



ONTARIO REGULATION 521/10

made under the

ENVIRONMENTAL PROTECTION ACT

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Amending O. Reg. 359/09

(Renewable Energy Approvals under Part V.0.1 of the Act)

Note: Ontario Regulation 359/09 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

1. (1) Subsection 1 (1) of Ontario Regulation 359/09 is amended by adding the following definitions:

“dwelling” means one or more habitable rooms used or capable of being used as a permanent or seasonal residence by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“inaccessible vacant lot” means a vacant lot,

(a) on private land that cannot be accessed, or in respect of which the owner of the land does not have a legal right to access in the future, through the use of a road by a motor vehicle, as defined in the *Highway Traffic Act*, or

(b) on private land that cannot be accessed through the use of a navigable waterway by a watercraft;

(2) The definition of “woodland” in subsection 1 (1) of the Regulation is revoked and the following substituted:

“woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees, that is located 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;

(3) Subsection 1 (4) of the Regulation is revoked and the following substituted:

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

1. The centre of a building or structure that contains one or more dwellings.
2. The centre of a building 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. 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.
4. A location on a vacant lot, other than an inaccessible vacant lot, that has been zoned to permit a building mentioned in paragraph 1 or 2 and in respect of which no approval or building permit mentioned in paragraph 3 has been issued and at which a building would reasonably be expected to be located, having regard to the existing zoning by-law and the typical building pattern in the area.
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

(4) Subsection 1 (5) of the Regulation is amended by striking out “the following locations may be odour receptors” in the portion before paragraph 1 and substituting “the following locations are odour receptors”.

(5) Paragraph 1 of subsection 1 (5) of the Regulation is amended by striking out “used for overnight accommodation” at the end and substituting “that contains one or more dwellings”.

(6) Paragraph 2 of subsection 1 (5) of the Regulation is amended by striking out “A building or structure used” at the beginning and substituting “A building used”.

(7) Subsection 1 (7) of the Regulation is revoked.

2. The Table to section 4 of the Regulation is revoked and the following substituted:

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.	≤ 12
2.	Class 2	Mounted on the roof or wall of a building.	> 12
3.	Class 3	At any location other than mounted on the roof or wall of a building.	> 12

3. Paragraph 2 of subsection 9 (1) of the Regulation is amended by striking out “on a day before the that Part of the Act comes into force” at the end and substituting “on a day before that Part of the Act comes into force”.

4. Paragraph 4 of section 10 of the Regulation is amended by striking out “if the generating unit of the facility is located at a farm operation”.

5. (1) Subsection 12 (1) of the Regulation is amended by striking out “submitting an application to the Director” in the portion before clause (a) and substituting “submitting an application for the issue of a renewable energy approval to the Director”.

(2) Section 12 of the Regulation is amended by adding the following subsections:

(1.1) A person who proposes to engage in a renewable energy project but does not comply with the requirements set out in subsection (1) may be eligible for the issue of a renewable energy approval if the Director is of the opinion that failure to comply with those requirements will not compromise an adequate understanding of the negative environmental effects of engaging in the renewable energy project.

(1.2) A person who proposes to engage in a renewable energy project but does not comply with the requirements set out in subsection (1) may be eligible for the issue of a renewable energy approval if the Director is of the opinion that failure to comply with those requirements will improve consultation respecting the project with the public, local authorities or any aboriginal communities.

6. (1) Subsection 15 (3) of the Regulation is amended by striking out “in accordance with subsection (6)” in the portion before clause (a) and substituting “in accordance with all of the rules set out in subsection (6)”.

(2) Clause 15 (3) (a) of the Regulation is revoked and the following substituted:

(a) at least 30 days before the first public meeting is held and at least 60 days before the final public meeting is held, if the notices mentioned in clauses (1) (a) and (b) are required to be distributed; or

(3) Subparagraph 5 i of subsection 15 (6) of the Regulation is revoked and the following substituted:

i. every assessed owner of land within 120 metres of the project location, if the project is in respect of a renewable energy generation facility other than a Class 3, 4 or 5 wind facility,

i.1 every assessed owner of land within 550 metres of the project location, if the project is in respect of a Class 3, 4 or 5 wind facility,

i.2 every assessed owner of land abutting a parcel of land on which the project location is situated, other than an owner described in subparagraph i or i.1,

7. The Regulation is amended by adding the following sections:

Information on website

15.1 A person who proposes to engage in a renewable energy project shall, within 10 days after a notice of the proposal for a renewable energy approval in respect of the renewable energy project is posted on the environmental registry referred to in section 5 of the *Environmental Bill of Rights, 1993* and until the Director makes a decision under section 47.5 of the Act, make available copies of the documents described in subclauses 12 (1) (b) (i) and (ii) by posting the documents on the person's website, if the person has a website.

Newspaper notice

15.2 (1) A person who proposes to engage in a renewable energy project shall, within 10 days after a notice of the proposal for a renewable energy approval in respect of the renewable energy project is posted on the environmental registry referred to in section 5 of the *Environmental Bill of Rights, 1993*, publish a notice that contains the following information:

1. The name of the person proposing to engage in the renewable energy project.
2. A brief description of the renewable energy project.
3. A map identifying the project location.
4. If the person has posted documents under section 15.1, the address of the website on which the documents are posted.

5. A statement that a proposal for a renewable energy approval in respect of the renewable energy project has been posted on the environmental registry referred to in section 5 of the *Environmental Bill of Rights, 1993* and that comments in respect of the proposal may be submitted to the Director.

(2) The person shall publish the notice required by subsection (1),

(a) in a newspaper with general circulation in each local municipality in which the project location is situated; or

(b) if the project location is in unorganized territory,

(i) in a newspaper with general circulation within 25 kilometres of the project location, or

(ii) if a newspaper described in subclause (i) does not exist, in at least six conspicuous locations within 25 kilometres of the project location.

8. Subsections 16 (2) and (3) of the Regulation are revoked and the following substituted:

(2) During a period of at least 30 days immediately before the first public meeting is held, a person mentioned in subsection (1) shall make available a draft of the project description report prepared in accordance with Table 1 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).

9. The Regulation is amended by adding the following section:

Exception, ss. 15.1 to 16

16.1 Sections 15.1 to 16 do 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.

10. (1) Subsection 17 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Consultation with aboriginal communities

(1) A person who proposes to engage in a renewable energy project shall, in accordance with subsection (1.1), distribute the following to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6):

(2) Paragraph 3 of subsection 17 (1) of the Regulation is revoked and the following substituted:

3. A summary of each of the following documents in respect of which information is being requested under paragraph 4:

i. 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.

ii. 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.

(3) Section 17 of the Regulation is amended by adding the following subsection:

(1.1) The drafts, information and documents mentioned in subsection (1) shall be made available,

(a) if section 16 applies, before drafts of document are made available under subsection 16 (5); or

(b) if section 16 does not apply, at least 30 days before an application for the issue of a renewable energy approval is made to the Director.

11. Section 18 of the Regulation is revoked and the following substituted:

Consultation with municipalities, local authorities

18. (1) A person who proposes to engage in a renewable energy project shall, in accordance with subsections (3) and (4), distribute drafts of the documents mentioned in subsection (2) 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 documents referred to in subsection (1) are:

1. A project description report.

2. A document mentioned in subsection 16 (6), other than the documents described in clauses 22 (3) (a), 23 (3) (a), 28 (3) (b) and (c), 38 (2) (b) and (c), 41 (5) (b) and (c) and 43 (3) (b) and (c).

3. A consultation form.

(3) If section 16 applies,

(a) the documents referred to in paragraphs 1 and 3 of subsection (2) shall be distributed under subsection (1) at least 30 days before the first public meeting is held for the purposes of subsection 16 (1); and

(b) the documents referred to in paragraph 2 of subsection (2) shall be distributed under subsection (1) at least 90 days before the final public meeting is held for the purposes of subsection 16 (1).

(4) If section 16 does not apply, the documents referred to in paragraphs 2 and 3 of subsection (2) shall be distributed under subsection (1) at least 30 days before an application for a renewable energy project is submitted to the Director.

(5) The consultation form referred to in paragraph 3 of subsection (2) 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.

(6) 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.

12. (1) Subsection 19 (2) of the Regulation is revoked and the following substituted:

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

(a) written confirmation from the person or body set out in Column 2 of the Table that authorization is not required; or

(b) a copy of the written authorization,

(i) of the person or body set out opposite the description in Column 2 of the Table, and

(ii) of the type set out opposite the description in Column 3 of the Table.

(2) Section 19 of the Regulation is amended by adding the following subsection:

(3) If a person mentioned in subsection (1) determines that the project location is not on a property described in Column 1 of the Table to this section, 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 determining whether the project location is on such a property.

13. (1) Subclause 21 (2) (a) (ii) of the Regulation is amended by striking out “designated as a an archaeological site” and substituting “designated as an archaeological site”.

(2) Clause 21 (2) (b) of the Regulation is amended by striking out “a municipal archaeological plan” at the end and substituting “an archaeological management plan”.

(3) Section 21 of the Regulation is amended by adding the following subsection:

(3) If the person mentioned in subsection (1) concludes that there is no possibility of impact on an archaeological resource or site described in clause (2) (a) or on an archaeological resource located in an area described in clause (2) (b), 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 archaeological resource or site, or the area identified in an archaeological management plan.

14. The Regulation is amended by adding the following section immediately after the heading “Natural Heritage”:

Environmental effects monitoring plan

23.1 (1) A person who proposes to engage in a renewable energy project in respect of a Class 3, 4 or 5 wind facility shall prepare an environmental effects monitoring plan in respect of birds and bats.

(2) For the purposes of subsection (1), the person shall prepare the environmental effects monitoring plan in accordance with the following publications of the Ministry of Natural Resources:

1. “Birds and Bird Habitats: Guidelines for Wind Power Projects” dated October 2010, as amended from time to time and available from the Ministry of Natural Resources.

2. “Bats and Bat Habitats: Guidelines for Wind Power Projects” dated March 2010, as amended from time to time and available from the Ministry of Natural Resources.

15. (1) Subsection 26 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

Natural heritage, site investigation

(1) Subject to subsection (1.1), for the purposes of 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 an investigation of the air, land and water within 120 metres of the project location is conducted, either by visiting the site or by an alternative investigation of the site, in order to determine,

.....

(2) Section 26 of the Regulation is amended by adding the following subsection:

(1.1) The person mentioned in subsection (1) may conduct an alternative investigation of the site only if he or she determines that it is not reasonable to conduct a site investigation by visiting the site.

(3) Subsection 26 (3) of the Regulation is revoked and the following substituted:

(3) The person mentioned in subsection (1) shall prepare a report setting out the following with respect to the air, land and water in respect of which any site investigation was conducted:

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.

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. all boundaries mentioned in clause (1) (c),

ii. the location and type of each natural feature identified in relation to the project location, and

iii. all distances mentioned in clause (1) (d).

4. A summary of methods used to make observations for the purposes of the site investigation.
5. The name and qualifications of the person conducting the site investigation.
6. If an investigation was conducted by visiting the site:
 - i. The dates and times of the beginning and completion of the site investigation.
 - ii. The duration of the site investigation.
 - iii. The weather conditions during the site investigation.
 - iv. Field notes kept by the person conducting the site investigation.
7. If an alternative investigation of the site was conducted:
 - i. The dates of the generation of the data used in the site investigation.
 - ii. An explanation of why the person who conducted the alternative investigation determined that it was not reasonable to conduct the site investigation by visiting the site.

16. Subsection 27 (1) of the Regulation is revoked and the following substituted:

Natural heritage, evaluation of significance

(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 consider any information available to the person relating to natural features, including,

(a) all information obtained during the records review conducted in accordance with section 25;

(b) all information obtained during any site investigation conducted in accordance with section 26; and

(c) all information received from the public, aboriginal communities, municipalities, local road boards and Local Services Boards until such time as the report mentioned in subsection 27 (4) has been prepared.

17. (1) Subsection 28 (1) of the Regulation is amended by striking out “each report the person is required to prepare under subsections 25 (3), 26 (3) and 27 (4)” at the end and substituting “each plan the person is required to prepare under section 23.1 and each report the person is required to prepare under subsections 25 (3), 26 (3) and 27 (4)”.

(2) Subsection 28 (2) of the Regulation is amended by adding the following paragraph:

6. If section 23.1 applies, comments received from the Ministry of Natural Resources in respect of the environmental effects monitoring plan required under that section.

(3) Clause 28 (3) (a) of the Regulation is amended by striking out “the reports” at the beginning and substituting “the plan and reports”.

(4) Clause 28 (3) (b) of the Regulation is amended by striking out “confirmation required” and substituting “confirmation or comment required”.

18. (1) Subsection 31 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

Water, site investigation

(1) Subject to subsection (3), for the purposes of 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 an investigation of the land and water within 120 metres of the project location is conducted, either by visiting the site or by an alternative investigation of the site, in order to determine,

.....

(2) Subsections 31 (2) and (3) of the Regulation are revoked and the following substituted:

(2) Subject to subsection (3), 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 an investigation of the land and water located between the project location and the lake trout lake is conducted, either by visiting the site or by an alternative investigation of the site, for the purpose of determining,

(a) the boundaries of any lake trout lake that is at or above development capacity, if,

(i) the lake was identified in the records review, and

(ii) the boundaries are within 300 metres of the project location; and

(b) the distance from the project location to the boundaries determined under clause (a).

(3) The person mentioned in subsection (1) may, for the purposes of subsection (1) or (2), conduct an alternative investigation of the site only if he or she determines that it is not reasonable to conduct a site investigation by visiting the site.

(4) The person mentioned in subsection (1) shall prepare a report setting out the following with respect to the land and water in respect of which any site investigation was conducted:

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.

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. all boundaries mentioned in clauses (1) (c) and (2) (a),

ii. the location and type of each water body identified in relation to the project location, and

iii. all distances mentioned in clauses (1) (d) and (2) (b).

4. A summary of methods used to make observations for the purposes of the site investigation.

5. The name and qualifications of any person conducting the site investigation.

6. If an investigation was conducted by visiting the site:

i. The dates and times of the beginning and completion of the site investigation.

ii. The duration of the site investigation.

iii. The weather conditions during the site investigation.

iv. Field notes kept by the person conducting the site investigation.

7. If an alternative investigation of the site was conducted:

i. The dates of the generation of the data used in the site investigation.

ii. An explanation of why the person who conducted the alternative investigation determined that it was not reasonable to conduct the site investigation by visiting the site.

(5) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall submit the report prepared under subsection (4).

19. (1) Subsection 32 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:

Niagara Escarpment

(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, in accordance with subsection (1.1), submit drafts of the following reports, prepared in accordance with Table 1, to the chair of the Niagara Escarpment Commission:

.....

(2) Section 32 of the Regulation is amended by adding the following subsection:

(1.1) The drafts mentioned in subsection (1) shall be distributed,

(a) if section 16 applies, 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; or

(b) if section 16 does not apply, at least 30 days before an application for a renewable energy project is submitted to the Director.

(3) Clause 32 (2) (b) of the Regulation is amended by striking out “in respect of the engaging in a renewable energy project” and substituting “in respect of engaging in a renewable energy project”.

20. Subsection 35 (1) of the Regulation is revoked and the following substituted:

Associated transformers

(1) No person shall construct, install or expand a transformer substation 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 substation is constructed, installed or expanded with an acoustic barrier with a density of at least 20kg/m² that breaks the line of sight with any noise receptors and is located at a distance of at least 500 metres from,

(i) the noise receptors described in paragraph 1, 2, 3 or 5 of subsection 1 (4), and

(ii) the noise receptors described in paragraph 4 of subsection 1 (4) that are specified by the Director in the renewable energy approval; or

(b) the transformer substation is located at a distance of at least 1,000 metres from the noise receptors referred to in subclauses (a) (i) and (ii).

(1.1) If a person proposes to construct, install or expand a transformer substation as part of a renewable energy generation facility, other than as part of a Class 4 or 5 wind facility, subsection (1) does not apply in respect of a noise receptor that did not exist on the day the person proposing to construct, install or expand the facility submitted an application for the issue of a renewable energy approval to the Director.

(1.2) If a person proposes to construct, install or expand a transformer substation as part of a Class 4 or 5 wind facility, subsection (1) does not apply in respect of a noise receptor described in that subsection that did not exist on the earliest of the following days:

1. The day the person proposing to construct, install or expand the transformer substation issued or published a notice of completion in respect of the renewable energy generation facility pursuant to Ontario Regulation 116/01 (Electricity Projects) made under the *Environmental Assessment Act*.

2. Subject to subsections (1.3) and (1.4) and section 54.1, the day before the person proposing to construct, install or expand the transformer substation has published or posted notice of the draft site plan in respect of the project location in accordance with subclause 54.1 (c) (i) or (ii).

3. The day the person proposing to construct, install or expand the transformer substation submitted an application for the issue of a renewable energy approval to the Director.

4. Subject to subsection (1.5), the day before the person proposing to construct, install or expand the transformer substation made the location of the proposed transformer substation available to the public by publishing the location in a newspaper or on the person's website, if the person has a website, or by disclosing the location at a public meeting required to be held under section 16, if the day the location information was made available to the public was before the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force.

(1.3) Paragraph 2 of subsection (1.2) applies,

(a) only in respect of the first time the person makes available or distributes a draft site plan of the project location; and

(b) if the construction or installation is on private land, the person obtained property rights sufficient to permit the construction or installation of all of the transformer substation that is proposed to form part of the wind facility.

(1.4) Paragraph 2 of subsection (1.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable

energy project within six months after the day referred to in that paragraph or such other time as may be approved by the Director under subsection (1.6).

(1.5) Paragraph 4 of subsection (1.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force or such other time as may be approved by the Director under subsection (1.6).

(1.6) The Director may, upon written request and within the six-month period referred to in subsection (1.4) or (1.5), extend the six-month period if the Director is of the opinion that the person has made all reasonable efforts to submit an application within the six-month period, but is not able to do so due to circumstances beyond his or her control.

21. Clause 38 (2) (a) of the Regulation is amended by striking out “as amended from time” in the portion before subclause (i) and substituting “as amended from time to time”.

22. (1) Paragraph 1 of subsection 39 (3) of the Regulation is amended by striking out “transformer station” and substituting “transformer substation”.

(2) Paragraph 2 of subsection 39 (3) of the Regulation is amended by striking out “transformer station” and substituting “transformer substation”.

(3) Paragraph 3 of subsection 39 (3) of the Regulation is amended by striking out “transformer station” and substituting “transformer substation”.

(4) Paragraph 4 of subsection 39 (3) of the Regulation is amended by striking out “source separated storage areas, farm material storage areas, digestate storage tanks, generating units, flares, anaerobic digesters and transformer stations” and substituting “source separated organics storage areas, farm material storage areas, digestate storage tanks, generating units, flares, anaerobic digesters and transformer substations”.

(5) Paragraph 5 of subsection 39 (3) of the Regulation is amended by striking out “transformer stations” and substituting “transformer substations”.

(6) Section 39 of the Regulation is amended by adding the following subsection:

(4) For the purposes of this section,

“transformer substation” means a transformer substation capable of operating at a nominal voltage of 50 kV or more.

23. Paragraph 3 of subsection 40 (1) of the Regulation is amended by striking out “Within 120 metres of the high water mark” at the beginning and substituting “Within 120 metres of the average annual high water mark”.

24. Clause 41 (5) (a) of the Regulation is amended by striking out “Ministry of Natural Resources, as amended from time, that” at the end and substituting “Ministry of Natural Resources, as amended from time to time, that”.

25. Subsection 42 (1) of the Regulation is amended by striking out “renewable energy project in the portion of the Oak Ridges Moraine Conservation Plan Area” and substituting “renewable energy project at a project location that is in the portion of the Oak Ridges Moraine Conservation Area”.

26. Paragraph 1 of subsection 43 (1) of the Regulation is amended by striking out “or within 120 metres of a provincially significant southern wetland” at the end and substituting “or within 120 metres of a southern wetland that is not a provincially significant southern wetland”.

27. Section 47 of the Regulation is amended by adding the following subsections:

(4) Subsection (2) does not apply to a person 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. The emission summary and dispersion modelling report.
2. The noise study report.
3. The odour study report.

(5) Subsection (2) does not apply in respect of an odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

28. Section 48 of the Regulation is amended by adding the following subsection:

(5) Subsection (2) does not apply in respect of an odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

29. (1) Clause 51 (1) (a) of the Regulation is amended by striking out “from the nearest odour receptor” and substituting “from all odour receptors”.

(2) Clause 51 (1) (b) of the Regulation is revoked and the following substituted:

- (b) the generating unit of the facility is located at a distance of at least 250 metres from,
- (i) the noise receptors described in paragraph 1, 2, 3 or 5 of subsection 1 (4), and
- (ii) the noise receptors described in paragraph 4 of subsection 1 (4) that are specified by the Director in the renewable energy approval.

(3) Section 51 of the Regulation is amended by adding the following subsection:

(4) Subsection (1) does not apply in respect of a noise receptor or odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

30. (1) Clause 53 (1) (a) of the Regulation is amended by striking out “the distance between the base of the wind turbine” at the beginning and substituting “the distance between the centre of the base of the wind turbine”.

(2) Clause 53 (1) (b) of the Regulation is amended by striking out “the distance between the base of the wind turbine” at the beginning and substituting “the distance between the centre of the base of the wind turbine”.

(3) Clause 53 (3) (a) of the Regulation is amended by striking out “the distance between the base of the wind turbine” at the beginning and substituting “the distance between the centre of the base of the wind turbine”.

31. (1) Subsection 54 (1) of the Regulation is amended by striking out “unless the base of the wind turbine is located at a distance of at least 550 metres from the nearest noise receptor” in the portion before paragraph 1 and substituting “unless the centre of the base of the wind turbine is located at a distance of at least 550 metres from all noise receptors described in subsection (1.1)”.

(2) Section 54 of the Regulation is amended by adding the following subsections:

(1.1) The noise receptors referred to in subsection (1) are the following:

1. The noise receptors described in paragraphs 1, 2, 3 and 5 of subsection 1 (4).
2. The noise receptors described in paragraph 4 of subsection 1 (4) that are specified by the Director in the renewable energy approval.

(1.2) Subsection (1) does not apply in respect of a noise receptor described in subsection (1.1) that did not exist on the earliest of the following days:

1. The day the person proposing to construct, install or expand the wind turbine issued or published a notice of completion in respect of the renewable energy generation facility

pursuant to Ontario Regulation 116/01 (Electricity Projects) made under the *Environmental Assessment Act*.

2. Subject to subsections (1.3) and (1.4) and section 54.1, the day before the person proposing to construct, install or expand the wind turbine published or posted notice of the draft site plan in respect of the project location in accordance with subclause 54.1 (c) (i) or (ii).

3. The day the person proposing to construct, install or expand the wind turbine submitted an application for the issue of a renewable energy approval to the Director.

4. Subject to subsection (1.5), the day before the person proposing to construct, install or expand the wind turbine made the location of the proposed wind turbine available to the public by publishing the location in a newspaper or on the person's website, if the person has a website, or by disclosing the location at a public meeting required to be held under section 16, if the day the location information was made available to the public was before the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force.

(1.3) Paragraph 2 of subsection (1.2) applies,

(a) only in respect of the first time the person makes available or distributes a draft site plan of the project location; and

(b) if the construction or installation is on private land, the person obtained property rights sufficient to permit the construction or installation of all of the wind turbines that are proposed to form part of the wind facility.

(1.4) Paragraph 2 of subsection (1.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after the day referred to in that paragraph or such other time as may be approved by the Director under subsection (1.6).

(1.5) Paragraph 4 of subsection (1.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force or such other time as may be approved by the Director under subsection (1.6).

(1.6) The Director may, upon written request and within the six-month period referred to in subsection (1.4) or (1.5), extend the six-month period if the Director is of the opinion that the person has made all reasonable efforts to submit an application within the six-month period, but is not able to do so due to circumstances beyond his or her control.

(3) Subsection 54 (5) of the Regulation is amended by striking out “and” at the end of clause (c), by adding “and” at the end of subclause (d) (ii) and by adding the following clause:

(e) any other 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) are identified in an environmental screening report or environmental review report that is made available under the Environmental Screening Process pursuant to Ontario Regulation 116/01 (Electricity Projects) made under the *Environmental Assessment Act*,

(ii) are identified in a draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in that is made available or distributed in accordance with section 54.1, unless paragraph 2 of subsection (1.2) has ceased to apply under subsection (1.4), or

(iii) are identified in information made available to the public by publishing the locations of the wind turbines in a newspaper or on the person’s website, if the person has a website, or by disclosing the locations at a public meeting required to be held under section 16, if the day the location information was made available to the public was before the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force, unless paragraph 4 of subsection (1.2) has ceased to apply under subsection (1.5).

32. The Regulation is amended by adding the following section:

Wind turbine location publication

54.1 Paragraph 2 of subsection 35 (1.1), paragraph 2 of subsection 54 (1.2) and paragraph 2 of subsection 55 (2.2) apply only if the person proposing to construct, install or expand the wind turbine or transformer substation, as the case may be,

(a) includes in the draft site plan in respect of the project location the information set out in sub-subparagraphs 1 i A and G and subparagraph 1 ii of item 4 of Table 1;

(b) includes in the notice of the draft site plan in respect of the project location the following information:

(i) the name of the person proposing to engage in the renewable energy project,

(ii) a brief description of the renewable energy project,

(iii) a map identifying the project location,

(iv) if the project location is situated in a local municipality, the date the notice of the site plan was first published in a newspaper with general circulation in the local municipality,

(v) if the project location is situated in unorganized territory, the date the notice of the site plan was first,

(A) published in a newspaper with general circulation within 25 kilometres of the project location, or

(B) if a newspaper described in sub-subclause (A) does not exist, posted in at least six conspicuous locations within 25 metres of the project location,

(vi) the locations in each local municipality and in each part of an unorganized territory in which the project location is situated where members of the public can inspect paper copies of the draft site plan,

(vii) a description of the legal effect of the posting or publishing of the draft site plan;

(c) distributes the notice of the draft site plan in respect of the project location in accordance with the following rules:

(i) if the project location is situated in a local municipality, the notice must be published in a newspaper with general circulation in the local municipality,

(ii) if the project location is in unorganized territory,

(A) the notice must be published in a newspaper with general circulation within 25 kilometres of the project location, or

(B) if no newspaper mentioned in sub-subclause (A) exists, the notice must be posted in at least six conspicuous locations within 25 kilometres of the project location,

(iii) if it is reasonable to do so, the notice must be published in a newspaper printed by each aboriginal community,

(A) on the list obtained under section 14, if the list was obtained, and if such a newspaper exists and the publisher of the newspaper permits the publication, or

(B) with reserve land within or abutting the project location, if the list under section 14 was not obtained, and such a newspaper exists and the publisher of the newspaper permits the publication,

(iv) if the person has a website, the notice must be posted on the website,

(v) a copy of the notice must be given to,

(A) every assessed owner of land within 550 metres of the project location,

(B) every assessed owner of land abutting a parcel of land on which the project location is situated, other than an owner described in subclause (A),

(C) every aboriginal community,

(1.) mentioned in subparagraph 5 ii of subsection 15 (6), if the list under section 14 was obtained, or

(2.) if the list under section 14 was not obtained, any aboriginal community with reserve land within or abutting the project location,

(D) the clerk of each local municipality and upper-tier municipality in which the project location is situated,

(E) the secretary-treasurer of each local roads board of a local roads area in which the project location is situated,

(F) the secretary of each Local Services Board of a board area in which the project location is situated,

(G) the secretary-treasurer of a planning board that has jurisdiction in an area in which the project location is situated,

(H) the chair of the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan,

(I) the Director, and

(J) the Ministry's district manager in each district in which the project location is situated;

(d) makes the draft site plan in respect of the project location available, within five days after publishing or posting the notice of the draft site plan under subclause (c) (i) or (ii) and until the Director makes a decision under section 47.5 of the Act in respect of a renewable energy approval, by,

(i) posting the draft site plan on the person's website, if the person has a website,

(ii) making paper copies of the draft site plan available to the public in each local municipality and in each part of unorganized territory in which the project location is situated, and

(iii) making paper copies of the draft site plan available,

(A) in each aboriginal community on the list obtained under section 14, if the list was obtained and the aboriginal community agrees to making of the copies of the draft site plan available in the community, or

(B) in each aboriginal community with reserve land within or abutting the project location, if the list was not obtained under section 14 and the aboriginal community agrees to making the draft site plan available in the community; and

(e) within five days after publishing or posting the notice of the draft site plan under subclause (c) (i) or (ii), distributes the draft site plan in respect of the project location to the Director and,

(i) to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6), or

(ii) if the list mentioned in section 14 was not obtained, to any aboriginal community with reserve land within or abutting the project location.

33. (1) Subsection 55 (1) of the Regulation is amended by striking out “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” in the portion before clause (a) and substituting “a wind facility consisting of one or more wind turbines mentioned in subsection 54 (1) if, at the time of the application, within a three kilometre radius of a noise receptor”.

(2) Clause 55 (1) (a) of the Regulation is amended by striking out “more than one wind turbine” and substituting “one or more wind turbines”.

(3) Subsection 55 (1) of the Regulation is amended by striking out “or” at the end of clause (c), by adding “or” at the end of subclause (d) (ii) and by adding the following clause:

(e) 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) is identified in an environmental screening report or environmental review report that is made available under the Environmental Screening Process pursuant to Ontario Regulation 116/01 (Electricity Projects) made under the *Environmental Assessment Act*,

(ii) is identified in a draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in that is made available or distributed in accordance with section 54.1, unless paragraph 2 of subsection (2.2) has ceased to apply under subsection (2.4), or

(iii) is identified in information made available to the public by publishing the location of the wind turbine in a newspaper or on the person’s website, if the person has a website, or by disclosing the location at a public meeting required to be held under section 16, if,

(A) the day the location information was made available to the public was before the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force, and

(B) paragraph 4 of subsection (2.2) has not ceased to apply under subsection (2.5).

(4) Subsection 55 (2) of the Regulation is amended by striking out “clauses (1) (b), (c) and (d)” in the portion before paragraph 1 and substituting “clauses (1) (b), (c), (d) and (e)”.

(5) Paragraph 1 of subsection 55 (2) of the Regulation is amended by striking out “the total distance from the wind turbine to its nearest noise receptor shall be” and substituting “the total distance from the centre of the base of the wind turbine to a noise receptor described in subsection (2.1) shall be”.

(6) Section 55 of the Regulation is amended by adding the following subsections:

(2.1) The noise receptors referred to in paragraph 1 of subsection (2) are the following:

1. The noise receptors described in paragraphs 1, 2, 3 and 5 of subsection 1 (4).
2. The noise receptors described in paragraph 4 of subsection 1 (4) that are specified by the Director in the renewable energy approval.

(2.2) Subsection (2) does not apply in respect of a noise receptor described in subsection (2.1) that did not exist on the earliest of the following days:

1. The day the person proposing to construct, install or expand the wind turbine issued or published a notice of completion in respect of the renewable energy generation facility pursuant to Ontario Regulation 116/01 (Electricity Projects) made under the *Environmental Assessment Act*.
2. Subject to subsections (2.3) and (2.4) and section 54.1, the day before the person proposing to construct, install or expand the wind turbine has published or posted notice of the draft site plan in respect of the project location in accordance with subclause 54.1 (c) (i) or (ii).
3. The day the person proposing to construct, install or expand the wind turbine submitted an application for the issue of a renewable energy approval to the Director.
4. Subject to subsection (2.5), the day before the person proposing to construct, install or expand the wind turbine made the location of the proposed wind turbine available to the public by publishing the location in a newspaper or on the person’s website, if the person has a website, or by disclosing the location at a public meeting required to be held under section 16, if the day the location information was made available to the public was before the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force.

(2.3) Paragraph 2 of subsection (2.2) applies,

(a) only in respect of the first time the person makes available or distributes a draft site plan of the project location; and

(b) if the construction or installation is on privately owned property, the person obtained property rights sufficient to permit the construction or installation of all of the wind turbines that are proposed to form part of the wind facility.

(2.4) Paragraph 2 of subsection (2.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after the day referred to in that paragraph or such other time as may be approved by the Director under subsection (2.6).

(2.5) Paragraph 4 of subsection (2.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after the day subsection 1 (1) of Ontario Regulation 521/10 made under the Act comes into force or such other time as may be approved by the Director under subsection (2.6).

(2.6) The Director may, upon written request and within the six-month period referred to in subsection (2.4) or (2.5), extend the six-month period if the Director is of the opinion that the person has made all reasonable efforts to submit an application within the six-month period, but is not able to do so due to circumstances beyond his or her control.

(7) The Table to section 55 of the Regulation is revoked and the following substituted:

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 the centre of the base of the wind turbine to a noise receptor described in subsection 55 (2.1) (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

34. Section 61 of the Regulation is revoked and the following substituted:

PART VIII TRANSITION

Definition

61. In this Part,

“pre-2011 Regulation” means this Regulation as it read on December 31, 2010.

Transition, Part IV and Table 1

62. (1) Subject to subsections (2) to (6), if a person who proposes to engage in a renewable energy project distributed a notice mentioned in subsection 15 (1) on or before December 31, 2010,

(a) sections 11 and 13 to 32 of this Regulation and Table 1 of this Regulation do not apply to the renewable energy project;

(b) sections 11 and 13 to 32 of the pre-2011 Regulation and Table 1 to the pre-2011 Regulation continue to apply to the renewable energy project;

(c) references in Part I, II, III, V, VI or VII or section 12 of this Regulation to sections in Part IV of this Regulation, other than section 12, and to Table 1 of this Regulation are deemed to be references to those sections of the pre-2011 Regulation and that Table to the pre-2011 Regulation; and

(d) references in sections 11 and 13 to 32 of the pre-2011 Regulation and in Table 1 to the pre-2011 Regulation to sections in Part I, II, III, V, VI or VII or section 12 are deemed to be references to those sections of this Regulation.

(2) A person referred to in subsection (1) may elect to have sections 23.1 and 28 of this Regulation apply to the renewable energy project by giving notice of the election to the Director as part of an application for a renewable energy project.

(3) If a person makes an election under subsection (2),

(a) section 28 of the pre-2011 Regulation does not apply to the renewable energy project;

(b) sections 23.1 and 28 of this Regulation apply to the renewable energy project;

(c) references in Part I, II, III, V, VI or VII or section 12 of this Regulation to sections 23.1 and 28 are deemed to be references to sections 23.1 and 28 of this Regulation;

(d) references in sections 11, 13 to 27 and 29 to 32 of the pre-2011 Regulation to section 28 are deemed to be references to section 28 of this Regulation.

(4) A person referred to in subsection (1) may elect to have one or more sections of Part IV of this Regulation, other than section 12, 23.1 or 28, or one or more items of Table 1 to this Regulation apply to the renewable energy project by giving notice of the election to the Director as part of an application for a renewable energy project.

(5) The notice mentioned in subsection (4) shall identify,

(a) the sections of Part IV, other than section 12, 23.1 or 28, to which the election applies; and

(b) the items of Table 1 to which the election applies.

(6) If a person makes an election under subsection (4),

(a) those sections of the pre-2011 Regulation or items of Table 1 to the pre-2011 Regulation identified in the notice do not apply to the renewable energy project;

(b) those sections of this Regulation or items of Table 1 to this Regulation identified in the notice apply to the renewable energy project;

(c) references to those sections identified in the notice in Part I, II, III, V, VI or VII or section 12 of this Regulation, in those sections or in items identified in the notice are deemed to be references to those sections or items of this Regulation;

(d) references to those items identified in the notice in Part I, II, III, V, VI or VII or section 12 of this Regulation, in those items or in sections identified in the notice are deemed to be references to those sections or items of this Regulation; and

(e) references in Part IV of the pre-2011 Regulation, other than section 12, and in Table 1 to the pre-2011 Regulation to those sections or items identified in the notice are deemed to be references to those sections or items of this Regulation.

Transition, definition of “woodland”

63. (1) If a person who proposes to engage in a renewable energy project has distributed a notice mentioned in subsection 15 (1) on or before December 31, 2010, the definition of “woodland” as it read in the pre-2011 Regulation continues to apply to all references to “woodland” in this Regulation.

(2) Despite subsection (1), a person referred to in that subsection may elect to have the definition of “woodland” in subsection 1 (1) of this Regulation apply to all references to “woodland” in this Regulation by giving notice of his or her election to the Director as part of an application for a renewable energy project.

Transition, s. 1 (4)

64. A person who proposes to engage in a renewable energy project and has distributed a notice mentioned in subsection 15 (1) on or before December 31, 2010 may elect to have paragraph 4 of subsection 1 (4) as it read in the pre-2011 Regulation continue to apply to all references to paragraph 4 of subsection 1 (4) of this Regulation by giving notice of his or her election to the Director as part of an application for a renewable energy project.

35. (1) Items 1 and 2 of Table 1 of the Regulation are revoked and the following substituted:

1.	Construction plan report	Set out a description of the following in respect of the renewable energy project:	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
		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.	
		4. Mitigation measures in respect of any negative environmental effects mentioned in	

		paragraph 3.	
2.	Consultation report	<p>Set out information relating to consultations conducted in respect of the renewable energy project, including the following:</p> <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. 7. A description of the manner in which the location of the wind turbines was made available to the public, if a person proposing to engage in a project in respect of a class 4 or 5 wind facility relied on paragraph 4 of subsection 54 (1.2) or paragraph 4 of subsection 55 (2.2). 8. If paragraph 7 applies, proof of the date on which the location of the wind turbines referred to in that paragraph was made available to the public. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.

(2) Item 4 of Table 1 of the Regulation is revoked and the following substituted:

4.	Design and	1. Set out a site plan of the project location at	Any renewable
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	operations report	which the renewable energy project will be engaged in, including,	energy project, other than a project in respect of a Class 2 wind facility.
		i. one or more maps or diagrams of,	
		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: 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,	
		ii. a description of each item diagrammed under subparagraph i,	
		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,	
		iv. a description, map or diagram of the distance between the base of any wind turbines and any public road rights of way or railway rights of way that are within a distance equivalent to the length of any blades of the wind turbine, plus 10 metres,	

		<p>v. a description, map or diagram of the distance between the base of any wind turbines and all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded within a distance equivalent to the height of the wind turbine, excluding the length of any blades, and</p>	
		<p>vi. a description, map or diagram of the distance between the base of each wind turbine and the nearest noise receptor.</p>	
		<p>2. Set out conceptual plans, specifications and descriptions related to the design of the renewable energy generation facility, including a description of,</p>	
		<p>i. any works for the collection, transmission, treatment and disposal of sewage, including details of any sediment control features and storm water management facilities,</p>	
		<p>ii. any things from which contaminants are discharged into the air, and</p>	
		<p>iii. any systems, facilities and equipment for receiving, handling, storing and processing any waste, biomass, source separated organics, farm material and biogas.</p>	
		<p>3. Set out conceptual plans, specifications and descriptions related to the operation of the renewable energy generation facility, including,</p>	
		<p>i. in respect of any water takings,</p>	
		<p>A. a description of the time period and duration of water takings expected to be associated with the operation of the facility,</p>	
		<p>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</p>	
		<p>C. an assessment of and documentation showing the potential for the facility to interfere with existing uses of the water expected to be taken,</p>	
		<p>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</p>	

		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,	
		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,	
		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,	
		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,	

		<p>i. measures to provide information regarding the activities occurring at the project location, including emergencies,</p>	
		<p>ii. means by which persons responsible for engaging in the project may be contacted, and</p>	
		<p>iii. means by which correspondence directed to the persons responsible for engaging in the project will be recorded and addressed.</p>	
		<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>	
		<p>i. how the project may impact any shoreline, including the ecological functions of the shoreline, and</p>	
		<p>ii. how the project will be engaged in to,</p>	
		<p>A. maintain the natural contour of the shoreline through the implementation of natural shoreline treatments, such as planting of natural vegetation and bioengineering, and</p>	
		<p>B. use a vegetative riparian area, unless the project location is used for agricultural purposes and will continue to be used for such purposes.</p>	

(3) Items 6 and 7 of Table 1 of the Regulation are revoked and the following substituted:

6.	Emission summary and dispersion modelling report	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.	A renewable energy project in respect of one of the following facilities:
			1. A Class 3 anaerobic digestion facility.
			2. Class 1 thermal treatment facility, if the generating unit of the facility is located at a location other than a farm operation.
			3. A Class 3 thermal treatment

7.	Hydrogeological assessment report		facility.
			4. A biogas facility.
			5. A biofuel facility.
		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:	A renewable energy project in respect of one of the following facilities:
		i. A professional engineer.	1. A Class 2 anaerobic digestion facility if,
		ii. A professional geoscientist.	i. the facility is located at a farm operation, and
		iii. A person working under the supervision of a person mentioned in subparagraph i or ii.	ii. section 10 or 13 of Ontario Regulation 267/03 (General) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation.
		2. Set out the following information in respect of the renewable energy project:	2. A Class 3 anaerobic digestion facility.
		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.	3. A Class 2 thermal treatment facility if section 10 or 13 of Ontario Regulation 267/03 (General) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation where
		ii. An assessment of the suitability of the project location for the handling, storage and processing of biomass, taking into account,	

		A. the design of the facility, including existing features and features that are proposed to be implemented to control the expected production of leachate,	the facility is located. 4. A Class 3 thermal treatment facility.
		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.	

(4) Items 9, 10 and 11 of Table 1 of the Regulation are revoked and the following substituted:

9.	Odour study report	Set out a description of the following in respect of the renewable energy project:	A renewable energy project in respect of one of the following facilities:
		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.	1. A Class 3 anaerobic digestion facility.
		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.	2. A biogas facility. 3. A biofuel facility. 4. A Class 3 Thermal Treatment Facility.
10.	Project description report	Set out a description of the following in respect of the renewable energy project:	Any renewable energy project.
		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. If the person proposing to engage in the project does not own the land on which the	

		project location is to be situated, a description of the permissions that are required to access the land and whether they have been obtained.	
		8. Any negative environmental effects that may result from engaging in the project.	
		9. 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.	
11.	Surface water assessment report	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:	A renewable energy project in respect of one of the following facilities:
		i. A professional engineer.	1. A Class 2 anaerobic digestion facility if,
		ii. A professional geoscientist.	i. the facility is located at a farm operation, and
		iii. A person working under the supervision of a person mentioned in subparagraph i or ii.	ii. section 10 or 13 of Ontario Regulation 267/03 (General) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation.
		2. Set out the following information:	2. A Class 3 anaerobic digestion facility.
		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.	3. A Class 1, 2 or 3 thermal treatment facility.
		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,	
		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,	
		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,	

		C. the ability to identify any negative environmental effects of leachate production on the surface water by monitoring, and	
		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.	

(5) Item 13 of the Table 1 of the Regulation is revoked and the following substituted:

13.	Specifications report, Class 2 wind facility	Provide:	A renewable energy project in respect of a Class 2 wind facility.
		1. All of the manufacturer's specifications that are available in respect of the wind turbine.	
		2. The acoustic emissions in terms of overall sound power level and the corresponding frequency spectrum, in terms of octave-band sound power levels.	
		3. A site plan, drawn to scale, including the project location, property boundaries, location of all proposed wind turbines and all noise receptors and public roads (within a 1 kilometre radius from the base of each wind turbine).	
		4. A table listing the distances from the base of each proposed wind turbine relative to each noise receptor diagrammed under paragraph 3 in metres.	
14.	Specifications report, wind facility (not class 2)	Provide specifications of each wind turbine, including:	A renewable energy project in respect of a Class 3, 4 or 5 wind facility.
		1. The make, model, name plate capacity, hub height above grade and rotational speeds.	
		2. The acoustic emissions data, determined and reported in accordance with standard CAN/CSA-C61400-11-07, "Wind Turbine Generator Systems — Part 11: Acoustic Noise Measurement Techniques", dated October 2007, including the overall sound power level, measurement uncertainty value, octave-band sound power levels (linear weighted) and tonality and tonal audibility.	

36. Table 2 of the Regulation is revoked and the following substituted:

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

Item	Column 1	Column 2
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1.	Total Liquid Digestate Storage Volume (m ³)	Distance (m)
2.	≤1000	125
3.	>1000 and ≤ 1250	129
4.	>1250 and ≤ 1500	134
5.	>1500 and ≤ 1750	139
6.	>1750 and ≤ 2000	144
7.	>2000 and ≤ 2250	151
8.	>2250 and ≤ 2500	156
9.	>2500 and ≤ 2750	162
10.	>2750 and ≤ 3000	167
11.	>3000 and ≤ 3250	171
12.	>3250 and ≤ 3500	176
13.	>3500 and ≤ 3750	180
14.	>3750 and ≤ 4000	184
15.	>4000 and ≤ 4250	188
16.	>4250 and ≤ 4500	192
17.	>4500 and ≤ 4750	196
18.	>4750 and ≤ 5000	199
19.	>5000 and ≤ 5500	206
20.	>5500 and ≤ 6000	212
21.	>6000 and ≤ 6500	218
22.	>6500 and ≤ 7000	224
23.	>7000 and ≤ 7500	229
24.	>7500 and ≤ 8000	235
25.	>8000 and ≤ 8500	240
26.	>8500 and ≤ 9000	245
27.	>9000 and ≤ 9500	249
28.	>9500 and ≤ 10000	254
29.	>10000 and ≤ 11000	262
30.	>11000 and ≤ 12000	271
31.	>12000 and ≤ 13000	278
32.	>13000 and ≤ 14000	286
33.	>14000 and ≤ 15000	292
34.	>15000 and ≤ 16000	299
35.	>16000 and ≤ 17000	306
36.	>17000 and ≤ 18000	312
37.	>18000 and ≤ 19000	318
38.	>19000 and ≤ 20000	323

37. This Regulation comes into force on the later of January 1, 2011 and the day it is filed.

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