

JAN 09 2012

Ministry of the Environment

Ministère de l'Environnement

Office of the Minister

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January 5, 2012

ENV1283MC-2011-3665

Mr. Randy Pettapiece, MPP
Perth-Wellington
55 Lorne Avenue East
Stratford ON N5A 6S4

Dear Mr. Pettapiece:

Thank you for your letter of December 15, 2011 to the Ministry of the Environment regarding the appeal period for NextEra Energy's (NextEra) Conestogo Wind Energy Centre project (Conestogo project) and the role of local municipalities and the public in the Renewable Energy Approval process.

Green energy is a key part of the province's plan to combat climate change and phase out coal. Experts such as David Suzuki and Al Gore agree the Green Energy Act is making Ontario a global leader in clean energy. Clean energy is helping us replace dirty coal-fired plants and protect the health of Ontarians for future generations. The use of coal is down over 90 percent in 2011 compared to 2003, which means cleaner air, fewer hospital visits, and savings on environmental and health-care costs. The Green Energy Act has attracted billions of dollars in investment to this province, and helped create thousands of jobs for Ontarians.

The Government of Ontario introduced and passed the Green Energy and Green Economy Act, 2009 in May 2009. As part of this effort, the Ministry of the Environment developed a renewable energy approval process to support the development of renewable energy projects. On September 24, 2009, the Renewable Energy Approval Regulation (Ontario Regulation 359/09) became law. Ontario Regulation 359/09 outlines new requirements for renewable energy projects including wind, biomass, and solar projects.

The Government of Ontario, through my ministry, is committed to seeing that renewable energy facilities are developed in a way that is protective of human health and the environment. My ministry is also committed to assisting the government in meeting its goals to increase the supply of electricity from clean and new renewable energy projects.

I understand from your letter that you have some concerns regarding the role of local municipalities and the public in the Renewable Energy Approval process. This government recognizes the importance of local interest and for this reason, an applicant of a renewable energy project must consult with local municipalities prior to applying for a Renewable Energy Approval.

Given the importance of municipal consultation, there are specific requirements for municipal consultation outlined in Ontario Regulation 359/09. The proponent must meet these requirements before submitting a Renewable Energy Approval application. Furthermore, the Ministry of the Environment has developed a template, the Municipal Consultation Form, which the applicant uses to document project-specific matters raised by the municipality. This must be submitted to the ministry as part of the application. The Township of Mapleton did submit the Municipal Consultation Form and it was reviewed by the ministry.

Please note that as a result of municipal consultation, NextEra has committed to entering into a Road Users Agreement and Development Agreement with the Township of Mapleton. In addition, NextEra will provide the Traffic Management Plan to the Township of Mapleton and County of Wellington.

Staff from my ministry met with local residents and municipal officials to discuss this particular project. The information provided at the time of these meetings, as well as written submissions, was taken into consideration when reviewing the proposed project.

Once a decision has been made on whether or not to approve the application, the Ministry of the Environment posts a decision notice on the Environmental Registry. A third party may require a hearing by the Environmental Review Tribunal within 15 days after the date the Decision was posted to the Environmental Registry by written notice served to the Environmental Commissioner of Ontario, the Ministry of the Environment, the Proponent, and the Environmental Review Tribunal. A third party may require a hearing only on the grounds that engaging in the renewable energy project in accordance with the renewable energy approval will cause serious harm to human health or serious and irreversible harm to plant life, animal life or the natural environment.

The Environmental Review Tribunal operates as a fair, impartial quasi-judicial body with the role of adjudicating applications and appeals under various environmental and planning statutes, including the Environmental Protection Act. The Environmental Review Tribunal is subject to the rules of natural justice and the requirements of the Statutory Powers Procedure Act.

In your letter you requested an extension of the appeal period for the ministry's decision regarding the Conestogo project. The Environmental Protection Act sets out the appeal period for Renewable Energy Approvals in subsection 142.1(2). The 15-day appeal period is a statutory time that cannot be extended by the Ministry of the Environment or the Environmental Review Tribunal.

As a condition of the Renewable Energy Approval, NextEra is required to provide a copy of the approval to both the Township of Mapleton and the County of Wellington. NextEra provided verbal notification to the Township of Mapleton and e-mail notification to the County of Wellington. Further, NextEra has posted the Renewable Energy Approval application and a copy of the approval on its website.

The Ministry of the Environment is committed to meeting the six-month service guarantee for decisions on Renewable Energy Approval applications. Due to numerous outstanding issues and the complexity of this project, the Ministry of the Environment used the stop clock provisions to stop the six-month review on this application. The number of comments received on the Environmental Registry, comments from the Township and Aboriginal communities and project changes required additional review time for ministry staff. As all outstanding issues on this application were resolved in November of this year, the six-month service guarantee clock resumed and a decision rendered within the six-month service guarantee.

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Further information about the Renewable Energy Approval process can be found on our website at http://www.ene.gov.on.ca/environment/en/subject/renewable_energy/index.htm.

Should you have any questions regarding the Renewable Energy Approval process, please contact Ms. Doris Dumais, Director, Environmental Approvals Access and Service Integration Branch, at 416-314-8171 or by e-mail at doris.dumais@ontario.ca.

Again, thank you for bringing your concerns to my attention, and please accept my best wishes.

Yours sincerely,



Jim Bradley
Minister

c: The Honourable Dalton McGuinty
Premier

The Honourable Chris Bentley
Minister of Energy