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Ontario's Renewable Energy Approval

The Renewable Energy Approval (REA) was designed to ensure that renewable energy projects are developed in a way that is protective of human health and the environment.

The REA is a major step forward in facilitating the Green Energy initiative, a key component in the province's plan to combat climate change. An increased emphasis on renewable energy sources will help phase out coal-fired generation at Ontario Power Generation power plants. It will encourage new investment in renewable energy sources – wind, solar, bio-energy and water power, for example – helping to create a stronger, greener economy and well-paying green jobs.

Highlights of the Renewable Energy Approval (REA)

The REA integrates two existing environmental approval processes to ensure the natural environment is protected. Study requirements under the Environmental Assessment Act and provincial standards under the Environmental Protection Act are now part of the REA process. The improved process replaces what was largely an applicant-driven environmental assessment framework and replaces it with clear provincial rules and requirements.

The REA process continues to ensure transparent decision-making and mandatory public consultation.

Following is a synopsis of requirements for renewable energy projects. More detail is contained in specific fact sheets, and in a Renewable Energy Approval Guide, which will be available in early October.

Wind

Wind facilities generating 3 kilowatts (kW) or more require an REA. These facilities provide a range of energy needs, typically enough power for a small group of households to large-scale industrial or residential needs.

The REA process is one of the most stringent in Canada, North America, and internationally. Ontario is one of the few jurisdictions that have set a single minimum setback across the entire province, providing certainty to wind energy developers and community residents.

Ontario has taken a cautious approach to setting standards for wind setbacks and noise limits to protect Ontarians. Ontario is a leader in establishing clear setbacks for renewable energy projects that are protective of human health and the environment.

Solar

Ground mounted solar facilities over 10 kW require an REA and, as part of the application, a noise study to demonstrate the facility can meet a 40 decibel noise level for people nearby, such as a residence. Ten kW is the average energy requirement of five to ten mid-sized homes. Roof-top and wall-mounted solar facilities do not require an REA.

Bio-energy

Bio-energy facilities use the energy stored in organic matter to generate electricity, including agricultural residues, animal manure, waste wood and landfill gas. The requirements that must be met to obtain an approval vary depending on the facility location, the organic material and size. Farm based anaerobic digestion facilities must be set back at least 250 metres from buildings used by people, such as a residence. In some cases, these facilities can meet a set of best management practices to mitigate impacts such that a setback can be reduced to 125 metres. Large industrial facilities must submit studies identifying noise, odour and air emissions and how these impacts will be addressed.

Water

Water power projects do not require an REA because the approach to the environmental review of water power projects was improved in 2008 with the introduction of the Class Environmental Assessment for water power projects. The current rules for water power projects are customized with clear requirements for considering environmental impacts.

Transition Provisions

Transition provisions are in place for renewable energy projects that were proceeding through the existing approvals process:

- Projects not yet built but have the required Certificates of Approval and Permits will not require an REA and will not be subject to the new rules
- Certain classes of wind facilities that have an Ontario Power Authority contract and have issued a Notice of Completion at the time the regulation is made can continue with the environmental assessment process and are required to apply for a Certificate of Approval. They must, however, comply with the 550 metre minimum noise setback and the new property and road setbacks will apply.

Consultation

The REA has established clear requirements around public consultation and community awareness. Proponents must notify nearby landowners and the community early in the planning stages, and hold at least two community consultation meetings. They must also consult with municipalities on matters related to servicing and infrastructure, and must engage Aboriginal communities early in the REA process to ensure that any impacts to Aboriginal or treaty rights are addressed.

Appealing an Approval Decision

Anyone can appeal the approval of a proposed renewable energy project.

The Environmental Review Tribunal will have six months to assess whether or not the proposed project will cause serious harm to human health or serious and irreversible harm to the natural environment.

This balances the need for certainty and timeliness of approvals with the need for legitimate concerns to be heard and addressed.