



Minutes
Municipality of West Grey Committee of the Whole
Held on Monday, March 5, 2018 at 1:12 p.m.
At the Council Chambers – West Grey Municipal Office

Council Mayor Kevin Eccles, Deputy Mayor John A. Bell, Councillor Bev Cutting, Councillor Rebecca Hergert, Councillor Doug Hutchinson, Councillor Carol Lawrence, Councillor Rob Thompson

Staff Laura Johnston, CAO/Deputy Clerk; Mark Turner, Clerk.
Kerri Mighton, Director of Finance - during report.
Tom Culliton, Facilities Manager – during Director of Finance/Treasurer Report.

Declarations of Pecuniary Interest and General Nature Thereof – None

Closed Session - None

REGULAR AGENDA:

Matters Arising from the Closed Session – n/a

Public Meetings - None

Delegations

Rick Chappel, District Manager, and Andrew Barton, Owen Sound District Office, Ministry of the Environment and Climate Change (MOECC)

Rick Chappel, District Manager, Andrew Barton, and Tamer Alexan Gorgy, Owen Sound District Office, Ministry of the Environment and Climate Change (MOECC), gave a powerpoint presentation on MOECC renewable energy approvals (REA) and wind turbine facility approvals, complaints, studies and assessment, ministry compliance approach, and information specific to the East Durham Wind Facility.

In general, all large wind, solar and bio-energy projects require a REA including: wind >50kW (small wind 3kw-50kW have streamlined requirements); ground mounted solar >500kW (Solar projects between 10kW – 500kW can go through EASR);and bio-energy facilities (anaerobic digestion or thermal treatment facilities using biomass, biogas or

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biofuel)/ REA does not apply to: waterpower projects; rooftop solar; bio-energy projects on farms that opt to follow the Nutrient Management Act process instead, and very small projects.

The presentation also detailed the key information found in a wind facility approval (REA). The main complaints regarding wind turbines include noise, shadow flicker, health issues, and safety lights.

The ministry continues to actively review emerging peer reviewed scientific, health, acoustics and engineering studies to strive for continuous improvement relating to wind turbines. As new information comes to light, we will review and amend our requirements as appropriate. The ministry's Technical Assessment and Standards Development Branch, provides toxicological, engineering and risk assessment expertise in support of ministry policies, regulations and programs including the renewable energy program. The Technical Assessment and Standards Development Branch is one of the branches within the ministry that the District Office staff seek advice from when responding to queries on peer reviewed scientific, health, and engineering studies relating to noise from wind turbines.

The MOECC detailed their compliance approach include compliance inspections, and compliance strategies. Proactive compliance activities include ministry initiated site visits, and visits conducted at a variety of times (not limited to office hours). The Environment Officer makes proactive visits to the facility to undertake field observations (qualitative assessment). If the Environment Officer notes a potential impact from wind turbine noise a quantitative assessment is made using a noise meter. The MOECC also cited their quantitative noise assessment methods.

The presentation also provided background history on the East Durham Wind Facility. The ministry received 1st and 2nd Acoustic I-Audit Reports on August 16, 2016 and February 6, 2017, as required by the REA. On April 19, 2017, the ministry released an updated Compliance Protocol for Wind Turbine Noise – 2017, NPC 350 (Compliance Protocol). The ministry conducted a preliminary review of the Acoustic Audits using the updated Compliance Protocol and determined that the reports do not contain sufficient information. As a result the ministry requested additional data be submitted related to the I-Audits at East Durham. NextEra Energy has committed to combining data to fulfill the requirements of the 1st audit, and conduct additional monitoring in the spring of 2018 to meet the requirements of the 2nd audit.

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The Committee of the Whole asked if the MOECC is present when audits take place. Mr. Barton noted it is required to be done by an independent acoustic company, being quite a complicated process that takes 6-8 weeks to obtain the data – the MOECC is involved in the process but not on the ground. Mr. Barton added that the initial audits for Next Era were sent in at the correct time, but they knew there were going to be changes due to a new protocol, so they were able to get sufficient data from both audits for one of the requirements of the new protocol, however, there was more information needed.

The Committee asked how many complaints have been lodged regarding the East Durham Wind Energy Centre project. Mr. Barton stated approximately 300, with most occurring just after the turbines came into operation.

The Committee opined there are a lot more than 300 complaints, and given the high number of complaints, did the MOECC conduct any audits at the homes of the complainants. Mr. Barton responded that the MOECC hasn't obtained evidence yet that there is high enough noise to warrant tests at residences. Mr. Chappell noted they have spoken to complainants related to these turbines, including as late as last Saturday. Mr. Chappell indicated the MOECC first make their own observations to determine if it appears noisy before requiring noise assessments.

The Committee noted winter isn't a time the MOECC monitor turbines, however, winter would be a time more likely to give a more accurate acoustical reading as there are no leaves and less wildlife. Mr. Chappell indicated monitoring can be done in winter, however, there are limitations on equipment use due to low temperatures and extra precipitation, The MOECC can conduct hand-held monitoring in winter.

The Committee asked if the MOECC will fine Next Era for filing their reports late. Mr. Chappell replied that the MOECC wants to make sure when reports are submitted they are complete reports, and if they can't complete the requirements for reports on time, the wind company advises MOECC. The Committee questioned if the testing done by an independent consultants or by Next Era employees. Mr. Chappell responded that the independent companies are not associated with Next Era.

The Committee questioned if the MOECC knows what data is missing from the two NextEra reports. Mr. Chappell noted not specifically, as another branch of the MOECC review the reports, but they could find out and report back to West Grey. The Committee asked if a new audit will be done this

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Spring. Mr. Chappell indicated there may not be a new audit, just a collection of additional data.

The Committee questioned that only 300 complaints regarding the East Durham Wind Energy Centre project have been received from the MOECC, as Council is aware that one individual alone has submitted over 270 complaints. The Committee asked if the MOECC has responded to all complainants. Mr. Chappell indicated the MOECC does not respond to all complaints, for instance, if weather was an issue or if the compliance path forward was already determined for the company to take appropriate action.

The Committee mentioned that the first step in response to a complaint is speaking to the complainant, and asked if MOECC does that. Mr. Chappell stated not always if complainant has already indicated what conditions generate noise, the MOECC can address it without talking to the individual.

The Committee questioned how many of 300 complaints regarding NextEra have been dealt with. Mr. Chappell noted it depends if the complaint is related to noise, and the MOECC has gone out for proactive and reactive observations, including off-hours, and if there is, they will take appropriate action. The Committee asked what if the complainants state the issue is health-related. Mr. Chappell replied that the MOECC has referred to Health Canada Study and others, noting other reports sent by individuals have been sent to the MOECC technical branch, however, a lot of the information has not been scientifically based or peer reviewed, and if they were, MOECC would review accordingly.

The Committee indicated that under the Environmental Protection Act, the definition of adverse effects includes any sound or vibration under the definition of contaminants, and asked if the MOECC consider issuing a stop order. Mr. Chappell responded that with regard to the direct impact on health, wind companies have taken to the Environmental Review Tribunal on this issue and the Tribunal has determined there is insufficient evidence of health effects being caused by turbines. Therefore, if the MOECC issued an order, turbines companies can appeal to the ERT, and there appeal would be successful. There have been no successful appeals to date to the ERT.

The Committee questioned why the MOECC isn't concerned about the number of complaints given the small size of the East Durham Wind Energy Centre project, and stated additional monitoring should take place. Mr. Chappell indicated the East Durham project is not the highest or lowest number of complaints they receive. Mr. Chappell added that additional

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monitoring is an option, but the ordinary process is taking hand held measurements, and the MOECC would conduct additional testing if exceedance of noise levels are realized.

The Committee indicated it has heard the MOECC don't always set-up equipment at complainants' properties. Mr. Chappell mentioned the MOECC would take unattended devices and set up on properties for residences to use.

The Committee asked if the MOECC will follow-up with unattended measurements. Mr. Chappell stated the MOECC will have to determine when complaints come in during weather conditions and other factors. Mr. Chappell added that if people still feel they are being affected by noise from wind turbines, than they should call MOECC with their complaints. The Committee opined that people have given up complaining as the MOECC is not responding to complaints.

The Committee suggested the MOECC review existing complaints, and encouraged residents experiencing issues to submit new complaints.

The Committee questioned when the MOECC receives additional monitoring in 2018, will it be made available to West Grey. Mr. Chappell stated that once a full and complete audit is completed, the MOECC requires wind turbine companies to post on their website. The Committee questioned if there are other audits as late as the NextEra audit. Mr. Chappell a number of audits are late due to having to meet new 2017 protocols. There were approximately 170 I-Audits submitted so it is taking some time for the MOECC to review them all.

The Committee asked what is the time line for NextEra to comply. Mr. Chappell noted it would depend what information is missing and would be assessed by the Approvals Branch. The Committee questioned what is the motivation for wind turbine companies to complete a full audit when there seemingly are no fines. Mr. Chappell indicated the companies have to provide the MOECC with a reasonable answer why they cannot submit required information, and if it is not reasonable, they will take action. Mr. Chappell indicated there was a requirement in this region (Saugeen Shores) for Unifor to complete an I-audit and was non-compliant, so it had to submit a noise abatement action plan.

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The Committee asked if the MOECC will contact the top 3 complainants to determine if they can do unattended noise compliant audits. Mr. Chappell indicated they would have to have equipment available, and would have to schedule during the best time for unattended noise audits.

The Committee asked if wind turbine companies hire the independent company to complete acoustic audits, and when the MOECC responded in the affirmative, the Committee questioned how they can be objective.

The Committee questioned once the audits are completed are completed by NextEra and reviewed by the MOECC, would the MOECC be prepared to come back and discuss any questions Council might have. Mr. Chappell replied that they are not involved in the review, however, the Committee can ask the individuals who assess the report if they are willing to do so.

Business Arising From Previous Meeting - None

Staff Reports

Director of Finance/Treasurer – Report COW #03/05/18

Durham Summer Programs Wage Rate & Fee Changes – resolution #COW 9 -18

Normanby Arena/Hall Flooring – resolution #COW 10-18

Grants to Organizations Request (received for information)

Lawrence-Hutchinson, Resolved that, the Committee of the Whole hereby recommends Council approves the transfer from the Normanby Arena Hall Renovation Reserve for new flooring in 2018, and an RFP for same be authorized. .. #COW 9-18 Carried.

Lawrence-Bell, Resolved that, the Committee of the Whole hereby recommends Council approve the West Grey Fees & Charges By-law to be amended to incorporate the changes to the Durham Recreation Summer Program wage rates and program registration fees contained in the Director of Finance/Treasurer – Report COW #03/05/18. ... #COW 10-18 Carried.

Clerk – Report COW #03/05/18

Integrity Commissioner Appointment – resolution #COW 11-18

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Bell-Hergert, Resolved that, the Committee of the Whole recommends that Council pass a By-law to appoint Principles Integrity, through its principals Jeffrey A. Abrams and Janice Atwood-Petkovski, as the Municipality of West Grey Integrity Commissioner. ... #COW 11-18 **Carried.**

New Business - None

Adjournment

Bell-Cutting, Resolved that, we do now adjourn at 3:21 p.m., to meet again on March 26, 2018, 9:00 a.m., or at the call of the Mayor.
Carried.

(Signed)
Kevin Eccles, Mayor

(Signed)
Mark Turner, Clerk