

Ministry of
the Environment

Freedom of Information and
Protection of Privacy Office

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Ministère de
l'Environnement

Bureau de l'accès à l'information
et de la protection de la vie privée

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November 23, 2012

[REDACTED]
Orangeville, ON L9W 2Y8

Dear [REDACTED]

**RE: *Freedom of Information and Protection of Privacy Act* Request
Our File # A-2011-03046**

This letter is further to your request made pursuant to the *Freedom of Information and Protection of Privacy Act* for all letters, memos, records, emails, reports and communications between the Guelph District Office, Senior Environmental Officers Tomlinson and Hall and any other Ministry of the Environment office, including the Toronto Implementation and/or Approvals office, regarding a proposed Provincial Officer's Order for the Amaranth and Melancthon wind turbines and the transformer station operated by Canadian Hydro Developers (now owned by TransAlta).

Your request was for records from March 2009 to September 2010 but the ministry also wants to ensure you are aware of our comprehensive framework and regulatory tools as it relates to wind turbines. The ministry has developed a standardized approach to compliance activities related to wind turbines and has a variety of tools to ensure compliance with all approvals ranging from voluntary abatement to mandatory orders.

Regarding this particular site, ministry staff conducted many inspections and had numerous discussions with the company about actions that could reduce noise from the wind farm. While the ministry considered issuing an order to address noise, the discussions with TransAlta were successful and TransAlta agreed to place 24 turbines into an extended noise reduced operating mode from 7:00 p.m. to 7:00 a.m. when wind shear is high to reduce noise. This voluntary action addressed the noise issues ministry staff had identified and an order was not required.


While the ministry has always been able to measure noise from various sources, in August 2011, the ministry refined its noise measurement protocol for wind turbines. This standardized noise measurement protocol specific to wind turbines allows the ministry to determine the specific source of noise (i.e., distinguish the turbine noise level from the background noise level). Following the release of the protocol, the ministry has used it a number of times at the site that is the subject of your request and determined that there were no exceedances of noise standards when using the new protocol.

The ministry encourages the public to report any concerns about wind turbines to their

local district office (office numbers for the district offices are available on the ministry's website) or call the Spills Action Centre (1-800-268-6060) if they are experiencing any noise impacts so that the ministry can respond appropriately.

If you have any questions regarding this matter, please contact me at (416)327-1434.

Yours truly,



Heidi Ritscher
Manager, Corporate and Freedom of Information Services
Information Management and Access Branch

Attachment

Flynn, Magdelene (ENE)

From: Hall, Cameron (ENE)
Sent: March 25, 2010 9:09 AM
To: Glassco, Jane (ENE)
Subject: RE: latest copy of the Order/Report
Attachments: Provincial Officer Report - WTGS - March 12, 2010.doc; Director's Order - WTGs - March 12, 2010.doc; Figure 1 Melanchton EcoPower Centre March 8, 2010.pdf; Figure 2 Melanchton EcoPower Centre - WTGs March 8, 2010.pdf; Figure 3 Director's Order - WTGs to Cease Discharge of Sound Contamination - Melancthon Ecopower Centre March 8, 2010.pdf; Table 1 WTG Locations.doc; Table 2 Residence Locations.doc

Good Day Jane:

I have attached the most recent draft versions (March 12, 2010) of the Provincial Officer's Order and language for the Director's Order. .

s.13

I can discuss at your convenience.

Cameron Hall
Sr. Environmental Officer
Guelph District Office
Ministry of the Environment
1 Stone Road W., 4th Floor
Guelph, ON N1G 4Y2
(519) 826-4261
(519) 826-4286 (fax)

From: Glassco, Jane (ENE)
Sent: Thursday, March 25, 2010 8:57 AM
To: Hall, Cameron (ENE)
Subject: latest copy of the Order/Report

I would like to re-send the Order and Report to Bill....Could you please give me the latest copy? thanks

Jane

Flynn, Magdelene (ENE)

From: Glassco, Jane (ENE)
Sent: March 25, 2010 9:32 AM
To: Bardswick, Bill (ENE)
Cc: Hall, Cameron (ENE); Tomlinson, Gary (ENE)
Subject: FW: latest copy of the Order/Report
Attachments: Provincial Officer Report - WTGS - March 12, 2010.doc; Director's Order - WTGs - March 12, 2010.doc; Figure 1 Melancton EcoPower Centre March 8, 2010.pdf; Figure 2 Melancton EcoPower Centre - WTGs March 8, 2010.pdf; Figure 3 Director's Order - WTGs to Cease Discharge of Sound Contamination - Melancton Ecopower Centre March 8, 2010.pdf; Table 1 WTG Locations.doc; Table 2 Residence Locations.doc

Hi Bill:

During our teleconference next week, Cam will go thru the report and the order in detail with you.....

Jane

Flynn, Magdelene (ENE)

From: Bray, Dave (ENE)
Sent: March 12, 2010 6:48 PM
To: Hall, Cameron (ENE)
Cc: Bardswick, Bill (ENE); Tomlinson, Gary (ENE); Glassco, Jane (ENE);
Bray, Dave (ENE)
Subject: RE: Canadian Hydro Developers\TransAlta Draft Order
Importance: High

Cam. As a follow-up to our conversation this afternoon regarding the meeting scheduled for April 8, 2010 with Bill and EAAB staff,

s.13

Dave Bray
District Supervisor
Guelph District Office
Ministry of the Environment
1 Stone Road West
Guelph, ON
N1G 4Y2

519-826-6549
1-800-265-8658 X66549

From: Bardswick, Bill (ENE)
Sent: March 08, 2010 5:20 PM
To: Tomlinson, Gary (ENE); Glassco, Jane (ENE); Bray, Dave (ENE)
Cc: Hall, Cameron (ENE)
Subject: RE: Canadian Hydro Developers\TransAlta Draft Order

s.13

Flynn, Magdelene (ENE)

From: Glassco, Jane (ENE)
Sent: March 08, 2010 9:05 PM
To: Tomlinson, Gary (ENE); Bray, Dave (ENE)
Cc: Hall, Cameron (ENE)
Subject: RE: Canadian Hydro Developers\TransAlta Draft Order

Gary:

s.13

Jane

From: Tomlinson, Gary (ENE)
Sent: March 8, 2010 5:15 PM
To: Glassco, Jane (ENE); Bardswick, Bill (ENE); Bray, Dave (ENE)
Cc: Hall, Cameron (ENE)
Subject: Canadian Hydro Developers\TransAlta Draft Order

Dave\Jane\Bill:

Two developments:

Flynn, Magdelene (ENE)

From: Tomlinson, Gary (ENE)
Sent: March 08, 2010 6:04 PM
To: Bardswick, Bill (ENE); Glassco, Jane (ENE); Bray, Dave (ENE)
Cc: Hall, Cameron (ENE)
Subject: RE: Canadian Hydro Developers\TransAlta Draft Order

Ok, message received and understood. Cam and I will stand down until directed otherwise.

Sounds like we are not all on the same place on the information loop on this one.

I'll get into it more in the morning.

G.W. Tomlinson
Provincial Officer
Badge # 132
Senior Environmental Officer
Guelph District Office
West Central Region
Ontario Ministry of the Environment
Tel: 519 826 4272
Fax: 519 826 4286
Gary.Tomlinson@ontario.ca
Spills Action Centre 1 800 268 6060



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From: Bardswick, Bill (ENE)
Sent: March 08, 2010 5:20 PM

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We met with CHD on September 8, 2009 and advised them we believed the noise emissions from the WTGs and the Transformer Station were causing adverse effects, contrary to ss 14(1) of the EPA – a “Notice of Violation”. We asked them to respond in writing to us by September 11, 2009 with a plan which the Company would undertake to address the discharge of noise contaminants to the natural environment from both the Transformer Station and Wind Plant. On September 8, 2009 I asked CHD to consider taking actions to address the Company’s contaminant discharges including for example immediately shutting down during the evenings the 3 WTGs nearest the residence. The Company did not do this but advised the Ministry via a September 11, 2009 e-mail from Mr. Tripp that the Company had “curtailed the RPM of the closest 3 turbines between the hours of 7 pm to 6 am to the lowest RPM setting available from the manufacturer.”

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The Ministry agreed to the Company's time extension to give the Company until September 25, 2009 to make the requested written submission to the Guelph District Office.

On September 28, 2009 we received a letter via e-mail from Mr. T. W. Bermingham, of Blake, Cassels & Graydon LLP. Mr. Bermingham states in his letter that he was asked by the Company to coordinate the Company's response to our request for a written plan on how the Company was going to proceed with addressing the noise contamination being discharged to the natural environment from the Company's Transformer Station and Wind Plant. Mr. Bermingham's response on behalf of the Company appears to suggest "An enormous investment has been made to build Canada's largest and premier wind energy facility"; "Canadian Hydro continues to audit both the TS pursuant to the Certificate of Approval (Air) and, under its municipal commitments the wind turbine generators."; and, "To assist in bringing this discussion to closure, we request a meeting in part to review the facts surrounding both the TS and the wind turbine generators, and, even more importantly, to explain policy and legal reasons why the maintenance of a consistent position by the MOE is extremely important, both to Canadian Hydro and to the cause of Green Energy in Ontario."

Unfortunately the September 28, 2009 written response from Mr. Bermingham did not include any "practicable mitigation measures that could be implemented related to noise from turbines or the transformer station" nor any "discussion/information related to limitations/challenges associated with potential mitigation measures, including technical/operational limitations, contractual limitations, and economic considerations." The September 28, 2009 CHD response was not satisfactory for the purposes of addressing the ongoing ss 14(1) EPA contraventions.

s.13

From: Glassco, Jane (ENE)
Sent: October 30, 2009 10:44 AM
To: Tomlinson, Gary (ENE); Hall, Cameron (ENE)
Subject: FW: Noise Complaint Investigations, Melancthon EcoPower Centre, Certificate of Approval Air: 2429-7DZHCV

Jane

From: Bardswick, Bill (ENE)
Sent: October 29, 2009 5:17 PM
To: French, Kevin (ENE)
Cc: Tracey, Cheryl-Ann (ENE); Lancaster, Deborah (ENE); Glassco, Jane (ENE); Dumais, Doris (ENE)
Subject: FW: Noise Complaint Investigations, Melancthon EcoPower Centre, Certificate of Approval Air: 2429-7DZHCV

Here is CHD's response. I haven't discussed the letter with Jane and staff . I will discuss with you after we have had a chance to review and discuss internally within WCR.

One thing I have figured out though is that we do need to have CHD sit down with us and explain how they operate these things and what they can or cannot do wrt controlling the individual turbines. How they operate under different meteorological conditions – what control do they have - is it automated – is it manually controlled – what are the different modes of operation and how do those modes impact noise levels etc. We are clueless in this regard so we have some learning to do with them to understand.

I went out last night for about 5 hours (got home midnight) and got some real first hand experience with different types of noise that the turbines can create. The same turbine or groups of turbines could create 3-4 different types of noise and at different magnitudes at different times in the evening all depending on meteorological conditions, time of day, their orientation, and how they readjusted themselves (auto or by manual control – we don't know) to wind speed and direction. Also I was able to experience first hand wind shear conditions (no wind at ground but turbines still generating and creating noise) and how that plays an important role in noise impacts.

Bill Bardswick
Director West Central Region
Ontario Ministry of Environment
119 King Street West 12th Floor
Hamilton Ontario L8P 4Y7
Telephone 905-521-7652

E-Mail bill.bardswick@ontario.ca

From: Bryan Tripp [mailto:BTripp@canhydro.com]
Sent: October 29, 2009 2:55 PM
To: Glassco, Jane (ENE)
Cc: Bardswick, Bill (ENE)
Subject: Noise Complaint Investigations, Melancthon EcoPower Centre, Certificate of Approval Air: 2429-7DZHCV

Dear Jane

Further to the request by Mr. Bill Bardswick, please find attached a letter providing the Ministry of the Environment ("MOE") with details of the additional voluntary interim mitigation steps Canadian Hydro has taken on a without prejudice basis to reduce the sound levels at receptor locations of concern as identified by the MOE.

Sincerely,

Bryan M. Tripp, P.Eng. M.A.Sc.
Environmental Lead
Canadian Hydro Developers, Inc.
Building a Sustainable Future®
Tel: 519.826.4645 ext. 222
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for 1 MR 2040