



# Bill 34, *Green Energy Repeal Act, 2018*

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Submission to the Standing Committee on Social Policy

October 30, 2018

The Association of Municipalities of Ontario (AMO) appreciates the opportunity to contribute to the Committee's deliberations about the repeal of the Green Energy Act, specifically the portions of the Bill that restore planning powers to local governments. This Bill addresses many municipal government concerns in ways that we can support.

Let me open by saying thank you. As the government closest to the people, we have the greatest sensitivity to what initiatives and changes will work well for our citizens. We have deep experience in siting land uses. This proposed Bill recognizes that expertise. Furthermore, this Bill respects that some municipal governments do not want large renewable projects spread throughout their jurisdiction but others do want renewable projects and the infrastructure to support a lower carbon approach.

We appreciate that this Bill restores to municipal governments the ability to undertake development that meets the ambitions and visions of the people at a local scale.

So again, thank you.

The Bill does raise some questions for us. As previously mentioned, some communities are urging their municipal governments to create more green energy. The Bill indicates that new renewable energy projects will have to prove they are needed. We look forward to seeing details on how this need will be established and trust that where there is a willing local host, there is willingness to ensure distributed energy be considered. A framework to help us understand how local energy generation will be assessed in the context of the bulk grid capacity would be helpful.

The draft Bill provides the Minister with the right to appeal to the Local Planning Appeal Tribunal where a municipal government has indicated it is an unwilling and turned down an application. We would ask that this provision be cautiously used and that should a Minister be contemplating an appeal, that there would be full consultation with the municipal government with the hopes of finding a mediated solution. AMO would offer similar advice on the use of the clauses that can create exceptions to local authority over planning powers.

We do have some advice regarding the ongoing operations of existing green energy projects. A matter that has concerned municipal governments, since the beginning of the programs initiated by the previous government, is the daily operational management through to decommissioning for larger green energy projects.

Developers were to have provided decommissioning plans as part of the approval process. Despite strong AMO recommendations, bonds or financial sureties were not required to accompany these plans. Should a company default, there is no assurances as to how the assets would be disposed of. If property taxes are not paid by the owners of renewable energy structures, these properties default to municipal governments. While some have said that the metal has a resale value, frankly, municipal governments cannot afford to dismantle infrastructure and de facto become salvage companies.

We ask the province ensure that each project has a decommissioning plan and that some type of security be obtained to avoid default to municipal governments.

We are heartened by the comprehensive approach being used to decommission the proposed White Pines Project. We would welcome a similar generic regulation and set of technical guides to address all existing projects.

There continue to be concerns about noise, water quality, flicker and other nuisances. In fact, there have been thousands of complaints. The province holds contracts with the energy companies that require these companies to keep the equipment in good running order. We support the province's continued roles as the appropriate resource for complaints and monitor compliance as part of these contractual relationships.

In summary, municipal governments are pleased with the restoration of local planning powers. We note that the Bill provides some exceptions and urge restrained use of these provisions. Our greatest concerns now are with the management and decommissioning of existing projects and believe this government is demonstrating it is on the right path. We ask that this direction be formalized for all existing projects.

Thank you again for your thoughtful consideration of our advice and comments on behalf of our members- municipal governments.