

July 19, 2014

Ministry of the Environment  
Environmental Approvals Branch  
2 St. Clair Avenue West  
Floor 12A  
Toronto, ON  
M4V 1L5

Attention: Agatha Garcia-Wright  
Director  
Environmental Approvals Branch

Dear Ms. Garcia-Wright:

**RE: K2 Wind Ontario Inc. (K2) Wind Project –  
Ashfield-Colborne-Wawanosh Township (ACW)**

We are residents of the Province of Ontario, are eighteen years of age or over and are impacted by the Green Energy and Economy Act and all “renewable energy projects” which fall under this Act.

The Renewable Energy Approval (REA), granted to K2 in July of last year, did not take into account important information which was made available prior to the approval with respect to the substation site. Nor did it adequately acknowledge and/or address issues and concerns which were clearly raised and communicated to K2 and the Ministry of the Environment (MoE), Approvals Branch, during the public consultation phase of the process.

Under Section 5.3 (Water Takings) of the REA regulations it states, “If a water taking is proposed in any of the project phases (including construction) applicants must describe all negative environmental effects that will or are likely to occur with regard to water quality, quantity and impacts on existing uses of the surface or ground water resource.”

In 2011 a K2 employee, Mr. David Harrelson, advised of close to surface aquifers at the substation site. Their presence is verified by Well Record A029342 from June 20, 2006. The well records from the site specifically make mention of the ground water table at one foot (12 inches) below surface. The MoE in Owen Sound had documentation in mid-2011 regarding the water issues at this site. The Approvals Branch of the MoE was notified and provided with this information as well.

At the July 17, 2012 ACW council meeting, Shawn Drennan raised specific concerns about municipal water resources in proximity to the proposed K2 substation (see enclosure #1). Council responded by sending a letter to Ms. Sandra Guido of the MoE, Approvals Branch, on July 24, 2012 (encl. 2) and to the Maitland Valley Conservation Authority (MVCA) on August 13, 2012 (encl. 3). MVCA responded by email correspondence (encl. 4). The MoE, Approvals

Branch, responded by email on February 20, 2013 (encl. 5) stating that the items raised were already addressed in the MoE letter of March 12, 2012 to ACW council (see encl. 6). Please note that Ms. Dumais' letter of March 12, 2012 (a copy of which was provided to you at that time) is generic in nature, was written well before ACW council's letter of July 24, 2012 and does not in any way address the specific water concerns which were raised in council's letter of July 24, 2012.

At the September 18, 2012 ACW council meeting a draft Water Resolution was presented to council for consideration (encl. 7) on behalf of concerned citizens of ACW.

The K2 project was approved without addressing these substation water issues which were well documented and which were also discussed openly and at length in a public forum at council meetings with K2 representatives in attendance prior to K2's submission of their REA Application. In fact, these known water issues were barely touched on in the application. On page 22 of the November 2012 Consultation Report, Appendix D1 – Public Correspondence Record and Comment/Response Summary, under Response Summary it states, “the current Project does not intend to use groundwater at the site for drinking water purposes, and there is no intention to extract groundwater at a level that would require an assessment under the REA process.” On page 23/24 of the same report, under Correspondence Summary, it is recorded that an email letter to K2 received on March 9, 2012 stated that “the amount of water that has been eliminated from the substation/switchyard property is not from a couple tile blowouts” and that “the farm has not stopped running over almost a year and even at the height of last summer the outlet was running a significant amount of water.” A further email to K2, received on August 27, 2012 “explained that the planned substation is very close to an intermittent water source” and “asked if there has been a water study done for this property to determine where the aquifers are, how deep they are and other impacts to the environment.” (encl. 8). Surprisingly, these legitimate concerns were not acknowledged or addressed in the REA Application.

When asked at a recent ACW council meeting, Mr. Glenn Hubbers referred ACW Council to K2's Hydrogeological Assessment (prepared by Stantec Consulting Ltd.) for answers as to how K2 acknowledged and addressed the substation water issues (encl. 9). This was a desktop-level assessment in support of the REA application. Again, there is next to nothing here with respect to the substation water issues. On page 3.5 it is noted that areas of high groundwater are concentrated in the vicinity of the substation. It is also noted that “the movement of groundwater through the overburden deposits of the Source Protection Area is poorly understood”. **The Ontario Water Resources Act is also administered by the Ministry of the Environment. If the Ministry of the Environment does not follow its own rules, regulations and/or guidelines, and approves the construction of a substation on top of a significant ground water resource, how does it ensure protection of our water resources from quality and/or quantity threats attributable to any other activities?**

The fifth conclusion in this Hydrogeological Assessment states, "Overall, if the dewatering mitigation measures outlined in this report are employed in those areas of the General Project Area where construction dewatering is required, it is reasonable to conclude that no notable long-term impacts to local groundwater and surface water resources will occur as a result of these dewatering activities." How is this a reasonable conclusion when it is based on a desktop-level assessment in support of a REA application? How is it a reasonable conclusion when it does not address the water issues which were brought to K2's attention during the public consultation process?

Since construction began at the substation/switchyard site last fall, millions of gallons of water have been pumped off site, a bermed pond system appears to be a permanent fixture at the substation property, water from the substation property has flowed onto the municipal road allowance (contrary to the terms of the municipal entrance permit), a drainage ditch was dug from the centre of the farm to direct water onto the municipal road allowance (in contravention of the provincial Drainage Act and the terms of the municipal entrance permit), water has been diverted to a neighbouring farm property and a different watershed, a petition for a municipal drain was brought to ACW council by K2 to address the water issues at the substation site, the MoE Compliance Division has issued an Officer's Order and a Director's Order to attempt to deal with the water issues at the substation, Interim and Long Term Storm Water Management Plans were ordered by the MoE, and additional hydrogeological work has been requested by the MoE and is outstanding at this time (encl. 10). The Long Term Storm Water Management Plan is another desktop-level report. Needless to say, this series of events is causing a great deal of frustration (encl. 11) and should not have occurred. This situation is totally unacceptable.

It is now well known that there is a serious water issue at the substation site. It is not enough to just manage the water and remove it. We need to know where this water is coming from. We need to understand the risks associated with the construction activities at this site. We need to know if the construction activities will drain a significant water recharge area in our township. No one to date has been able to state with any assurance what is actually going on here. Desktop-level assessments are not enough.

In your letter of May 7, 2014 to Ms. Lisa Thompson (encl. 12), you state that, "proponents are advised to consult early in the REA process with municipalities, the public, Aboriginal communities, local service boards and other federal/provincial government agencies, as applicable, to identify local interests in the vicinity of the project and to determine if the project could potentially result in negative effects". We have been constantly assured that the REA process is robust and comprehensive and that public consultation is a key component. K2 was made well aware of the water issues at the substation site and yet chose to ignore their gravity and gave these concerns only passing comment in the REA Application documents which they submitted to you. They were not forthcoming with all information which was brought to their attention. These issues needed to be fully acknowledged and addressed long before the first shovelful of dirt was turned. After the fact mitigation measures make a sham of the process.

It is not for the residents of Ontario to bear any repercussions from an incomplete REA Application. K2's application was incomplete. Given the current situation, we question the terms under which the REA was granted. The approval was premised on inadequate and unsupported information. We are therefore requesting that the Renewable Energy Approval for the K2 Wind Ontario Inc. project in Ashfield-Colborne-Wawanosh be revisited and revoked.

We await your response.

Respectfully,

Copy to:

**Glenn Murray, Ministry of the Environment**

**Paul Evans, Ministry of the Environment**

Victor Schroter, Ministry of the Environment

Ian Parrott, Ministry of the Environment

Neil Hannington, Ministry of the Environment

Rick Chappell, Ministry of the Environment

Scott Gass, Ministry of the Environment

Carmine Marcello, Hydro One

Denise Jamal, Hydro One

Marylena Stea, Hydro One

Lisa Thompson, MPP

Ontario Ombudsman – File No. 284475-001

Ted Olechna, Electrical Safety Authority

Kirstin Walli, Board Secretary, Ontario Energy Board

Peter Hulsman, Ministry of Natural Resources

Nancy Matthews, Ministry of the Environment

Mili New, Ministry of the Environment