

Provincial Officer's Order

Environmental Protection Act, R.S.O. 1990, c. E.19 (EPA)
Ontario Water Resources Act, R.S.O. 1990, c. O.40 (OWRA)
Pesticides Act, R.S.O. 1990, c. P.11 (PA)
Safe Drinking Water Act, 2002, S.O. 2002, c.32 (SDWA)
Nutrient Management Act, 2002, S.O. 2002, c.4 (NMA)

Order Number
8710-BBPLMC

Incident Report No.
5646-BBPJA8

To: K2 Wind Ontario Inc. operating as a general partner of and on behalf of K2 Wind Ontario Limited Partnership
125 Adelaide Street West, Suite 425
Toronto, Ontario, M5H 1T1
Canada

Site: K2 Wind Power Project Various Locations
Ashfield-Colborne-Wawanosh, County of Huron

Pursuant to my authority under EPA Section 157.1, EPA Section 196(1) and EPA Section 157, I order you to do the following:

Work Ordered

Item No. 1	Compliance Date	2019/05/23 (YYYY/MM/DD)
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Upon service of this Order, retain the services of an Acoustical Consultant to complete the work required by Item Nos. 2, 3 and 6 of this Order.

Item No. 2	Compliance Date	2019/05/28 (YYYY/MM/DD)
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By May 28, 2019, submit to the Provincial Officer, written confirmation from the Acoustical Consultant that it has, or they have, (1) received a copy of this Order; (2) been retained to carry out the work specified in Item Nos. 3 and 6 of this Order; and (3) the experience and qualifications to carry out the work.

Item No. 3	Compliance Date	2019/06/14 (YYYY/MM/DD)
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By June 14, 2019, have the Acoustical Consultant develop interim abatement measures to be immediately implemented to ensure that the Sound Levels from the Equipment comply with the Noise Performance Limits. The interim abatement measures shall include, at a minimum, one, or a combination of the following measures:

- (a) limiting the number of hours during a twenty-four (24) period during which the Equipment operates;
- (b) de-rating the wind turbines to reduce the Sound Levels emitted from the Equipment; or
- (c) curtailing the operation of the Equipment under specific operating conditions, such as wind speed or direction.

Item No. 4 **Compliance Date** 2019/06/14
(YYYY/MM/DD)

By June 14, 2019, implement the interim abatement measures described in Item No. 3 of this Order, until such time as the Company receives written notice from the Provincial Officer that the Noise Abatement Action Plan (NAAP) is acceptable.

Item No. 5 **Compliance Date** 2019/06/17
(YYYY/MM/DD)

By June 17, 2019, the Company shall provide written confirmation to the Provincial Officer that the interim abatement measures required by Item No. 3 of this Order are being implemented, including details of the interim abatement measures being implemented.

Item No. 6 **Compliance Date** 2019/07/19
(YYYY/MM/DD)

By July 19, 2019, have the Acoustical Consultant prepare and submit a NAAP in accordance with Section E5.1 of the Compliance Protocol, which shall include, at minimum, the following:

- (a) mitigation measures to ensure the Facility is operating in compliance with the Noise performance Limits;
- (b) detailed timelines for the implementation of the NAAP; and
- (c) the submission and timeline for the completion of a new I-Audit, including Tonal Assessments, to verify that implementation of the NAAP have achieved compliance with the Noise Performance Limits.

Item No. 7 **Compliance Date** 2019/07/19
(YYYY/MM/DD)

Upon receiving written notification by the Provincial Officer that the NAAP is acceptable, the Company shall forthwith implement the NAAP in accordance with any changes to the NAAP as may be set out in the written notification. If the Provincial Officer requires that the NAAP be implemented in a manner that includes changes to the NAAP, this Order will be amended by the Provincial Officer to reflect those changes.

- A. While this Order is in effect, a copy or copies of this order shall be posted in a conspicuous place.
- B. While this Order is in effect, report in writing, to the District or Area office, any significant changes of operation, emission, ownership, tenancy or other legal status of the facility or operation.
- C. Unless otherwise specified, all requirements of this Order are effective upon service of this Order.

This Order is being issued for the reasons set out in the annexed Provincial Officers Report which forms part of this Order.

Issued at London this 23 rd day of May, 2019.

A handwritten signature in black ink, appearing to read "Natasha", followed by a long horizontal flourish.

Natasha Munn
Badge No: 1666
Southwestern Region
Tel: (519) 371-6582

REQUEST FOR REVIEW

You may request that this Order be reviewed by a Director.

Your request must be made (i) in writing (or if made orally, with written confirmation) and (ii) served on the Director at the address below within seven (7) calendar days after being served with a copy of this Order.

In the written request or written confirmation of an oral request, you must include:

- (a) the portions of the Order in respect of which the review is requested;
- (b) any submissions that you wish the Director to consider; and
- (c) an address for service to be used by the Director.

In response to your request for review, the Director may confirm, alter or revoke this Order and will serve you with a copy of the Director's decision or Order.

A request for review does not automatically stay this Order. If you wish to have the Director stay the Order you must also include this in your request and the Order is not stayed unless the Director makes an order granting a stay.

DEEMED CONFIRMATION OF THIS ORDER

If you do not receive oral or written notice of the Director's decision on your request for review within (7) calendar days of receipt of your request, and the Director has not stayed the Order, this Order shall be deemed to be confirmed by order of the Director and deemed to be served upon you.

In the case of a deemed confirmation, you may require a hearing before the Environmental Review Tribunal (Tribunal), if, within fifteen (15) calendar days from the deemed date of service of the Director's order, you serve written notice of your appeal on the Tribunal and the Director. Your notice must state:

- (a) the portion(s) of the Order in respect of which the hearing is required; and
- (b) the grounds on which you intend to rely at the hearing.

Except with leave of the Tribunal, you are not entitled to appeal a portion of the Order or to rely on a ground that is not stated in the notice requiring the hearing. Unless stayed by the Tribunal, the Order remains in effect from the date of service.

Written notice requiring a hearing can be served upon:

The Secretary
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto ON
M5G 1E5
Fax: (416) 326-5370
Email: ERTTribunalsecretary@ontario.ca

and

Director
Ministry of the Environment, Conservation and Parks
Owen Sound District Office
3rd Flr
101 17th St
Owen Sound ON N4K 0A5
Fax: (519) 371-2905
Tel:

Further information on the Tribunal and requirements for an appeal can be obtained directly from the Tribunal by :

Tel: (416) 212-6349 or 1(866) 448-2248
TTY 1-800-855-1155 via Bell Relay

Fax: (416) 326-5370 or 1(844) 213-3474
Web: www.ert.gov.on.ca

FOR YOUR INFORMATION

The following is for your information:

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which the Order is made and any corresponding Service Regulation. Further information can be obtained from e-Laws at www.e-laws.gov.on.ca. Please note that choosing service by mail does not extend any of the

above mentioned timelines.

Unless stayed, this Order is effective from the date of service. Non-compliance with the requirements of this Order constitutes an offence.

The requirements of this Order are minimum requirements only and do not relieve you from complying with the following :

- (a) any applicable federal legislation,
- (b) any applicable provincial legislation or requirements that are not addressed in this Order, and
- (c) any applicable municipal law.

The requirements of this Order are severable. If any requirement of this Order or the application of any requirement to any circumstances is held invalid, the application of such requirement to other circumstances and the remainder of the Order are not affected.

Further orders may be issued in accordance with the legislation as circumstances require.

The procedures and other information provided above are intended as a guide. The legislation and/or regulations should be consulted for additional details and accurate reference.