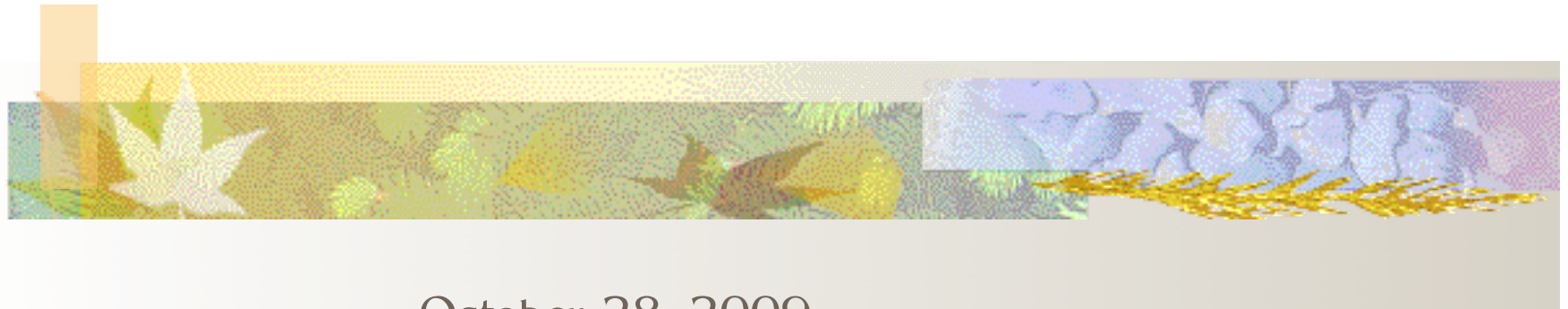


Green Energy Act and Renewable Energy Approvals



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Overview

- *Environmental Protection Act, Part V.0.1*
- *Renewable Energy Approvals Regulations*
- *Hanna v. Ontario*



Bill 150

- New *Green Energy Act, 2009*
- Major amendments to eight statutes
- Minor amendments to seven statutes





Key elements

- Commitment to conservation
- Priorities for renewables
 - feed in tariff
 - right to connect
 - streamlined approvals



Major amendments:

- *Electricity Act 1998*
- *Ontario Energy Board Act 1998*
- *Environmental Protection Act*
- *Cooperative Corporations Act*
- *Building Code Act, 1992*
- *Planning Act*
- *Conservation Authorities Act*
- *Provincial Parks and Conservation Reserves Act, 2006*



Environmental Protection Act

- New Part V.0.1
- Designated renewable energy projects
- Renewable energy approvals
- EA definition of “environment”
- Exempt from most local/ prov. controls



Getting Approvals

- 6 month service guarantee
 - Approvals ramping up
- Renewable energy policies
- Renewable energy facilitator



Appeals

- Grounds:

- Serious harm to human health
- Serious and irreversible harm to plant, animal, natural environment
 - meaning?

- Opponent has onus



Siting

- Will setbacks do it?
- Urban v. rural projects
- Special areas
- Approvals v. nuisance
 - *Barrette v. St. Lawrence Cement*



Conservation Authorities Act

- CA must permit renewable energy projects in controlled areas, except if necessary to control:
 - Pollution
 - Flooding
 - Erosion
 - Dynamic beaches





Overview

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O. Reg. 359/09

- 4 classes:
 - anaerobic digestion
 - solar
 - thermal treatment
 - wind
- Includes standby fossil
- Exemptions:
 - wall/roof mounted solar/ wind



Approvals Process

- Detailed application - Table 1
- Consultation:
 - Public/ aboriginal/ municipal
- Protected areas
- Setbacks/ assessments
 - archaeology / heritage
 - environment / water



Process-specific rules

- Anaerobic digestion
 - odour control/ setbacks /FA
- Thermal
 - ESDM/ noise / FA
- Wind
 - noise/ setbacks
 - cumulative impacts



Appeals

- 6 month deemed approval
- Adjournments / judicial review delays don't count



Moving target

- 359/09 already amended
- 367/09
 - new setbacks not applicable to existing/
previously approved / previously exempt
wind projects





Overview

- *Green Energy Act, Part V.0.1*
- *Renewable Energy Approvals Regulations*
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Hanna v. Ontario

- Judicial review of 35, 53-55
- Injunction against all wind approvals
- Alleges breach of SEV/ EBR/
precautionary principle
 - “*great scientific uncertainty around the health effects of industrial wind turbines*”
- Minimal chance of success







Thank you!!

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