



Memo: Telephone Discussion Regarding Noise By-law Exemption Process

Date: February 24, 2017

To: Sean Fairfield, Algonquin Power Co.

CC: Ariel Bautista, Jim Stewart, David MacPherson, Robert Maddocks, Murray Beckel, Loyalist Township Council, Loyalist Township Department Heads, Guy Laporte, Dan Fencott, Tony Fleming

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Memo

Yesterday we spoke on the phone regarding the process for Algonquin Power Co. to apply for a temporary exemption from Loyalist Township's noise by-law. You have expressed that there are certain processes, such as the erection of turbines and placement of concrete in foundations, that may lead to potential infringements upon the restrictions in the noise by-law. This memo is intended to summarize our discussion.

I advised that the purpose of the letter from the Township to Algonquin was to note that Council's consideration of requests for consideration, should not be viewed as a rubber stamp of approval, and that typically, many requests for blanket exemptions for construction purposes are denied.

Requests for construction purposes have been approved where the proponent has demonstrated that the public has been informed of the potential of the noise by-law infringement, the duration of the noise, the source of the noise, the distance to the nearest receptors, the expected frequency, and all other information that is appropriate in helping Loyalist Township Council make a decision on the request for exemption. The proponent must also demonstrate that they have no other options, and that they will mitigate any noise as much as possible.

It is very important for Algonquin to note the expected time frames for exemptions, and it was suggested that Algonquin look at making separate requests for exemptions with respect to turbine erection and/or concrete pours or any other activities, so that the specific request's supporting documentation is as clear as possible.

I reminded you that this is a political process, and that Council will consider each application on its own merits. Approval of an exemption request is not guaranteed by any means. I suggested that you consider a two-level approach: Council may consider a blanket approach if it could be proven that noise levels for a specific activity could be

restrained, so that it would fall below a relatively low level at the location of the nearest receptor. This could possibly allow some low noise level activity to proceed around the clock under a blanket exemption.

Based on my experience, I would not expect Council to approve a broad range of construction activities under a blanket exemption for a long period of time.

I also suggested that Algonquin look at how they might monitor noise levels, should they wish to proceed with a low level noise exemption.

I stressed the importance of Algonquin beginning these discussions well in advance of when the proposed exemption would begin, so that you have an understanding of the position of Council. You asked if Loyalist would review a draft exemption proposal prior to going to Council, and I advised that the Loyalist staff team assigned to the Algonquin project would be made available for such a review in advance of the proposal or application being presented to Council, if requested.

I noted that the noise by-law and any requests for exemption, are typically administered by the Municipal Clerk. However, since there is currently a vacancy in that position, I will act as the point person for Algonquin on behalf of the Township for the purpose of this by-law, until further notice. All other operations matters should be directed to David MacPherson.

Original signed by

A handwritten signature in black ink, appearing to read 'D.C. Thompson', written in a cursive style.

David C. Thompson, P.Eng.
Director of Infrastructure Services
DCT/aka