

**RENEWABLE ENERGY APPROVAL**NUMBER 2189-8NQPZ5  
Issue Date: December 19, 2011

Penn Energy Renewables, Ltd.  
620 Righters Ferry Rd  
Bala Cynwyd, Pennsylvania  
USA 19004

Project 18423 County Road 19 and 18461 County Road 19  
Location: Lot 40, 41, 41a, Concession 5IL  
Township of South Glengarry, United Counties of  
Stormont, Dundas and Glengarry  
K0C 2J0

*You have applied in accordance with Section 47.4 of the Environmental Protection Act for approval to engage in a renewable energy project in respect of a Class 3 Solar facility consisting of the following:*

- the construction, installation, operation, use and retiring of:
  - (a) eleven (11) ground mounted arrays of photovoltaic (PV) modules or panels with a total name plate capacity of up to 10 megawatts (AC) or 12 megawatts (DC), with each array consisting of approximately 4000-4500 PV modules and one (1) pad-mounted 1 Megavolt-ampere (MVA) three-phase, liquid filled transformer and two (2) 500 kilowatt inverters;
  - (b) one (1) 10 MVA step up power transformer substation; and
  - (c) associated ancillary equipment, systems and technologies including on-site access roads, switchgear, control and monitoring equipment, underground cabling and overhead distribution lines;

all in accordance with the application for a Renewable Energy Approval, dated July 5, 2011, and signed by Max Frable, Project Manager/ REA Coordinator, Penn Energy Renewables, Ltd., and all supporting documentation submitted with the application including amended documentation submitted up to December 13, 2011.

*For the purpose of this renewable energy approval, the following definitions apply:*

1. "Act" means the *Environmental Protection Act*, R.S.O 1990, c.E.19, as amended;
2. "Adverse Effect" has the same meaning as in the Act;
3. "Application" means the application for a Renewable Energy Approval dated July 5, 2011, and signed by Max Frable, Project Manager/ REA Coordinator, Penn Energy Renewables, Ltd., and all supporting documentation submitted with the application, including amended documentation submitted up to December 13, 2011;
4. "Approval" means this Renewable Energy Approval issued in accordance with Section 47.4 of the Act, including any schedules to it;
5. "A-weighting" means the frequency weighting characteristic as specified in the International Electrotechnical Commission (IEC) Standard 61672, and intended to approximate the relative sensitivity of the normal human ear to different frequencies (pitches) of sound. It is denoted as "A";
6. "A-weighted Sound Pressure Level" means the Sound Pressure Level modified by application of an A-weighting network. It is measured in decibels, A-weighted, and denoted "dBA";
7. "Class 1 Area" means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum";
8. "Class 2 Area" means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas:
  - (a) sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours);
  - (b) low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours);
  - (c) no clearly audible sound from Stationary Sources other than from those under impact assessment;
9. "Class 3 Area" means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as the following:
  - (a) a small community with less than 1000 population;
  - (b) agricultural area;
  - (c) a rural recreational area such as a cottage or a resort area; or

- (d) a wilderness area;
10. "Company" means Penn Energy Renewables, Ltd. and includes its successors and assignees;
  11. "Decibel" means a dimensionless measure of Sound Level or Sound Pressure Level, denoted as dB;
  12. "Director" means a person appointed in writing by the Minister of the Environment pursuant to section 5 of the Act as a Director for the purposes of section 47.5 of the Act;
  13. "District Manager" means the District Manager of the appropriate local district office of the Ministry where the Facility is geographically located;
  14. "Equipment" means the one (1) pad-mounted 1 Megavolt ampere (MVA) three-phase, liquid filled transformer and two (2) 500 kilowatt inverters within each array, and one (1) 10 MVA step up power transformer substation, identified in this Approval and as further described in the Application, to the extent approved by this Approval;
  15. "Equivalent Sound Level" is the value of the constant sound level which would result in exposure to the same total A-weighted energy as would the specified time-varying sound, if the constant sound level persisted over an equal time interval. It is denoted  $L_{eq}$  and is measured in dB A-weighting (dBA);
  16. "Facility" means the renewable energy generation facility, including the Equipment, as described in this Approval and as further described in the Application, to the extent approved by this Approval;
  17. "Ministry" means the Ontario Ministry of the Environment;
  18. "Noise Guidelines" means the Ministry Publication NPC-232 or Publication NPC-205, whichever is applicable;
  19. "Point of Reception" has the same meaning as in the Noise Guidelines and is subject to the same qualifications described in that document;
  20. "Publication NPC-103" means Publication NPC-103, Measurement Procedures, August 1978. This Publication comprises the various measurement procedures to be used in connection with other Publications which provide limits or standards for sound or vibration;
  21. "Publication NPC-205" means the Ministry Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995 as amended;
  22. "Publication NPC-232" means the Ministry Publication NPC-232, "Sound Level Limits for

- Stationary Sources in Class 3 Areas (Rural)", October, 1995 or its successor document;
23. "Publication NPC-233" means Publication NPC-233, "Information To Be Submitted For Approval Of Stationary Sources Of Sound", October, 1995;
  24. "O.Reg. 359/09" means Ontario Regulation 359/09 "Renewable Energy Approvals under Part V.0.1 of the Act" made under the Act;
  25. "Sound Level" means the A-weighted Sound Pressure Level;
  26. "Sound Level Limit" is the limiting value described in terms of the one hour A-weighted Equivalent Sound Level Leq;
  27. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given location. The unit of measurement is the micro pascal ( $\mu\text{Pa}$ );
  28. "Sound Pressure Level" means twenty times the logarithm to the base 10 of the ratio of the effective pressure ( $\mu\text{Pa}$ ) of a sound to the reference pressure of 20  $\mu\text{Pa}$ ;
  29. "UTM" means Universal Transverse Mercator coordinate system.

*You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:*

## TERMS AND CONDITIONS

### GENERAL

1. The *Company* shall construct, install, use, operate, maintain and retire the *Facility* in accordance with the terms and conditions of this *Approval* and the *Application*.
2. Where there is a conflict between a provision of this *Approval* and any document submitted by the *Company*, the conditions in this *Approval* shall take precedence. Where there is a conflict between one or more of the documents submitted by the *Company*, the document bearing the most recent date shall take precedence.
3. The *Company* shall ensure a copy of this *Approval* is:
  - (1) accessible, at all times, by *Company* staff operating the *Facility* and;
  - (2) submitted to the clerk of each local municipality and upper-tier municipality in which the *Facility* is situated along with the *Application*.
4. If the *Company* has a publicly accessible website, the *Company* shall ensure that the *Approval* and the *Application* are posted on the *Company*'s publicly accessible website within five (5) business days of receiving this *Approval*, .

5. The *Company* shall, at least six (6) months prior to the anticipated retirement date of the entire *Facility*, or part of the *Facility*, review its Decommissioning Plan Report to ensure that it is still accurate. If the *Company* determines that the *Facility* cannot be decommissioned in accordance with the Decommissioning Plan Report, the *Company* shall provide the *Director* and *District Manager* a written description of plans for the decommissioning of the *Facility*.
6. The *Facility* shall be retired in accordance with the Decommissioning Plan Report and any directions provided by the *Director* or *District Manager*.
7. The *Company* shall provide the *District Manager* and the *Director* at least ten (10) days written notice of the following:
  - (1) the commencement of any construction or installation activities at the project location; and
  - (2) the commencement of the operation of the *Facility* .

#### **EXPIRY OF APPROVAL**

8. Construction and installation of the *Facility* must be completed within two (2) years of the later of:
  - (1) the date this *Approval* is issued; or
  - (2) if there is a hearing or other litigation in respect of the issuance of this *Approval*, the date that this hearing or litigation is disposed of, including all appeals.
9. This *Approval* ceases to apply in respect of any portion of the *Facility* not constructed or installed before the later of the dates identified in Condition No. 8.

#### **PERFORMANCE LIMITS**

10. The *Company* shall ensure that:
  - (1) the Sound Levels from the *Equipment* , at the Points of Reception identified in Schedule B of this *Approval* comply with the Sound Level Limit of 40 dBA as described in Publication NPC-232;
  - (2) the *Equipment* is constructed and installed at either of the following locations:
    - a) at the locations identified in Schedule A of this *Approval* ; or
    - b) at a location that does not vary by more than 10 metres from the locations identified in Schedule A of this *Approval* and provided that,
      - i) the *Equipment* will comply with Condition No. 10 (1) and

- ii) all setback prohibitions established under *O.Reg. 359/09* are complied with.

## STORMWATER MANAGEMENT

11. The *Company* shall employ best management practices for stormwater management and sediment and erosion control during construction, installation, use, operation, maintenance and retiring of the *Facility*, as outlined in the *Application*.

## SEWAGE WORKS OF THE TRANSFORMER/ SUBSTATION SPILL CONTAINMENT FACILITY

12. The *Company* shall design and construct a transformer/ substation spill containment facility which meets the following requirements:
  - (1) the spill containment area serving the transformer/ substation shall have a minimum volume equal to the volume of the transformer oil and lubricants plus the volume equivalent to providing a minimum 24-hour duration, 25-year return storm capacity for the stormwater drainage area around the transformer under normal operating conditions;
  - (2) The containment facility shall have an impervious concrete floor and walls sloped toward an outlet, maintaining a freeboard of 0.25 metres terminating approximately 0.30 metres above grade, with an impervious plastic liner or equivalent, and 1.0 metre layer of crushed stone within;
  - (3) the containment pad shall drain to an oil control device, such as an oil/water separator, a pump-out sump, an oil absorbing material in a canister or a blind sump; and
  - (4) the oil control device shall be equipped with an oil detection system and appropriate sewage appurtenances, as necessary (pumpout manhole, submersible pumps, level controllers, floating oil sensors, etc.) that allows for batch discharges or direct discharges, and for proper implementation of the monitoring program described in Condition No. 15.
13. The *Company* shall:
  - (1) prior to the construction of the transformer/ substation spill containment facility, provide the *District Manager* and *Director* the following:
    - (a) final design drawings and specifications of the spill containment and associated sewage works, signed and stamped by an independent Professional Engineer licensed in Ontario;
    - (b) an operation and maintenance procedures manual including an emergency/contingency plan; and

- (c) a monitoring program, including a groundwater monitoring program in the event of subsurface disposal system.
- (2) within six (6) months of the completion of the construction of the transformer/ substation spill containment facility, provide the District Manager and Director the following:
  - (a) as-built drawings of the sewage works;
  - (b) confirmation that the transformer/ substation spill containment facility has been designed and installed according to appropriate specifications; and
  - (c) confirmation of the adequacy of the operating procedures and the emergency procedures manuals as it pertains to the installed sewage works.
- (3) as a minimum, check the oil detection system on a monthly basis and create a written record of the inspections;
- (4) ensure that the effluent is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen or foam on the receiving waters;
- (5) immediately identify and clean-up all losses of oil from the transformer;
- (6) upon identification of oil in the effluent pumpout, take immediate action to prevent the further occurrence of such loss; and
- (7) ensure that equipment and material for the containment, clean-up and disposal of oil and materials contaminated with oil are kept within easy access and in good repair for immediate use in the event of:
  - (a) loss of oil from the transformer
  - (b) a spill within the meaning of Part X of the *Act* , or
  - (c) the identification of an abnormal amount of oil in the effluent.

14. The *Company* shall design, construct and operate the sewage works such that the concentration of the effluent parameter named in the table below does not exceed the maximum concentration objective shown for that parameter in the effluent, and shall comply with the following requirements:

Effluent Parameters	Maximum Concentration Objective
Oil and Grease	15 mg/L

- (1) notify the *District Manager* as soon as reasonably possible of any exceedance of the maximum concentration objective set out in the table above;
- (2) take immediate action to identify the cause of the exceedance; and
- (3) take immediate action to prevent further exceedances.

15. Upon commencement of the operation of the *Facility* , the *Company* shall establish and carry out the following monitoring program for the sewage works:

- (1) the *Company* shall collect and analyze the required set of samples at the sampling points listed in the table below in accordance with the measurement frequency and sample type specified for the effluent parameter, oil and grease, and create a written record of the monitoring:

Effluent Parameters	Measurement Frequency and Sample Points	Sample Type
Oil and Grease	B - Batch, i.e. for each discrete volume in the sump prior to pumpout; or Q - Quarterly for direct effluent discharge, i.e., four times over a year, relatively evenly spaced.	Grab

- (2) in the event of an exceedance of the maximum concentration objective set out in the table in Condition No. 14, the *Company* shall:

- (a) increase the frequency of sampling to once per month, for each month that effluent discharges occurs, and

- (b) provide the *District Manager* , on a monthly basis, with copies of the written record created for the monitoring until the *District Manager* provides written direction that monthly sampling and reporting is no longer required; and

- (3) if over a period of twenty-four (24) months of effluent monitoring under Condition No. 15 (1), there are no exceedances of the maximum concentration set out in the table in Condition No. 14, the *Company* may reduce the measurement frequency of effluent monitoring to a frequency as the *District Manager* may specify in writing, provided that the new specified frequency is never less than annual.

16. The *Company* shall comply with the following methods and protocols for any sampling, analysis and recording undertaken in accordance with Condition No. 15:

- (1) Ministry of the Environment publication "Protocol for the Sampling and Analysis of Industrial/ Municipal Wastewater", January 1999, as amended from time to time by more recently published editions, and
- (2) the publication "Standard Methods for the Examination of Water and Wastewater", 21st edition, 2005, as amended from time to time by more recently published editions.

## WATER TAKING ACTIVITIES

17. The *Company* shall not take more than 50,000 litres of water on any day by any means at the project location during the construction, installation, use, operation, maintenance and retiring of the *Facility*.



## ARCHAEOLOGICAL RESOURCES

18. The *Company* shall implement all of the recommendations, if any, for further archaeological fieldwork and for the protection of archaeological sites found in the consultant archaeologist's report included in the *Application* , and which the *Company* submitted to the Ministry of Tourism and Culture in order to comply with clause 22 (2) (b) of O. Reg. 359/09.
19. Should any previously undocumented archaeological resources be discovered, the *Company* shall:
  - (1) cease all alteration of the area in which the resources were discovered immediately;
  - (2) engage a consultant archaeologist to carry out the archaeological fieldwork necessary to further assess the area and to either protect and avoid or excavate any sites in the area in accordance with the *Ontario Heritage Act* , the regulations under that act and the Ministry of Tourism and Culture's *Standards and Guidelines for Consultant Archaeologists* ; and
  - (3) notify the *Director* as soon as reasonably possible.

## OPERATION AND MAINTENANCE

20. Before construction and installation of the *Equipment*, the *Company* shall prepare a written manual for use by *Company* staff outlining the operating procedures and a maintenance program for the *Equipment*, including the sewage works of the transformer/ substation spill containment facility, that includes as a minimum the following:
  - (1) routine operating and maintenance procedures in accordance with good engineering practices and as recommended by the *Equipment* suppliers;
  - (2) inspection programs including frequency of inspection and the methods or tests employed to detect when maintenance is necessary;
  - (3) repair and maintenance programs, including the frequency of repair and maintenance;
  - (4) emergency procedures;
  - (5) procedures for any record keeping activities relating to operation and maintenance of the *Equipment*, including the sewage works of the transformer/ substation spill containment facility;
  - (6) all appropriate measures to minimize noise emissions from the *Equipment*;  
and
  - (7) any additional information requested in writing by the *District Manager* from time to time.

21. The *Company* shall;
  - (1) update as required the manual described in Condition No. 20; and
  - (2) make the manual described in Condition No. 20 available for review by staff of the *Ministry* upon request.
22. The *Company* shall ensure that the *Facility* is operated and maintained in accordance with the *Approval* and the manual described in Condition No. 20.

## RECORD CREATION AND RETENTION

23. The *Company* shall create written records consisting of the following:
  - (1) an operations log summarizing the operation and maintenance activities of the *Facility* ;
  - (2) within the operations log, a summary of routine and *Ministry* staff inspections of the *Facility* ; and
  - (3) a record of any complaint alleging an *Adverse Effect* caused by the construction, installation, use, operation, maintenance or retirement of the *Facility* .
24. A record described under Condition No. 23(3) shall include:
  - (1) a description of the complaint that includes as a minimum the following:
    - a) the date and time the complaint was made;
    - b) the name, address and contact information of the person who submitted the complaint;
  - (2) a description of each incident to which the complaint relates that includes as a minimum the following:
    - a) the date and time of each incident;
    - b) the duration of each incident;
    - c) the wind speed and direction at the time of each incident;
    - d) the ID of the *Equipment* involved in each incident and its output at the time of each incident;
    - e) the location of the person who submitted the complaint at the time of each incident; and
  - (3) a description of the measures taken to address the cause of each incident to which the complaint relates and to prevent a similar occurrence in the future
25. The *Company* shall retain, for a minimum of five (5) years from the date of their

creation, all records described in Condition Nos. 13, 15 and 23, and make these records available for review by staff of the *Ministry* upon request.

## NOTIFICATION OF COMPLAINTS

26. The *Company* shall notify the *District Manager* of each complaint within two (2) business days of the receipt of the complaint.
27. The *Company* shall provide the *District Manager* with the written records created under Condition No. 24 within eight (8) business days of the receipt of the complaint.
28. If the *Company* receives a complaint related to groundwater, the *Company* shall contact the *District Manager* within one (1) business day of the receipt of the complaint, to discuss appropriate measures to manage any potential groundwater issues.

## CHANGE OF OWNERSHIP

29. The *Company* shall notify the *Director* in writing, and forward a copy of the notification to the *District Manager*, within thirty (30) days of the occurrence of any of the following changes:
  - (1) the ownership of the *Facility*;
  - (2) the operator of the *Facility*;
  - (3) the address of the *Company*;
  - (4) the partners, where the *Company* is or at any time becomes a partnership and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c.B.17, as amended, shall be included in the notification; and
  - (5) the name of the corporation where the *Company* is or at any time becomes a corporation, other than a municipal corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C.39, as amended, shall be included in the notification.

## SCHEDULE A

Coordinates of the *Equipment* are listed below in UTM17-NAD83 projection

ID	Description of Source	Height (m)	Coordinates UTM (NAD 83 z17)	
			Easting (m)	Northing (m)
NS-01	Inverter 500 kW	2	1,524,514	4,995,058
NS-02	Inverter 500 kW	2	1,524,655	4,995,130
NS-03	Inverter 500 kW	2	1,524,778	4,995,195
NS-04	Inverter 500 kW	2	1,524,568	4,994,971
NS-05	Inverter 500 kW	2	1,524,711	4,995,043
NS-06	Inverter 500 kW	2	1,524,868	4,995,052
NS-07	Inverter 500 kW	2	1,524,649	4,994,843
NS-08	Inverter 500 kW	2	1,524,790	4,994,916
NS-09	Inverter 500 kW	2	1,524,958	4,994,910
NS-10	Inverter 500 kW	2	1,524,728	4,994,718
NS-11	Inverter 500 kW	2	1,524,871	4,994,790
NS-12	Transformer 1 MW	1	1,524,516	4,995,058
NS-13	Transformer 1 MW	1	1,524,657	4,995,130
NS-14	Transformer 1 MW	1	1,524,780	4,995,195
NS-15	Transformer 1 MW	1	1,524,570	4,994,971
NS-16	Transformer 1 MW	1	1,524,713	4,995,043
NS-17	Transformer 1 MW	1	1,524,870	4,995,052
NS-18	Transformer 1 MW	1	1,524,651	4,994,843
NS-19	Transformer 1 MW	1	1,524,792	4,994,916
NS-20	Transformer 1 MW	1	1,524,960	4,994,910
NS-21	Transformer 1 MW	1	1,524,730	4,994,718
NS-22	Transformer 1 MW	1	1,524,873	4,994,790
NS-23	Transformer 10 MW	2	1,524,994	4,994,784
NS-24	Fan	2	1,524,515	4,995,059
NS-25	Fan	2	1,524,656	4,995,131
NS-26	Fan	2	1,524,569	4,994,972
NS-27	Fan	2	1,524,712	4,995,044
NS-28	Fan	2	1,524,779	4,995,196
NS-29	Fan	2	1,524,869	4,995,054
NS-30	Fan	2	1,524,650	4,994,845
NS-31	Fan	2	1,524,791	4,994,917
NS-32	Fan	2	1,524,959	4,994,912
NS-33	Fan	2	1,524,729	4,994,719
NS-34	Fan	2	1,524,872	4,994,791

**SCHEDULE B**  
**Points of Reception Locations**

Points of Reception of concern, described in the Application are noted below. Coordinates of the dwellings listed below are in UTM17-NAD83 projection:

	POR ID	Description / Height	Coordinates, UTM (NAD 83 z17)	
			East (m)	North (m)
1	R01	4.5	1,524,565	4,994,420
2	R02	4.5	1,524,625	4,994,434
3	R03	4.5	1,524,788	4,994,488
4	R04	4.5	1,524,845	4,994,522
5	R05	4.5	1,524,893	4,994,548
6	R06	4.5	1,524,922	4,994,552
7	R07	4.5	1,524,996	4,994,604
8	R08	4.5	1,525,051	4,994,542
9	R09	4.5	1,525,105	4,994,550
10	R10	4.5	1,525,138	4,994,633
11	R11	4.5	1,525,210	4,994,670
12	R12	4.5	1,525,219	4,994,796
13	R13	4.5	1,525,444	4,994,913
14	R14	4.5	1,525,530	4,994,989
15	R15	4.5	1,525,619	4,995,018
16	R16	4.5	1,525,732	4,995,494
17	R17	4.5	1,524,960	4,995,400

**SCHEDULE C**  
**Noise Control Measures**

The Ventilation air inlets and outlets of the following three inverter collection houses:

1. NS-07,
2. NS-10 and
3. NS-11,

will be equipped with acoustic hoods providing the acoustical performance listed below.

Acoustic Hood Insertion Loss Specifications, [dB]

Source ID	Source Name	Octave Band Centre Frequency (Hz)							
		63	125	250	500	1k	2k	4k	8k
NS-07, NS-10 and NS-11	Inverter Collection House Air Inlet and Outlet	0	0	1	4	7	6	0	0

*The reasons for the imposition of these terms and conditions are as follows:*

1. Condition Nos. 1 and 2 are included to ensure that the *Facility* is constructed, installed, used, operated, maintained and retired in the manner in which it was described for review and upon which *Approval* was granted. These conditions are also included to emphasize the precedence of Conditions in the *Approval* and the practice that the *Approval* is based on the most current document, if several conflicting documents are submitted for review.
2. Condition Nos. 3 and 4 are included to require the *Company* to provide information to the public and the local municipality.
3. Condition Nos. 5 and 6 are included to ensure that final retirement of the *Facility* is completed in an aesthetically pleasing manner, in accordance with *Ministry* standards, and to ensure long-term protection of the health and safety of the public and the environment.
4. Condition No. 7 is included to require the *Company* to inform the *Ministry* of the commencement of activities related to the construction, installation and operation of the *Facility* .
5. Condition Nos. 8 and 9 are intended to limit the time period of the *Approval*.
6. Condition No. 10 is included to provide the minimum performance requirement considered necessary to prevent an *Adverse Effect* resulting from the operation of the *Equipment* and to ensure that the noise emissions from the *Equipment* will be in compliance with applicable limits set in the *Ministry's Publication NPC-232* .
10. Condition Nos. 11, and 17, are included to ensure that the *Facility* is constructed, installed, used, operated, maintained and retired in a way that does not result in an *Adverse Effect* or hazard to the natural environment or any persons.
11. Condition No. 12 is included to ensure that the sewage works of the transformer/ substation spill containment facility are designed to have adequate capacity to provide spill control. This condition is also included to enable compliance with this *Approval* , such that the environment is protected and deterioration, loss, injury or damage to any person, property or the environment is minimized and/or prevented.
12. Condition No. 13 is included to ensure that the sewage works of the transformer/ substation spill containment facility will be designed, installed, operated and maintained in accordance with the information submitted by the *Company* , and to adequately manage and clean-up any oil spill from the transformer.
13. Condition No. 14 is included to establish non-enforceable effluent quality objectives which the *Company* is required to strive towards on an ongoing basis. These objectives are to be

used as a mechanism to trigger corrective action proactively and voluntarily before environmental impairment occurs.

14. Condition Nos. 15 and 16 are included to require the *Company* to demonstrate that the performance of the sewage works of the transformer/ substation spill containment facility is at a level consistent with the design and effluent objectives specified in the *Approval* and is not causing any impairment to the environment.
15. Condition Nos. 18 and 19 are included to protect archaeological resources that may be found at the project location.
16. Condition Nos. 20, 21 and 22 are included to emphasize that the *Equipment* must be maintained and operated according to a procedure that will result in compliance with the *Act* , *O.Reg. 359/09* and this *Approval*.
17. Condition Nos. 23, 24 and 25 are included to require the *Company* to keep records and provide information to staff of the *Ministry* so that compliance with the *Act*, *O.Reg. 359/09* and this *Approval* can be verified.
18. Condition Nos. 26, 27 and 28 are included to ensure that any complaints regarding the construction, installation, use, operation, maintenance or retirement of the *Facility* are responded to in a timely and efficient manner.
19. Condition No. 29 is included to ensure that the *Facility* is operated under the corporate name which appears on the application form submitted for this *Approval* and to ensure that the *Director* is informed of any change.

## NOTICE REGARDING HEARINGS

*In accordance with Section 139 of the Environmental Protection Act, within 15 days after the service of this notice, you may by further written notice served upon the Director, the Environmental Review Tribunal and the Environmental Commissioner, require a hearing by the Tribunal.*

*In accordance with Section 47 of the Environmental Bill of Rights, 1993, the Environmental Commissioner will place notice of your request for a hearing on the Environmental Registry.*

*Section 142 of the Environmental Protection Act provides that the notice requiring the hearing shall state:*

1. The portions of the renewable energy approval or each term or condition in the renewable energy approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*The signed and dated notice requiring the hearing should also include:*



3. The name of the appellant;
4. The address of the appellant;
5. The renewable energy approval number;
6. The date of the renewable energy approval;
7. The name of the Director;
8. The municipality or municipalities within which the project is to be engaged in;

*This notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, 15th Floor  
Toronto, Ontario  
M5G 1E5

AND

The Environmental Commissioner  
1075 Bay Street, 6th Floor  
Suite 605  
Toronto, Ontario  
M5S 2B1

AND

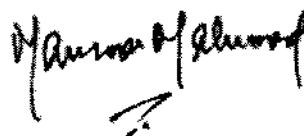
The Director  
Section 47.5, *Environmental Protection Act*  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

**\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)**

*Under Section 142.1 of the Environmental Protection Act, residents of Ontario may require a hearing by the Environmental Review Tribunal within 15 days after the day on which notice of this decision is published in the Environmental Registry. By accessing the Environmental Registry at [www.ebr.gov.on.ca](http://www.ebr.gov.on.ca), you can determine when this period ends.*

*Approval for the above noted renewable energy project is issued to you under Section 47.5 of the Environmental Protection Act subject to the terms and conditions outlined above.*

DATED AT TORONTO this 19th day of December, 2011




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Mansoor Mahmood, P.Eng.  
Director  
Section 47.5, *Environmental Protection Act*

DM/

c: District Manager, MOE Cornwall  
Max Frable, Penn Energy Renewables, Ltd.

