting on matters of Regional interest such as: regional roads and cross-jurisdictional land use policy matters (e.g. natural heritage features). When a proposed REA development application is received by the local municipality first, the Planner will coordinate with the Region.

2.2 Municipal Consultation Form

Developers of an REA project must provide a municipal consultation form (Appendix 3) to each municipality (including the Region) in which a proposed project is located, along with the draft project documents. The form must be submitted at least 30 days before a first public meeting is held by the proponent.

The municipal consultation form ensures that the municipalities are engaged at the project's initiation phase and made aware of the project prior to the first public meeting. The consultation form provides an opportunity for the municipality and the Region to provide written comments on the following matters:

- Infrastructure and servicing including: road access; traffic management; municipal service connections; and landscape design;
- Emergency management procedures and safety protocols;
- Easements or restrictive covenants associated with the project location;
- Potential construction issues, including: rehabilitation of temporarily disturbed areas and local infrastructure that could be damaged by construction; connections to existing drainage; waterworks, sewers, and gas and utility lines;
- Ontario Building Code (OBC) permits and licenses;
- Identification of significant natural features and water bodies; and,
- Identification of any protected properties, archaeological resources, or heritage resources that may be relevant.

3.0 Application of Guideline

The Guideline is intended for use by Halton Region and by its local municipalities, commencing when the municipal clerk(s) receives the draft project documents (e.g. Project Description Report), or pre-consultation occurs, in relation to a proposed facility that would require approval under the REA process.

This Guideline identifies potential issues that may affect municipalities during the construction, operational or decommissioning phases of an REA project and that the proponent should address within the REA reports and plans. It also identifies potential actions that could be undertaken by Halton Region, in cooperation with local municipalities where appropriate, in response to an REA proposal, ranging from support for the project to an appeal of the proposal (submitted to the MOE Director and the Environmental Tribunal). A range of possible areas of cooperation between the Regional and local municipalities is also identified. Finally, the Guideline suggests information that could be included in a municipal registry of REA proposals.

Aspects of the Guideline could be applied in responding to REA applications outside of, but in proximity to, municipal boundaries, including outside the Region, i.e. the City of Hamilton, County of Wellington, and Region of Peel and their constituent adjacent municipalities.

There may be instances where municipalities or local municipal utilities wish to propose facilities that would require an REA process; however this Guideline is not intended to provide specific assistance in preparing or pursuing REA applications.

When dealing with specific proposals and applications, it is strongly recommended that reference be made to the supporting legislation, Regulation 359/09 and available guidance to determine the details of the required process, supporting information and consultation. Internet links to websites and relevant documents that are current at the time this Guideline was prepared are provided in Appendix 1. There should be a mechanism to maintain these links and further links to any additional, relevant internet resources that may be useful to municipalities involved in reviewing and responding to REA proposals.

Renewable energy projects that may be prescribed for the Environmental Activity and Sector Registry (EASR) in the future may also raise some of the issues outlined below, and municipalities may wish to apply some of the Guideline provisions to these projects where appropriate. Since no projects have been prescribed for the EASR to date, however, this Guideline focuses on REA projects.

3.1 Triggers for Regional and Local Municipal Response

The following are examples of potential triggers to Halton Region and Local Municipal action in relation to an REA proposal. They are intended to assist in determining the need for, and degree of, any potential action by these municipalities in individual cases. Some are based on the issues found in the MOE’s municipal consultation form provided in Appendix 3. An “X” is shown in the column where an issue is most likely to be a Regional versus Local Municipal concern.

Table 1: Triggers for Municipal Consultation regarding Renewable Energy Approvals

Concern/Trigger	Regional	Local
Public concern (while the public can comment through EBR postings they have no formal opportunity to comment on REA proposals through municipalities, however municipalities and councillors will often be contacted where there are concerns)	X	X

Concern/Trigger	Regional	Local
Road access and traffic management issues: Regional ROW (construction and operation phases)	X	
Long term effect on Regional easements/ROW (e.g. use for transmission, need for entrance permits, need for transfer of land for road widenings)	X	
Temporary (construction) effect on Regional ROW, other assets (e.g. temporary works to facilitate site access, rehabilitation and restoration and securities to ensure this)	X	
Road access and traffic management issues: Local ROW (construction and operation phases)		X
Long term effect on Local Municipal easements/ROW (e.g. use for transmission, need for entrance permits, need for transfer of land for road widenings,)		X
Temporary (construction) effect on Local Municipal ROW, other assets (e.g. temporary works to facilitate site access, rehabilitation and restoration and securities to ensure this)		X
Sufficiency of setbacks from existing sensitive receptors, possible prevention of community expansion or designated/proposed development of sensitive receptors	X	X
Sufficiency of protection for natural heritage features, species at risk, water features (reviewed by MNR as part of the REA pre-submission requirements)	X	X
Stormwater issues	X	X
Landscaping, site design issues including possible communications facilities on turbine towers		X
Water, sewer servicing / by-law issues (such as use of municipal water for cooling, development charges, effluent quality and extension of services outside settlement area boundaries)	X	
Use of ground and surface water (reviewed as part of the REA pre-submission requirements by MOE)	X	X
Wellhead Protection, drinking water threats: processes or contaminants that that may constitute a threat	X	X
Use of agricultural land and effect on agricultural operations	X	X
Emergency management and fire safety issues	X	X
Technical concerns with supporting studies	X	X
Local Municipal policy and by-law issues (such as noise and particulates by-laws and sign by-laws under the Municipal Act)		X
Need for long term monitoring/release of information, e.g. air emissions from a facility near an expanding settlement area or sensitive receptors, noise issues	X	X
Inter-municipal issues, proposed facilities outside but in proximity to municipal boundaries	X	X

Concern/Trigger	Regional	Local
Consultation issues (timing, content, adequacy of response)	X	X
Municipal utility, transmission, connection issues, including physical infrastructure	X	X
Archaeological/heritage issues (reviewed as a pre-submission requirement by the Ministry of Culture)	X	X
Building Code/NEC Permit Issues		X
Desire to express municipal support for a beneficial project	X	X
Land severances for substations	X	X

3.2 Regional/Local Municipal Actions

The following is the process when a notice of a REA project commencement, draft project documents and municipal form are received by the local and/or Regional Clerk's office.

An assigned Planner would complete the following list of potential items for action as they pertain to local and Regional issues. The triggers listed in Table 1 above are intended to assist in making the determination of which course of action to take. Each of the actions generally falls within the following situations:

Situation 1 – No issues with REA project proposal

- Enter in Registry, inform applicable Regional Councillors and consult with local municipality, complete and submit municipal consultation form where applicable, monitor Environmental Registry, no further action.

Situation 2 – Minimal issues with proposal but addressed through consultation with proponent.

- Enter in Registry, inform applicable Regional Councillors and consult with local municipality, complete and submit municipal consultation form where applicable;
- Send initial response letter to proponent specifying matters of Regional concern and local municipal concern where appropriate (coordinated response with Region and local municipality if appropriate);
- Request for meeting with proponent (invite local municipality, if appropriate);
- Region completes Municipal Consultation Form and submits to Proponent;
- Attend public meetings/present Regional position (not for Class 2 wind, Class 1 or 2 anaerobic digestion, Class 1 thermal treatment on a farm, Class 2 thermal treatment.); and,
- In-house technical review of all or selected aspects and/or external peer review (requires list of qualified consultants and commitment to short turn-around);

Situation 3 – Further issues that proponent will not resolve

- Follow steps above identified in Situation 2, then,

- Provide formal response to Environmental Registry’s web posting in consultation with Local Municipality, possible direct approach to MOE (in support, expressing concerns/requested conditions, or in opposition);
- Report to Council (Class 2 wind, Class 1 or 2 anaerobic digestion, Class 1 thermal treatment on a farm, Class 2 thermal treatment processes do not allow sufficient time for this – others would need fast-tracking at the very least. Proponents could be provided with concerns through the pre-submission process, but Council resolution may not be available until after the Environmental Registry consultation period. Formal assent of Council may be needed to enable staff to submit comments within short timelines with retroactive reporting to Council); and,
- Issue notice requiring Environmental Review Tribunal (ERT) hearing within 15 days of the MOE Director’s decision and participate in hearing.

Municipal involvement in the process would be greatly enhanced through pre-consultation by REA proponents, in advance of formal notices and reports.

3.3 Local Municipal Actions and Regional/Local Coordination

Local municipalities and the NEC may adopt the above as a starting point for determining their own potential actions in relation to REA projects that best suits their needs. Coordination between Regional and local municipalities and possibly the NEC would likely be of mutual benefit whenever contact is made with the proponent or the MOE regarding an REA application, or whenever an REA application is to be dealt with by Regional or local Committees or Council. It would be appropriate for local municipalities as well as the Regional Municipality to have designated contacts in relation to REA issues.

Further opportunities for cooperation, depending on the specifics of each project, could include:

- Sharing of mapping, GIS etc. resources;
- Sharing relevant policies;
- Sharing internal expertise for technical review;
- Sharing external peer review costs where appropriate;
- Identifying issues of common concern for inclusion in communications with proponent and MOE;
- Participating in mandatory and other meetings related to the REA project;
- Cooperation in framing responses to applications and requests for hearings (though written submissions should be made separately by each Municipality and/or the NEC); and,
- Sharing legal and hearing appearance costs, if required.

Similar arrangements may be made with upper, lower and single – tier municipalities outside of Halton where there is potential for an REA project to have cross-boundary effects.

3.4 Registry of REA Applications

Halton Region, the local municipalities and the NEC (and, potentially, municipalities adjacent to Halton Region) could cooperate in keeping track of applications by contributing information to a common REA Registry, to be maintained by Halton Region and made available to local municipalities. For example:

Table 2: Project Features for Inclusion in Halton REA Registry

	Project Name	Project Name	Project Name
Type of generation			
Class (Regulation)			
Website?			
Municipality and municipal contact			
Municipalities/NEC within 1000m (triggers contact with adjacent municipality/NEC)			
Facility address			
Pre-consult?			
Municipal consultation form*			
Notice #1 (date)			
Public meeting #1** (date)			
Draft technical package* (date)			
Public Meeting #2** (date)			
Other public meetings			
Environmental Registry posting (date, response deadline and Registry#)			
Municipal EBR response?			
Director's Decision			
Appeal?			

* Not required for Class 2 wind

**Not required for Class 2 wind, Class 1 or 2 anaerobic digestion, Class 1 thermal treatment on a farm, Class 2 thermal treatment.

Where information is placed on a proponent's website it is recommended that this be copied, regularly updated and maintained as a backup to the registry. It is also recommended that this Guideline be reviewed on a periodic basis to assess its effectiveness and any opportunities for improvement.

Appendix

The following references may be accessed through the internet links provided, which were current at the time of preparation of this Guideline.

Background to This Guideline

Background Report, Guidelines for Coordinated Responses to the Proposed Projects Requiring Renewable Energy Approvals January 2012

Energy Planning and Policy

Ministry of Energy Electricity Website: <http://www.mei.gov.on.ca/en/energy/electricity/?page=new-energy-projects>

REA Regulation and Guidelines

Regulation 359/09:

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_090359_e.htm

Ministry of the Environment Renewable Energy Webpage:

http://www.ene.gov.on.ca/environment/en/subject/renewable_energy/index.htm

Ministry of Natural Resources Renewable Energy Webpage:

http://www.mnr.gov.on.ca/en/Business/Renewable/2ColumnSubPage/STDPROD_083438.html

Guide: "Provincial Approvals for Renewable Energy Projects" Ministry of the Environment, January 2010:

http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/std01_079527.pdf

MOE Environmental Activity and Sector Registry webpage:

http://www.ene.gov.on.ca/environment/en/industry/assessment_and_approvals/environmental_approvals/STDPROD_097094

Windpower

MNR Wind Resource maps:

<http://www.mnr.gov.on.ca/en/Business/Renewable/2ColumnSubPage/276957.html>

Waterpower

Waterpower Class Environmental Assessment, Ontario Waterpower Association, October 2008 (revised June 2010): <http://www.owa.ca/class-ea/>

Niagara Escarpment Commission

Niagara Escarpment Plan updated to March 11, 2010:

<http://www.escarpment.org/landplanning/plan/index.php>

Examples of Facilities

Environmental Bill of Rights Environmental Registry (searchable): <http://www.ebr.gov.on.ca/ERS-WEB-External/>

Ministry of Energy Projects webpage: <http://www.mei.gov.on.ca/en/energy/electricity/?page=new-energy-projects>

Oakville Hydro: Halton Landfill Gas Project Webpage:
http://www.oakvillehydroenergy.com/renewable_landfill.aspx

Liberty Energy facility, Hamilton: <http://www.libertyenergycentre.ca/>

Hamilton Wastewater Treatment Digester Gas Project
<http://www.powerauthority.on.ca/bio-energy/hamilton-digester-gas-cogeneration-plant-16-mw-hamilton>

Farm gas cogeneration: http://www.ieso.ca/imoweb/pubs/smart_grid/Aidan_Foss-Farm_Biogas_Cogeneration_in_Ontario.pdf

