

# WCO | WIND CONCERNS ONTARIO

July 12, 2023

[Engagement@ieso.ca](mailto:Engagement@ieso.ca)

## **RE: Feedback on IESO Long Term RFP Process**

In the Engagement session on June 29, the IESO requested feedback on its proposed design for the LT1 RFP and LT1 Contract for additional capacity. This letter provides feedback from Wind Concerns Ontario, a coalition of community groups and individual members across Ontario. Our grassroots base provides Wind Concerns with an information network across rural Ontario. This perspective seems to be lacking with other participants in the IESO's engagement process.

As discussed in the June 29 information session, we are concerned that much of the input from previous submissions was not incorporated in the documents presented at that meeting. Based on your request at the meeting that we document these concerns to you again, this submission largely reflects previous submissions. It is hoped that we can avoid a repeat of the situation where input regarding municipal approval, for example, was not reflected in the RFP documentation and required a letter from the Minister and significant revision after the RFP had been formally issued.

### **1. Indigenous Support**

To this point, the documentation and process for evaluating Indigenous Support for a project does not reflect the potential for local Indigenous groups having a different view of the project than Indigenous communities from other parts of the province looking for opportunities to invest in the project. In earlier RFPs, there were projects in southern Ontario where the local Indigenous community did not offer support. Nevertheless, at least one project (Strong Breezes) was assigned "rated criteria points" based on an investment by Indigenous communities far away in Northern Ontario. Those First Nations had no connection to the lands on which the project was sited.

These situations can be avoided if "rated criteria points" are only assigned for investing in a project where the local Indigenous community is making the investment. This issue was raised in our previous comments so we were surprised when the team seemed unaware of this potential problem on June 29.

### **2. Municipal Support**

Once again, projects without municipal support are being considered for contracts on the basis that they will be able to obtain the municipal support resolution after the contract is awarded. This is a risky approach but we have no objection as long as "municipal support" is required before the project is commissioned.

There has been no provision added to the process to deal with the situation where a municipality supported a project based on incomplete information and then decides when the information becomes available that they no longer support the project.

It is our view that Municipal Support is a mandatory requirement to begin operation with the proponent being responsible for obtaining the endorsement and maintaining that support until the project is operational.

### **3. Proposals Requesting Municipal Support Resolution**

The Municipal Support documentation released on June 30 still suggests that very limited information will be provided to the municipal council when seeking a municipal support resolution: the Proponents' name, technology to be used, and the Maximum Contract Capacity, as well as a description of the Municipal Lands used by the project. Municipalities regularly receive proposals for developments within their municipality. If any other developer approached a Council with this sparse amount of information for their proposal, the project would not be taken to Council and the proponent would be instructed to develop a fuller proposal before returning to Council. As indicated in our May 18<sup>th</sup> comments, it is recommended that the IESO requires a more robust submission to municipal council.

We believe this point was also featured in comments made to IESO by municipalities.

We continue to recommend that all proposals seeking municipal support for a project include:

- a site plan
- discussion of setbacks from adjacent land uses
- expected noise emissions and other environmental impacts
- fire safety considerations and
- a description of the municipality's expected role in providing emergency services to the facility.

If you review the issues that resulted in the failure of battery energy storage projects to gain municipal approval, you would see concerns about protecting prime agricultural land and understanding of fire safety requirements were key factors in municipal rejections. These issues need to be addressed head on.

A statement of the benefits of the project to the community should also be required. In response to some questions about the benefits of these projects, some questionable benefit claims have been made in support of these projects.

Any existing Municipal Support Resolutions that have been obtained prior to these enhanced requirements for supporting should not be recognized for this RFP.

#### **4. Community Engagement**

There are no forms posted for Community Engagement as part of the June 30 package. The process used for community engagement in the current RFP is similarly flawed so the old forms need to be completely revised.

Some public meetings were so badly publicized that attendance was limited to one or two people. In one case in Ottawa, there were zero attendees. Other public meetings were attended by approximately 75 people who came prepared to ask very valid questions about the project. Unfortunately the proponent was unwilling or unable to answer a large number of questions about the project leaving the community very dissatisfied.

There is a well-documented consultation process that is used to handle changes to municipal zoning and this should provide direction for the requirements for community engagement on energy projects. These include written notices to broadly defined adjoining landowners as well as notices to the wider community. Notices are posted on the property involved with references to a project website for more details. Limited internet capabilities in rural areas require in person rather than on-line meetings.

The full project description that will be provided to the municipality, including the statement of benefits to the community, should also be widely available to the community. If details are not available, or if they change, additional public meetings would be required.

The community engagement meeting where all information is disclosed should take place before any consideration of municipal support for the project.

If the community is unsatisfied with the level of information from the proponent and/or the municipality, the community should also have the option to provide direct community feedback on the project to the IESO.

#### **5. Fire Safety**

Our previous submission raised the need to address fire safety before moving further with these projects. Municipal support for the projects depends on a full understanding of the support required from the municipality in emergency situations. Two recent battery storage facility fires in upstate New York support the need to focus on this issue. Hydro One appears to have similar concerns. The recent notice for a meeting to discuss revisions to the current Hydro One standards for these facilities noted:

*Currently, there is a gap in the development of consistent standards and the existing standards do not address the potential impact of BESS fires on critical transmission infrastructure.*

The focus of Hydro One's work is solely on their facilities and not on other facilities that will be adjacent to BESS facilities.

Some municipalities are looking for direction from the Ontario Fire Marshall to before moving forward with these projects. The Ontario Fire Marshall's office has unofficially indicated to some municipalities

that it will be at least a year before they will be in a position to provide direction on the implementation of these systems. In the United States, UL Standards 9540 & 9540a are now accepted as appropriate guidelines. In terms of fire safety, the Fire Protection Association's Standard 855 is accepted as appropriate guidelines. To expedite the development of these facilities in Ontario, the IESO should be taking a leadership role on the fire safety issue.

It is expected that Hydro One's work will establish setbacks between BESS projects and their substations and transmission lines, there is no comparable reference work for facilities other than those operated by Hydro One. Regulation 359/09 has not been updated to provide similar recommendations on setbacks between BESS projects and other facilities. These setbacks also provide protection against noise emissions that the equipment generated by the battery system cooling equipment. Since Regulation 359/09 has not been updated, other protections in that regulation, i.e., the identification of vacant lot receptors, mean that properties adjacent to a BESS installation is subject to effective downzoning without any compensation.

## **6. Expansion of Existing Projects**

The presentation in the June 29 meeting indicated that municipal support would be required for any expansions of existing renewable energy projects. Also the projects would have to be compliant with their existing Renewable Energy Approval before any application to increase capacity or otherwise expand the project. The requirements are an important first step to address problems with the existing projects.

## **7. Impact on Electricity Costs**

The impact of providing this limited capacity on electricity costs is also not available at this time. When the previous Government of Ontario invested heavily in wind and solar programs, the unanticipated cost impact was so large that part of the investment needed to be transferred to the provincial debt. While indigenous groups have a high profile in the discussions, it is noted that no consumer advocates, who would normally address the impact on the seniors and other lower income segments of the population, have been involved in the engagement process. Similarly, large industrial users of electricity have been involved.

Yours truly,

Jane Wilson,

President, Wind Concerns Ontario

cc. Hon. Todd Smith, Minister of Energy, [MinisterEnergy@ontario.ca](mailto:MinisterEnergy@ontario.ca)

Hon. David Piccini, Minister of Environment, Conservation and Parks, [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

David Donovan, Chief of Staff, Minister of Energy - [david.donovan@ontario.ca](mailto:david.donovan@ontario.ca)

Philip Welford, Chief of Staff, Minister of MECP - [Philip.Welford3@ontario.ca](mailto:Philip.Welford3@ontario.ca)

Association of Municipalities of Ontario