

Multi-Municipal Wind Turbine Working Group

Thursday, October 11, 2018 at 7:00 p.m.
Chesley Fire Hall
211 1st Ave N., Chesley, Ontario

MINUTES

A meeting of the Multi Municipal Wind Turbine Working Group was held on Thursday, October 11, 2018 at the Chesley Fire Hall.

Participating Municipalities Present:

Municipality	Name of Members in attendance
Arran-Elderslie	Mark Davis, Doug Bell
Bluewater	Dave Roy
Brockton	Philip Englishman
Chatsworth	Scott Mackey, Elizabeth Thompson, Tony Clark
Georgian Bluffs	Dwight Burley, Carol Barfoot
Grey Highlands	Stewart Halliday, Lynn Silverton
Huron-Kinloss	Wilf Gamble, Don Murray
Kincardine	Randy Roppel
Meaford	André den Tandt
Northern Bruce Peninsula	Patricia Greig, Linda Weatherhead

Participating Municipalities Absent:

Central Huron
Wainfleet
West Grey
West Lincoln

The following members of Staff were present:

Teresa Gowan
Bill Palmer

Arran-Elderslie
Saugeen Shores

Secretary

Others in attendance were:

Lynn Szymenko	Northern Bruce Peninsula
Warren Howard	North Perth
John Black	ACW
Joan Black	ACW
Anita Frayne	ACW
Carla Stachura	ACW
Mike Stachura	ACW
Martina Hayward	
Ginny Love	
Lorrie Gillis	
Wayne Coture	Huron-Kinloss
Bonnie Roy	Bluewater
Dave Hemingway	Central Huron

Sandy Max	Haldiman County
Elizabeth Marshall	Grey-Bruce-Owen Sound
Don Crosby (not signed in)	Owen Sound (media from Grey Bruce This Week)

1. ADOPTION OF THE AGENDA

Moved by: André den Tandt

Seconded by: Dwight Burley

That the Agenda for the Multi-Municipal Wind Turbine Working Group meeting of October 11, 2018 be received and adopted, as distributed by the Recording Secretary

Carried

2. DECLARATION OF PECUNIARY INTERESTS:

No disclosures of pecuniary interests were made by the Committee.

3. APPROVAL OF MINUTES

Moved by: Patricia Greig

Seconded by: Tony Clark

That the Multi-Municipal Wind Turbine Working Group adopt the minutes of the last Committee Meeting held September 13th 2018, as circulated.

Carried

4. DELEGATIONS

4.1 Warren Howard reviewed the problems with Bill 34 - An Act to Repeal the Green Energy Act for the Committee and listed a number of continuing provincial constraints on municipal actions.

The key concern for municipalities with Bill 34 is that Section 5 of the Green Energy Act, 2009 has been carried forward by Bill 34 as Section 25.35.1 of the Electricity Act.

This section allows the government to designate renewable energy projects to assist in the removal of barriers. According to the current wording of Bill 34, municipal by-laws would continue to be "inoperative" relative to renewable energy projects.

Bill 34 protects municipal by-laws related to renewable energy projects from appeals to court challenges but again this protection is limited to by-laws that "permit" these projects. This suggests that by-laws that "prevent" the projects, like Wainfleet's 2,000 metre set-back, would not be covered by this clause.

Warren stated that other provincial rules and reports would have to be changed to allow municipalities to take action on wind turbines without challenges. These include:

- The Ministry of Health and Long Term Care statement from the Chief Medical Officer 2010 indicating that there is "no causal link between wind turbine noise and adverse health effects."
- The Ministry of the Environment, Conservation and Parks rules with respect to siting of wind turbine states under Regulation 349/09 which establishes safe noise levels at 40 dB(A), establishes set-backs from residences at 550 metres, narrows limits on ERT appeal and ignores low frequency/infrasound noise levels.
- The Ministry of Municipal Affairs and Housing in the Provincial Policy Statement - 2014 states that planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems and planning authorities should promote renewable energy systems and alternative energy systems where feasible.
- The Ministry of Finance with regard to municipal taxation states to fix assessments of wind turbines at levels that mean the taxes paid on an average home are greater than the taxes paid for a wind turbine in many municipalities.

There are a number of areas that remain to be of concern to municipalities and Warren suggests that municipalities keep addressing these issues with the new Provincial Government.

4.2 Bill Palmer presented a Powerpoint presentation "If You Find Yourself in a Hole, the First Thing to do is to Stop Digging."

Bill reviewed the fact that electricity costs are rising and will continue to rise due to 20 year contracts. Small industry and commercial corporations are hit hardest with no rebate for them. Ontario buys the wind energy power which costs Ontarians \$1.5 Billion/year yet we sell most of their output at near zero value as it is produced when we do not need it, to New York State and Michigan State.

Bill Palmer stated the members of the municipalities which are a part of this Committee host some 24% of the wind turbines in Ontario. The health of the people living near IWTs have been adversely affected. Bill stated that the Ministry of the Environment has not been responding to complaints by individuals affected by Industrial Wind Turbines.

Bill also stated that a 200 meter tall turbine is near as 93 m from public roadways, even closer to neighbour's lots. There needs to be a review of the set back requirements.

Bill Palmer summed up by stating citizens are still being blown off by the Ministry of Environment and that by cancelling the Green Energy Act will not "fill the hole."

Bill stated that the Committee thank Bill Walker MPP for sending the DVDs to other MPPs but more needs to be done.

Bill concluded with a request to MPP Bill Walker to help the Multi-Municipal Wind Turbine Working Group to speak to Minister Phillips, to present the case of citizens who are being harmed by wind turbines.

A copy of Bill Palmer's presentation is attached to these minutes for reference.

- 4.3 Randy Roppel, the Chair, welcomed Bill Walker MPP Bruce-Grey-Owen Sound and Party Whip for the Progressive Conservative Party to the Committee meeting. Since Bill Walker attended the meeting after the meeting started, both Warren Howard and Bill Palmer reviewed their presentations to Mr. Walker.

In response to the items raised by Warren Howard and Bill Palmer, Bill Walker stated that he has been on side with the Committee, and has been on side since 2011. Bill Walker went on to state that the Provincial Government has been only in power for 100 days and it is going to take some time to make changes. The Environment Minister has never been a politician before. Bill stated that he totally feels what the Committee has been doing and how people's health have been affected, and he feels their pain, but change has to be done in a logical sequence. We can't overturn a legal document. It going to take time to change legislation.

Bill Walker suggesting forming a committee and to have a credible person to do a proper study. Bill stated that if there is a committee then you'll find more accountability from staff members. The Government has more rural representatives around the table than ever before. Bill Walker stated that his process is to work with people with a positive attitude. He reminded the Committee that there is a new Minister in place and noted that you've got to give us some time.

Bill stated again that the PC Government has been in power for only 100 days and there are a lot of issues that they are working on.

Bill suggested that we work collaboratively, he said I'll do what I can to get us in the right room. We need all the players around the table. I will try to bring the idea forward. There are people here who may wish to be involved. It will still take time to make changes.

There was a short question and answer period from the Committee members.

The Chair, Randy Roppel, thanked Bill Walker for coming and stated that the Committee members around the table are elected officials and we are the closest to the people who have been affected and we need the Government to listen to the people and deal with the issues.

5. BUSINESS ARISING FROM THE MINUTES

- 5.1 There was a review of the Committee meeting schedule. The Chair asked the Committee members for their input as to the meeting schedule. Various members stated that during the winter months travel is difficult due to weather, also if there is not a lot on the agenda for the meeting, it could wait for another month. Some members stated that since the Municipal Election is coming up, perhaps the next Council members appointed to the Committee decide the schedule.

The Chair noted that the new elected Councils will be sworn in December and then the new councils will need to appoint members to various committees. By delaying the next meeting to February, this would allow time for this process to take place.

There was a suggestion for a motion.

Moved by: Carol Barfoot

Seconded by: Dwight Burley

That the Municipal Wind Turbine Working Group change the meeting structure to state no meeting in December and January, then every other month or at the call of the Chair. This new schedule to take effect February 2019.

Carried

Therefore, for clarity sake, there will be a meeting in November, 2018, no meeting in December 2018 and no meeting in January 2019, then the next meeting will be February 14, 2019. The Chair can still call a meeting at his discretion.

6. NEW BUSINESS

- 6.1 The Chair, Randy Roppel updated the Committee on his meeting with Lisa Thompson MPP Bruce-Huron on September 28, 2018. Randy said that this meeting was called quickly and he was able to meet Lisa at her constituency office. He gave Lisa a copy of Bill Palmer's One Page Briefing Note. Randy stated that he is very concerned about what is going to happen as he had heard that parts of the Green Energy Act is being moved and put into other policies, so that to say the GEA is scrapped is not entirely true. Lisa said that she would get back to Randy about that.

Randy Roppel also stated that he and Mark Davis did an interview with a reporting from the Owen Sound Sun Times. Randy was pleased with the article that appeared in the paper. Randy stated that nothing is being

done for the people who are suffering and I don't want the Government to forget these issues will be on the table until they address them.

Randy mentioned that the last time Lisa Thompson was at the Committee meeting she suggested setting up a working committee and that she would like to see five people on the committee.

The Chair suggest that we discuss in November who in the Committee would like to be involved this working committee.

7. FOR INFORMATION

7.1 The Chair, Randy Roppel, thanked the Committee members for their contribution and hope to see most of them around the table after the municipal election. Randy stated that he was the only councillor who was acclaimed in Kincardine. He wished everyone good luck with the election.

Various Committee members stated that they have enjoyed being part of the Committee and that they have learned a lot and hope to return to continue the work.

8. DATE AND LOCATION OF NEXT COMMITTEE MEETING

The next meeting date is scheduled for Thursday, November 8, 2018, at 7:00 p.m. at the Chesley Fire Hall, 211 1st Ave. N., Chesley ON NOG 1L0.

9. RESOLUTION TO MOVE INTO CLOSED SESSION AND GENERAL NATURE THEREOF (includes appointed Councillor(s) and citizen appointee)

Not Required

10. RESOLUTION TO RECONVENE IN OPEN SESSION

Not Required

11. ADOPTION OF RECOMMENDATIONS ARISING FROM CLOSED SESSION (if any)

None

12. ADJOURNMENT

Moved by: Tony Clark

Seconded by: Mark Davis

That the meeting be adjourned to the call of the Chair.

Carried

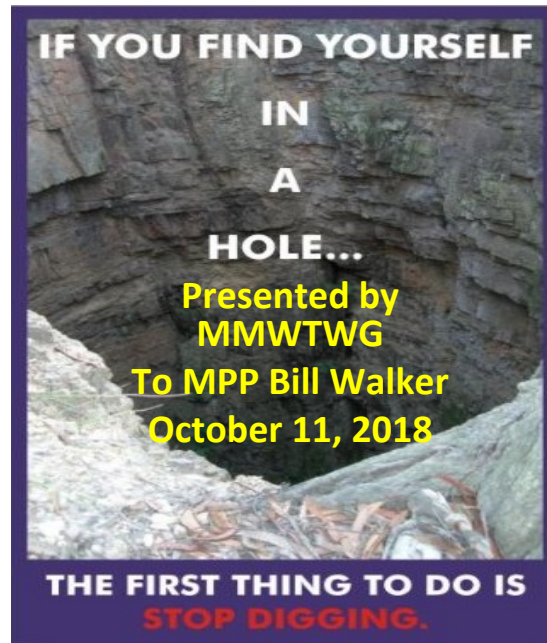
The meeting was adjourned at 8:55 p.m.

Original Signed by

Randy Roppel, Chair

Original Signed by

Teresa Gowan, Recording Secretary



BUT THEN YOU STILL NEED TO FILL IN THE HOLE

Congratulations

- The MMWTWG congratulates you, Bill Walker, and the Doug Ford government, for recognizing the depth of the hole Ontario is in.
- Ontario Debt will hit ~ \$350 Billion this year ~ \$30,000 per resident (plus \$18,000 each for their share of the federal debt, ~ \$48,000 total.)
- Ontario expected to spend \$11.4 billion + servicing its debt (in 2017). When we combine Ontario's debt servicing costs with the province's share of federal debt servicing costs, Ontario taxpayers share was a total of \$21.2 billion in federal-provincial interest payments (in 2017). That's roughly equivalent to what the Ontario government collected in HST (\$23.8 billion). With rising interest rates – look out.
- Electricity prices are rising too, and will continue to rise due to 20 year contracts – small industry & commercial, like Chapman's Dairy and local grocery stores are hit hardest (no rate rebate for them). Shifting the cost to future taxes, makes tomorrow even less bright for our kids.
- Ontario has ~ 2546 wind turbines rated at ~ 5008.3 MW (+more approved)
- We buy their output at ~ \$135 a MWh (needed or not) - costs us 1.5B\$ a year, yet we sell most of their output at near zero value as it is produced when we do not need it, to NY state and Michigan. They love us.

But it's Not all about Money

- The 14 member municipalities of the MMWTWG host some 24% of those wind turbines, and are the first point of contact for citizens to bring their concerns.
- We are clear that we are responsible for our citizens health and safety, and have listened to many citizens explain how their lives have been adversely impacted after the erection of wind turbines in accordance with the regulations.
- It is not sufficient to just cancel the Green Energy Act, and to turn approvals over to the Municipalities without changing the regulations that wind turbines are approved under. (Some of us recall July 8, 2006)
- It is not sufficient to confirm that wind farms are operating in compliance with the current regulations.

Example 1 of Harm – The MOE Expectation

- Nation Rise Wind Power – ERT still in progress, final hearing dates Oct 15, closing statements Nov 23, work carries on *"Vestas recently received a 60 MW order from Canada. V136-3.45 turbine, with hub height of 132 metres will be the tallest wind turbines in North America. (NA Windpower, Oct 4)"*
- Setback of this 200 metre tall turbine is near as 93m from public roadway, even closer to neighbour's lots.
- Ministry of the Environment – Director's Closing Submission, *"THE APPELLANT FAILED TO ESTABLISH THAT THE PROJECT WILL CAUSE SERIOUS HARM TO HUMAN HEALTH AND PUBLIC SAFETY - An appellant must prove on a balance of probabilities that harm will occur, rather than that it may or is likely to occur." i.e. >51% probable*
- The Ministry only accepts "Russian Roulette" when the 6-shooter has 4 or more bullets – *having only 3 bullets does not prove harm will occur at >51% probability – This is public safety??*

Example 2 of Harm – Another MOE Expectation

- K2 wind array – neighbours (Stachura family, Black family) bothered by tonality since array started up, in 2015. Multi complaints – MOE review and monitoring said, no problem seen – analysis of Ministry data (Palmer) PROVED tonality exists.
- Submission to Ministry of P. Eng. doc, and published peer reviewed paper, show Stachura tonality worst when wind from South, and when turbines curtailed.
- Ministry “requested” compliance audit in April 2016, still has not been done, but recent letter (MOE Chappell to Stachura) says audit will be based on when wind is from North (i.e. not when from bothersome South), and when turbine output is > 52% (i.e. not when curtailed). Only considers 5% of the time, and will miss most troublesome periods.
- Citizens had 3 days to concur with full letter of conditions or audit might be cancelled. Resident responded and identified concerns:
 - Ministry letter gags residents, may not share data received with ANYONE, period! (i.e. no Palmer analysis of data allowed this time!).
 - Ministry will not consider data from South or when curtailed that does not meet “Compliance Protocol” conditions, even if it is the bothersome situation.
- Company has until Dec. 31 to respond to provincial ORDER that they failed to submit Emissions audit REQUIRED by REA.
- It appears that the Ministry is NOT acting on behalf of the impacted citizens, and appears to be putting conditions in place to make residents refuse to accept audit at all. Even MOE seems to be gagged.

Example 3 of Harm – Ministry Response to Complaints

- Jane Wilson (WCO) presented to ERT July 2018, FOI showed 16.5% of people exposed to wind turbine noise emissions experienced stress or distress at distances up to 1 km, but that figure escalated to 25% for people exposed at 550 meters (the Ontario minimum setback).
- More than 4,500 official records of complaints about wind turbine noise, vibration and sensation. Ms. Wilson gave evidence that several ministry district offices did not give out Incident Report numbers.
- MOE response rate declined to less than 7% in 2015–2016.

Example 4 of Harm – Ministry Response to Complaints

- In Niagara Region, Max family have filed many complaints about noise. Wrote on August 16 to Minister Phillips regarding audit.
- Letter Aug 29, from Taylor Buck MOE to Max family states, *Please note that moving forward all future email complaints (including the previous 5) related to the normal operation of NRWF turbines, T89, T84 and T65, will be documented in MECP incident report # 5300-ALTK8L.*
- *Clarification on Sept 4 from Michael Durst, MOE says, "Our office will continue to review and document your concerns, but will no longer be emailing individual incident report numbers for complaint emails received. As stated in my email of August 13, 2018, the ministry's review of the monitoring data collected at your home concluded that the operation of the wind turbines is in compliance with all applicable noise limits at this time. **As such, we will be taking no further action on the issue of noise at your home related to the normal operation of the wind turbines.**"*
- Response Sept 6 from Mili New, Director MOE, stating the family had declined additional unattended monitoring – letter had actually said, "I reject the Ministry's attempt to set up and test ***until you get the numbers you like.***" (they had said previous testing was not acceptable, even though analysis of the data taken at the site (Palmer) showed tonality from the transformer station.)

Example 5 of Harm – Ministry Accepting Flawed Data

- Enbridge wind turbines started up in 2007.
- Analysis of data taken at site (Palmer) shows tonality exists, and that difference between turbines on and turbines off raises noise levels from 28.5 dBA to 40.9 dBA, with higher values at other sites, thus non compliant.
- Ministry called for "compliance audit" has been ongoing since at least June 2010, without results. (Due to difficulty with compliance protocol.)
- New contractor redid audit, using turbine speed instead of turbine output to identify power. *"As an alternative, Aercoustics proposed that the turbine electrical power threshold be replaced by a threshold based on rotational speed. These findings and recommendations were presented to the MOECC in a memo dated November 15, 2017."*
- The MOE accepted this audit. In a letter dated July 27th, Owen Sound District Manager Rick Chappell wrote to residents: *"The report states that based on the results of the assessment, the Underwood Wind Project is in compliance with applicable sound level limits at your location."*
- In fact, this audit was badly flawed, as these particular stall regulated turbines increase in noise level as power goes up, and operate at constant speed once synchronized. Both the contractor and the MOE should have known this well known feature of these wind turbines.

Example 6 of Harm – Ministry Response Incorrect

- On July 1, Palmer wrote to John Yakabuski identifying concerns with issues related to public safety on Ontario highways.
- Identified Huron Wind Blade Failure had sent blade parts 3m x 1.2 m 280 metres from turbine, and 1m x 0.15 m 560 m from turbine.
- Setback for turbines is being permitted at blade length + 10 m (and gave example of Nation Rise)
- Response “on behalf of Minister” stated, “A *minimum measured distance that is equal to the distance of the height of the wind turbine structure, plus the length of the blade is strictly controlled.*”

Finally – We Come to “The Ask”

- MPP Walker, the MMWTWG sincerely thanks you for sending to other MPPs the DVD of wind turbine issues, but we need to ask more.
- Citizens are still (since the election of the Ford Government) being “blown off” by Ministry staff in the MOECP and the MOT. Letters to Ministers do not seem to even get to the Minister’s eyes. The responses received do not take account of what is identified in the letters of concern.
- Cancelling the Green Energy Act will not “fill the hole”
- Please, **we need to request your help**, as Party Whip, to help us get in the Minister’s doors, to present the case of citizens who are harmed.

Thoughts for the Path Forward - 1

- The MOE wind turbine acceptance criterion need to consider:
 - A penalty for cyclical noise
 - A penalty for tonal noise
 - Consideration that A weighting ignores the special characteristics of wind turbine noise (low frequency, cyclical, tonal, not occasional, worse at night)
 - Consideration of something like European L_{den} that penalizes noise in the evening by 5 dB, and at night by 10 dB. Ontario turbines limited at 40 dBA, actually rate at 46.6 dB L_{den} , ABOVE the WHO recently identified limit of 45 dB L_{den}
 - Setback to homes at 550 metres is not adequate for todays turbines (depends on turbine density to identify actual required setback to achieve < 35 dBA)

Thoughts for the Path Forward - 2

- Public safety setbacks need to account for actual Ontario data, and not be based on having to prove harm
- *Requiring the 6 shooter to have 4 or more bullets is NOT adequate to show public safety*
- *No where else do we have to prove > 51% that harm will occur. Nuclear safety is based on 10^{-6} . Surprisingly the result of being killed in a nuclear accident is the same as being killed by a renewable project. Dead is Dead. Why is one 0.51 while the other is 0.000001?*
- Setback to roads or other places an unprotected citizen might be, should be > 560 metres

Thoughts for the Path Forward - 3

- Considering power costs – supply should be paid based on it's capability to generate when needed. On this basis, wind should have the lowest value.
- If 20 year contracts are not alterable (some say they might be, e.g. Bruce Pardy, Faculty of Law, Queen's University) then treat wind turbines like water power.
 - Wind now pays Municipal Taxes based on assessment rate of \$40,000 per MW x industrial mil rate, plus farmland mil rate for 1 acre per turbine. (180 MW Armow wind array pays about $(180 \times 40,000 \times 0.0315) + (90 \times \$10,000 \times 0.0030) = \$229,500$)
 - Water power pays a property tax rate for annual generation of 50 to 400 GWh or 4.5% x annual gross revenue. (Armow would pay $378,267 \text{ MWh} \times \$135 / \text{MWh} \times 0.045 = \$2,297,972$)
 - Water power in Ontario pays a "water rental" of 9.5% x annual gross revenue for use of a provincial resource, the energy in the water. Wind could equally be charged a "wind rental" for use of a provincial resource (Armow would pay the province $378,267 \text{ MWh} \times \$135 / \text{MWh} \times 0.095 = \$4,851,274$, which might be applied against the payment made for the power produced)
- Also need to consider that renewable energy projects can only take advantage of the accelerated tax write-off ONCE, not repeatedly every time company is flipped. If the value is reduced to zero, then it should not be resold at a high value.

Finally, Thanks for Listening

- Thanks for coming to visit the MMWTWG again, Mr. Walker
- If you have any questions about our presentation, we hope you will ask
- Sincerely we hope you will be able to pass our concerns on to the responsible Ministers
- We really do want to help.