

Technical Requirements for the Closure of the White Pines Wind Facility

Ministry of the Environment, Conservation and Parks



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1 DEFINITIONS

1.1 In this document,

“120 m Zone of Investigation” means the area surrounding the project location, measured as 120 metres (m) from the outer perimeter of the project location;

"Application" means the application for a Renewable Energy Approval dated September 14, 2012, and signed by Khlaire Parré, Director of Renewable Energy Approvals, wpd White Pines Wind Incorporated, and an Addendum to the application for a Renewable Energy Approval dated August 2, 2013, and signed by Shawna Peddle, Senior Project Manager, Stantec Consulting Ltd., on behalf of wpd White Pines Wind Incorporated, and all supporting documentation submitted with the application, including amended documentation submitted up to July 15, 2015 and as further amended by the application for an amendment to a Renewable Energy Approval dated October 10, 2017, and signed by Khlaire Parré, Director of Renewable Energy Approvals, wpd White Pines Wind Incorporated;

“County” means the Corporation of the County of Prince Edward;

“Erosion and Sediment Control and Stormwater Management Plan Reports” means the documents of that name submitted by the Company to the Director dated December 9, 2015, January 14, 2016; and February 23, 2016;

"In-water works" means any works or activities related to the decommissioning of the facility that take place below the high-water mark during flowing conditions or when water is present;

"Ministry" means the ministry of the government of Ontario responsible for the Environmental Protection Act and includes all officials, employees or other persons acting on its behalf;

“NTU” means Nephelometric Turbidity Unit;

"Qualified Independent Structural Engineer" means a Professional Engineer with training and/or experience in structural engineering who is not representing the Company and who was not involved in preparing the heritage assessment reports or the protected properties report in respect of the facility;

"Qualified Inspector" means a person with training and/or experience in erosion and sediment control and storm water management who is not representing the Company and who was not involved in preparing the storm water management and erosion and sediment control plans in respect of the facility;

"Qualified Person" means a professional engineer, hydrologist or other person with training or experience in erosion and sediment control and storm water management;

"Qualified Professional" means, a person with particular expertise who is trained and qualified with respect to Blanding's Turtles;

"Regulation" means O. Reg. 237/19 (Closure of the White Pines Wind Facility)

"Significant Storm Event" means a minimum of 10 millimetres of rain in any 24 hour period as measured at the closest Environment Canada weather station;

"Unavoidable" means not able to be avoided or prevented or there are no reasonable and legally permissible alternative options;

"UTM" means Universal Transverse Mercator coordinate system identifying easting, northing and zone based on a Z18-NAD83 projection.

1.2 In this document, the following terms have the same meaning as in O. Reg. 359/09 (Renewable Energy Approvals under Part V.0.1 of the Act):

"consultant archaeologist"

"natural feature"

“professional engineer”

“storm water”

1.3 In this document, the following terms have the same meaning as in the Regulation:

“Company”

“Director”

“District Manager”

“facility”

“project location”

2 GENERAL

2.1 All closure activities and other work described herein shall be carried out by the Company in a safe manner, in accordance with industry standards and applicable laws.

3 PRE-DISMANTLING ACTIVITIES

3.1 Staging Areas

3.1.1 Prior to any dismantling or removal of facility components, staging areas shall be delineated at the site of each turbine and substation or as otherwise required. Subject to section 3.1.2, the same staging areas that were approved for construction activities shall be used for closure activities.

3.1.2 If new staging areas are required on lands that were not assessed as part of the Application the Company shall:

- a) meet the requirements of the applicable natural heritage setbacks in Part V of O. Reg 359/09 as though that Part applied, without relying on any exemptions set out in those sections; and

- b) meet the requirements set out in section 21 of O. Reg 359/09 as though that section applied, including relying on the exemption in subsection 21(3), if appropriate.

3.1.3 Staging areas shall be used for temporary storage of the components, parking, and excavated foundation spoil pile. This area shall be restored to pre-construction conditions as part of the closure of the facility.

3.1.4 The dismantling or removal of turbines and substations are to be conducted within the staging areas described above. This includes ensuring that vehicles and personnel stay within the demarcated areas.

4 EQUIPMENT DISMANTLING AND REMOVAL

4.1 Turbine Towers and Turbine Components

4.1.1 The turbine towers, nacelle and blades shall be disassembled.

4.1.2 The turbine towers, nacelle, blades and other turbine components may be temporarily stored in the staging areas until they are removed from the project location.

4.1.3 Any waste elements of the turbine towers, nacelle, blades and other turbine components shall be processed and safely transported to an authorized disposal facility. No final disposal of waste from the turbine towers, nacelle, blades and other turbine components is permitted to occur at the project location.

4.1.4 All salvageable turbine components shall be removed from the project location, unless the Company and the landowner have a written agreement that provides for another arrangement.

4.2 Turbine Foundations and Turbine Transformer Foundations

4.2.1 Unless the Company and the landowner have a written agreement that provides for another arrangement, the Company shall either remove the turbine foundations and turbine transformer foundations completely, or partially to a depth consistent with the surrounding bedrock as determined by geotechnical investigations.

4.2.2 Unless the Company and the landowner have a written agreement that provides for another arrangement, where foundations are fully or partially removed, the concrete and other material associated with the portions so removed shall be removed from the project location and excavated areas shall be brought to grade with clean fill and topsoil.

4.3 Crane Pads

4.3.1 Unless the Company and the landowner have a written agreement that provides for another arrangement, the Company shall remove all crane pads, including the geotextile material beneath the pads and granular material.

4.3.2 If crane pads are fully or partially removed, the geotextile material beneath the portions of the pads so removed and associated granular material shall be removed from the project location and excavated areas shall be brought to grade with clean fill and topsoil.

4.4 Electrical Collector or Distribution Lines

4.4.1 Unless the Company and the landowner have a written agreement that provides for another arrangement, underground electrical collector lines on private land may remain in place provided that both ends that come to the surface be excavated to approximately 1.2 m below grade and capped.

4.4.2 The Company shall request the input of the County in respect of the electrical collector and distribution lines installed in municipal road allowances, or affixed to a bridge, viaduct or structure or entrance within the road allowance.

4.4.3 Unless the Company and the County have a written agreement that provides for another arrangement, electrical collector and distribution lines installed in municipal road allowances, or affixed to a bridge, viaduct or structure or entrance within the road allowance shall be removed and the area restored as described in section 5.3.

4.4.4 The Company shall provide the UTM of any electrical collector or distribution lines that are left in place to the land owner and Director.

4.5 Substations

4.5.1 The substations shall be dismantled by the Company.

4.5.2 Once dismantled, the transformers, switchgear, grounding grid and electrical system components shall be removed from the project location before the Company submits the final closure report to the Director under subsection 8(1) of the Regulation.

4.5.3 Unless the Company and the landowner have a written agreement that provides for another arrangement, the concrete foundation shall be removed to approximately 1 metre below grade.

4.5.4 If all or part of the concrete foundation is removed, all granular, geotextile and concrete materials associated with the portion so removed shall be removed from the project location and excavated areas shall be brought to grade with clean fill and topsoil.

4.6 Access Roads

4.6.1 All access roads installed by or on behalf of the Company shall be removed, including culverts, the geotextile material beneath the roads and granular material.

4.6.2 If the access road existed prior to construction, it shall be returned to a similar condition that existed prior to the start of construction of the facility.

4.6.3 All materials generated as part of the removal of the access roads and no longer required at the project location shall be removed from the project location.

4.6.4 The requirements in sections 4.6.1 to 4.6.3 do not apply if the Company and landowner have a written agreement that provides for another arrangement.

4.6.5 The requirements in sections 4.6.1 to 4.6.2 do not apply to the entrances to any properties that the County has issued permits in respect of.

4.7 Storage Area

4.7.1 The Company shall remove the storage area, including any granular material and fencing.

4.7.2 All materials generated as part of the removal of the storage area and no longer required at the project location shall be removed from the project location.

4.7.3 The requirements in sections 4.7.1 and 4.7.2 do not apply if the Company and landowner have a written agreement that provides for another arrangement.

5 SITE RESTORATION

5.1 Natural Features

5.1.1 The Company shall:

- a) where natural features have been disturbed due to the construction or closure of the facility, restore the natural features previously found in the project location and the 120 m Zone of Investigation to the state that existed before the construction and closure of the facility started; and

- b) preserve the current natural features found in the project location and the 120 m Zone of Investigation that have not been disturbed due to the construction or closure of the facility.

5.1.2 Unless unavoidable, the Company shall not remove or damage any trees in all areas where closure activities take place including any roads or transportation routes. If the removal of or damage to trees is unavoidable, the Company must contact the Ministry and County a minimum of 5 business days prior to commencing the decommissioning activity and describe why the activity is unavoidable.

5.1.3 Where removing or damaging trees was unavoidable for the purposes of section 5.1.2, the company shall replant trees that were removed and take steps to repair those that were damaged.

5.1.4 Section 5.1.1(a) does not apply in respect of:

- a) the portion of the project location on which the landowner has agreed to retain all or a portion of a crane pad, foundation, electrical collector or distribution lines, or access road;
- b) any landscaping features described in section 5.4.2; or
- c) natural features which have been expanded, restored, created or enhanced by such disturbance.

5.2 Agricultural Lands

5.2.1 Agricultural lands that may have been compacted due to construction, operation or closure activities, including crane pads and access roads shall be decompacted to a state that is consistent with agricultural lands in the vicinity of the project location.

5.2.2 Section 5.2.1 does not apply in respect of a portion of agricultural lands on which the landowner has agreed to retain all or a portion of a crane pad, foundation or access road.

- 5.2.3** The Company shall ensure that any agricultural tile drains capped during construction, or damaged during the closure activities, are repaired to a reasonable standard.
- 5.2.4** In consultation with the landowner, the Company shall ensure that any areas on agricultural land that were excavated during construction or closure are filled with clean fill and topsoil to a similar depth as adjacent areas and graded to pre-construction conditions.
- 5.2.5** The Company shall, within 60 days of the Regulation coming into force contact the Ministry of Agriculture, Food and Rural Affairs to seek to discuss its plans to restore the portions of the project location on agricultural lands to its previous agricultural capacity.
- 5.2.6** For the purpose of section 5.2.5, the Company is not required to consider any comments that are provided more than 45 days after they are requested by the Company

5.3 Municipal Road Allowances

- 5.3.1** Where components of the facility have been removed from municipal road allowances the Company shall, to the extent possible, restore the road allowances to their original condition.
- 5.3.2** The Company shall consult with the County of Prince Edward and Quinte Conservation in respect of the Company's plans to restore the road allowances.
- 5.3.3** The Company is not required to consider any comments in respect of the plans to restore the road allowances from either the County or Quinte Conservation that are provided more than 45 days after they are requested by the Company
- 5.3.4** Erosion and sediment control measures at the ditch shall be left in place until any plants are established.

5.3.5 For greater certainty, the requirements in this section do not relieve the Company from obtaining any permits or other authorizations that may be required from the County in respect of the municipal road allowances. However, the Company is relieved from the requirements in this section to the extent that such County permits or authorizations conflict with or provide express relief from such requirements.

5.3.6 The requirement in section 5.3.1 does not apply if the Company and County have a written agreement that provides for another arrangement.

5.4 Cultural Heritage Landscapes

5.4.1 The Company shall take every practical step to avoid changes to the trail surface of Millennium Trail from the removal of below-grade infrastructure. If disturbances to the trail surfaces are Unavoidable, they shall be repaired immediately following closure activities to restore the trail surface to the extent possible to original pre-construction conditions.

5.4.2 The Company shall take every practical step to avoid the removal of or damage to landscaping features along Royal Road and Maypul Layn Road streetscape and Millennium Trail, such as trees, fencing or vegetation as a result of the closure of the facility.

5.4.3 If disturbances to landscaping features described in section 5.4.2 are Unavoidable, the Company must contact the Ministry and the clerk of the County a minimum of 5 business days prior to commencing the closure activity and describe why the activity is unavoidable.

5.4.4 The Company shall take every practical step to restore or replace any landscaping features described in section 5.4.2 that were removed or damaged as a result of the construction or closure of the facility to as close to the pre-construction conditions as possible, as soon as reasonably possible following closure activities. Where it is not possible to return the landscaping features to pre-construction conditions, the Company shall seek the input of the County and District Manager.

5.5 Potential Contamination

5.5.1 Should soil contamination be noted at the project location, where such contamination was a result of the construction or closure of the facility, the impacted soils will be delineated, excavated removed and disposed of at an approved facility.

5.5.2 Any soil that is removed shall be replaced with soil that meets the applicable site condition standards set out in the Ministry publication titled "Soil, ground water and sediment standards for use under Part XV.1 of the Environmental Protection Act" dated April 15, 2011.

6 STORM WATER MANAGEMENT, EROSION AND SEDIMENT CONTROL AND SURFACE WATER MONITORING

6.1 Subject to approval of the Director where required pursuant to section 6.3, the Company shall take all measures necessary to prevent damage or any related impacts to properties, buildings, bridges, structures, roads, railway lines and/or other infrastructure at or adjacent to the project location that may be impacted by the discharge or drainage of storm water from the project location arising from the closure of the facility.

6.2 Prior to commencement of closure activities at the project location, the Company shall install and maintain the storm water management and erosion and sediment control measures as detailed in the Erosion and Sediment Control and Stormwater Management Plan Reports.

- 6.3** At locations where the need for erosion and sediment control measures have not been assessed or the company has proposed revisions to the Erosion and Sediment Control and Stormwater Management Plan Reports, the Company shall not commence any work until the written approval of the Director has been obtained. If the Director does not provide written approval or written reasons why the approval is being denied within 45 days after it is requested, approval is deemed to be granted.
- 6.4** The Company shall provide written notification to the District Manager 5 days prior to commencement of any activities for which the approval of the Director was obtained under section 6.3.
- 6.5** Upon completion of the installation of the storm water management and erosion and sediment control measures pursuant to section 6.2, the Company shall employ a Qualified Inspector to inspect all erosion and sediment control and storm water management measures, and perform all monitoring and measurements such as turbidity, as outlined in sections 6.6 and 7.2.
- 6.6** Following completion of the installation of the storm water management and erosion and sediment control measures pursuant to section 6.2, the erosion and sediment control and storm water management measures shall be inspected daily by the Company, and shall be inspected by a Qualified Inspector following precipitation events during the spring freshet period of snow and ice melt and after any Significant Storm Event.
- 6.7** The inspection and monitoring set out in section 6.5 shall continue until such a time as the Qualified Inspector determines that the risk of surface water and environmental impacts from the activities required to close the facility are negligible and seed has been established.

6.8 Commencing on the date the Qualified Inspector is employed in accordance with section 6.5, until the Qualified Inspector has made the determination described in section 6.7, the Company shall require the Qualified Inspector to monitor turbidity levels for all activities that take place within 30 metres of the high-water mark of a waterbody, in accordance with the following:

- a) Monitoring shall be conducted on a daily basis upstream of the closure activity, and downstream of the closure activity during the spring freshet period of snow and ice melt and after Significant Storm Events;
- b) If the average (arithmetic mean) daily turbidity level downstream of the activities carried out to close the facility exceeds the values specified for a short-term or long-term exposure as defined in the publication Titled “Canadian Water Quality Guidelines for the Protection of Aquatic Life” prepared by the Canadian Council of Ministers of the Environment, 2003, the Company shall notify the Spills Action Centre of the Ministry at 1-800-268-6060 within 24 hours and the Company shall take immediate steps to prevent further migration of turbid water into the watercourse.

6.9 For the purpose of section 6, turbid water is defined as any discharge water or diverted water with a maximum increase of 5 NTUs above the receiving stream's background levels.

6.10 The Company shall ensure that storm water does not, as a result of the closure activities, contain a concentration of oil or petrochemicals that could be detected as a visible film, sheen or discoloration, be detected by odour, cause the tainting of any aquatic organism, form deposits on shorelines or bottom sediments, or that could be deleterious to aquatic organisms.

- 6.11** The Company shall ensure that water pumped from any of the Company's excavations is not discharged at a rate or in a quantity which will cause downstream flooding, erosion, or environmental impact, and that appropriate sediment control measures, such as sediment basin and filter strips will be employed, as necessary, at the discharge location.
- 6.12** The Company shall ensure that closure activities are located a minimum of 30 metres from the high-water mark of water bodies, as identified in the site-specific storm water management plan and erosion and sediment control plan described in section 6.2.
- 6.13** The Company shall maintain records of all inspections, monitoring and sampling data, and maintenance carried out pursuant to sections 6.2, 6.5 and 6.8 and shall make those available for inspection by the Ministry, upon request.
- 6.14** The records described in section 6.13 shall include the name of the Company's representative who conducted the inspections and/or Qualified Inspector, date, locations and timing of inspections and all remedial actions taken.
- 6.15** When the Company is of the opinion that there is no further need for the storm water management and erosion and sedimentation control measures to be in place the Company shall prepare a written report in accordance with section 6.16 and submit it to the District Manager for approval.
- 6.16** The report described in section 6.15 shall include, at a minimum, analysis that quality and quantity of the storm water demonstrates that there is no further need for the storm water management and erosion and sedimentation control measures to be in place.
- 6.17** Once the District Manager provides written approval of the report submitted under section 6.15 the storm water management and erosion and sedimentation control measures shall then be removed.

6.18 If the District Manager does not provide written approval of the report or written reasons why the report is not approved within 45 days after it is submitted, the report is deemed to be approved.

6.19 For greater certainty during the removal of the works described in 6.17 the Company shall comply with section 5 governing site restoration.

7 IN-WATER WORKS

7.1 In-water works shall be completed in a manner that does not harm fish habitat and other sensitive aquatic species or habitats.

7.2 Commencing on the date that In-water works begin , until the Qualified Inspector has made the determination described in section 6.7, the Company shall monitor turbidity levels in accordance with the following:

- a) while In-water works are occurring, monitoring shall be conducted on a daily basis upstream of the facility within the waterbody(s), and downstream of the facility within the waterbody(s);
- b) the Company shall notify the District Manager if the turbidity downstream of the erosion and control works is greater than 8 NTUs from that measured upstream and shall immediately implement additional erosion and sediment control measures to reduce or mitigate the sediment related impacts;
- c) the Company shall collect water samples from a location immediately upstream of any In-water works, and from a location immediately downstream of the In-water works to be analyzed for Total Suspended Solids; and
- d) the sampling for Total Suspended Solids shall take place at least once daily while In-water works are occurring, unless otherwise directed by the Ministry.

7.3 The Company shall carry out in-water works in a manner which:

- a) does not impact the stream bed, substrates, stream bank, instream and near-shore habitat, and flow characteristics; and
- b) adheres to any timing restrictions or mitigation requirements imposed under any other Act of the Government of Canada or Ontario.

8 WATER TAKINGS

8.1 The Company shall not take more than 50,000 litres of water on any day by any means for the purpose of carrying out the closure of the facility unless the written approval of the Director has first been obtained.

9 BLANDING'S TURTLES AVOIDANCE MEASURES

9.1 The Company shall implement and adhere to the avoidance techniques and best management practices to avoid adverse impacts to Blanding's Turtles and its habitat, in accordance with the following:

- a) Species at Risk Report White Pines Wind Project, dated August 2012 prepared by Stantec Consulting Ltd.;
- b) White Pines Wind Project Natural Heritage Assessment; and
- c) Environmental Impact Study - Addendum 2, March 2013 prepared by Stantec Consulting Ltd.

9.2 For greater certainty the requirements described in section 9.1 include but are not limited to the following:

- a) The Company shall avoid all Blanding's Turtle overwintering habitat, during the overwintering period of October 15 to April 15.
- b) The Company shall not perform in-water works from October 15 to April 15 of any year as turtles could be hibernating.

- c) Where possible, closure activities for project components located within Blanding's Turtle habitat shall only occur between October 15 and April 30.
 - (i) If closure activities between May 1 and October 14 are unavoidable, the Company must contact the Ministry a minimum of 5 business days prior to commencing the closure activity and describe why the activity is unavoidable and every attempt must be made to avoid harassment or injury to Blanding's Turtles, including, but not limited to the following further restrictions:
 - (A) Immediately prior to closure activities a Qualified Professional shall search all work areas to identify the presence of Blanding's Turtles.
 - (B) Should a Blanding's Turtle(s) be observed within the project location, all closure activity (within 30 metres of the observation) shall cease immediately until the Blanding's Turtle(s) vacate(s) at least 30 metres from the area of the closure activity of its own accord.

9.3 Prior to commencing closure activities, the Company shall clearly stake the limits of the work area.

9.4 The Company shall ensure that the closure activities do not cause any disturbance to occur beyond the staked limits and that edges of sensitive areas adjacent to the work areas are not disturbed by any closure activities.

9.5 The Company shall employ regular monitoring of the work area limits to ensure its objective of causing minimal disturbance beyond the staked limits.

- 9.6** Should monitoring described in section 9.5 reveal that the closure activities have caused a disturbance beyond staked limits, the Company shall, at the direction of a Qualified Professional, take mitigation action that could include rehabilitation of the disturbed area to pre-disturbance conditions, with enhancement of any disturbed areas.
- 9.7** If a nesting turtle or the nest site of a Blanding's Turtle is encountered within the project location, the Qualified Professional shall determine if a decommissioning activity may adversely affect the nesting turtle or nest site, and shall provide any direction and/or measures to avoid impact. The Company shall follow any direction and/or measures as recommended by the Qualified Professional.
- 9.8** The Company shall maintain a staff training manual that describes at a minimum how to identify Blanding's Turtles and steps to be taken upon encountering a Blanding's Turtle.
- 9.9** All persons entering the project location at the Company's request to engage in closure activities shall be provided training with the manual mentioned in section 9.8 about Blanding's Turtles and shall, before entering the site, be trained in the proper steps to take upon encountering a Blanding's Turtle.
- 9.10** Vehicle traffic on access roads is only permitted during daylight hours from April 15 to October 15.
- 9.11** The Company shall maintain restrictions on vehicle speeds on access roads to 15 km/h or less until closure activities are completed.
- 9.12** The Company shall maintain speed limit signage to communicate the 15 km/h limit on all access roads, until closure activities are completed or until such access roads are removed. Signage shall be removed once access roads are removed.

- 9.13** The Company shall ensure that gates prohibiting access are installed and remain in place at the entrance to all access roads that occur in or adjacent to Blanding's Turtle habitat until closure activities are completed or the access roads removed.
- 9.14** The Company shall maintain turtle crossing signs along access roads that occur in or adjacent to Blanding's Turtle habitat, until closure activities are completed or until such roads are removed. Signage shall also be removed once access roads are removed.
- 9.15** Until closure activities are completed, all observations of Blanding's Turtles on the project location by the Company or which are reported to the Company, shall be recorded and submitted to the District Manager within 2 business days of the observation, with any observed fatalities reported to the District Manager immediately.
- 9.16** Until closure activities are completed the Company shall continue to implement the additional avoidance and mitigation measures as outlined in the report "Additional Avoidance and Mitigation Measures to Minimize Potential Impacts to Blanding's Turtle (*Emydoidea blandingii*)", prepared by Natural Resources Solutions Inc., dated July 2016, including implementation of the mitigation measures described in Tables 2-1 to 2-5 and 4-1 of that report.

10 CULTURAL HERITAGE RESOURCES AND PROTECTED PROPERTIES

- 10.1** The Company shall, subject to section 10.2, avoid any closure activities within 60 metres of any cultural heritage resources listed in Appendix A.
- 10.2** Where carrying out any closure activities within 60 metres of any cultural heritage resources listed in Appendix A is unavoidable, the Company shall ensure that peak particle velocity levels associated with those activities are within the acceptable level as determined by a Qualified Independent Structural Engineer retained by the Company.

- 10.3** The Company shall perform ongoing vibration monitoring when carrying out any closure activities within 60 metres of any cultural heritage resources listed in Appendix A to ensure that peak particle velocity levels associated with those activities are within the acceptable level as determined in accordance with section 10.2. Such monitoring shall commence prior to any of those activities and continue constantly until the activities are completed. Vibration monitoring equipment must be continuously and constantly supervised by a person.
- 10.4** Should the levels referred to under section 10.2 be exceeded based on the vibration monitoring carried out under section 10.3, the Company shall cease any closure activities within 60 metres of any cultural heritage resources listed in Appendix A until an acceptable solution can be identified by the Qualified Independent Structural Engineer.
- 10.5** The Company shall also retain a Qualified Independent Structural Engineer to perform an inspection of structures and their foundations on the cultural heritage resources listed in Appendix A post all closure activities and compare the inspection results to pre-construction inspections completed during the construction phase of the facility.
- 10.6** For the purposes of section 10.5, the Company shall attempt to contact the applicable owner(s) of the cultural heritage resource(s) to arrange for the post closure activity inspection(s) by the Qualified Independent Structural Engineer to take place on the cultural heritage resource(s).
- 10.7** If the Company has been unable to access the lands to comply with section 10.6 and has obtained the confirmation of the Director provided for in clause 2(2)(c) of the Regulation in respect of that requirement, the Qualified Independent Structural Engineer may complete the applicable inspection(s) from publicly accessible properties.

10.8 The Company shall not remove any extant cabins, log houses or built features encountered in wooded portions of the project location during the closure of the facility without undertaking a Heritage Assessment of the resource in accordance with section 23 of O. Reg. 359/09.

10.9 If a Heritage Assessment of the resource is required pursuant to section 10.8, that assessment shall be submitted to the Ministry of Tourism, Culture and Sport upon its completion and the Company shall not remove the extant cabin, log house or built feature unless it does so in accordance with any recommendations provided for in that assessment or any written comments provided to the Company by the Ministry of Tourism, Culture and Sport in respect of that assessment.

11 ARCHAEOLOGICAL RESOURCES

11.1 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 archaeologists' reports described in the paragraphs 6 to 9 of Schedule B to the Regulation.

11.2 Should any closure activities take place outside the areas assessed in the archaeological assessments described in section 11.1, the Company shall:

- a) meet the requirements set out in section 21 of O. Reg 359/09 as though that section applied, including relying on the exemption in subsection 21(3) if appropriate; and
- b) notify the Director and clerk of the County within 5 days.

11.3 Should any previously undocumented archaeological resources be discovered, in the course of the closure activities, the Company shall:

- a) immediately cease its alteration of the area in which the resources were discovered;

- b) engage a consultant archaeologist to carry out the archaeological fieldwork necessary to 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, Culture and Sport's Standards and Guidelines for Consultant Archaeologists; and
- c) notify the Director and clerk of the County within 5 days.

11.4 The Company shall not alter the area in which the undocumented archaeological resources were discovered unless it does so in accordance with the recommendations of the consultant archaeologist engaged for the purpose of section 11.3 (b).

12 EMERGENCY RESPONSE AND COMMUNICATIONS PLAN

12.1 The Company shall prepare an Emergency Response and Communications Plan to address the closure of the facility and shall include at a minimum the following information:

- a) hazard identification and assessment;
- b) communication system including updated emergency contact information for the Company and procedures;
- c) administration of the plan including roles and responsibilities, and emergency resources; and
- d) emergency response procedures.

12.2 The Company shall finalize the plan within 30 days of the Regulation coming into force and submit a copy of the plan to the clerk of the County.

13 ABORIGINAL CONSULTATION

13.1 During the closure of the facility, the Company shall:

- a) create and maintain written records of any communications with Aboriginal communities; and

- b) make the written records available for review by the Ministry upon request.

13.2 If any archaeological resources of Aboriginal origin are found during the decommissioning of the facility, the Company shall:

- a) notify any Aboriginal community considered likely to be interested or which has expressed an interest in such finds; and,
- b) if a meeting is requested by an Aboriginal community to discuss the archaeological find(s), make reasonable efforts to arrange and participate in such a meeting.

14 RECORDS

14.1 The Company shall maintain records relating to,

- a) inspections of the facility, including those required under sections 6 and 7;
- b) monitoring and sampling data including those required under section 6 and 7;
- c) any complaint alleging an adverse effect connected to the closure of the facility;
- d) the UTM of any electrical collector, distribution or interconnection lines that are left in place; and
- e) any observations of Blanding's Turtle

14.2 A record of an inspection shall include the name and qualifications of the person who conducted the inspection, the date and time of the inspection, and all remedial actions taken as a result of the inspection.

14.3 A record of a complaint shall include, to the extent the information is known to the Company,

- a) a description of the complaint, including,
 - (i) the date and time the complaint was made;

- (ii) the name, address and contact information of the person who made the complaint;
- b) a description of each incident to which the complaint relates, including,
 - (i) the date and time of the incident;
 - (ii) the duration of the incident;
 - (iii) the location of the person who made the complaint at the time of the incident;
- c) 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.

14.4 The Company shall make the records available for inspection by the Ministry on request.

14.5 The Company shall retain the records until they are submitted as part of the final closure report to the Director, District Manager and Clerk of the County.

15 COMPLAINTS

15.1 The Company shall notify the District Manager of each complaint within two business days after the complaint is received and provide the District Manager with the records of the complaint required under section 14.3 within eight business days after the complaint is received.

APPENDIX A CULTURAL HERITAGE RESOURCES

- 310 Bond Road
- 3705 County Road 10
- 757, 896, 919, 1038, 1071, 1106, 1112, 1177, 1210, 1247, 1327, 1375 Royal Road
- The Royal Road Streetscape
- Rose/Frost Farm Complex
- 1078 Royal Road
- The Royal Street Cheese Factory
- 45 and 114 Maypul Layn Road
- 1568 County Road 5
- 1582 and 1590 County Road 5
- 823 County Road 4
- 840 County Road 4
- 364 May Road
- 635 County Road 1 (Orser Hall and Orser Cemetery)
- 622 County Road 1
- 550 County Road 1
- 530 County Road 1
- 478 County Road 1
- 261 County Road 1
- 111 County Road 1
- 61 County Road 1
- 52 County Road 1
- 11 County Road 1
- 314 County Road 1
- 396 County Road 10
- 416 County Road 10
- 506 County Road 10
- 554 County Road 10
- 9 Mowbray Road
- 119 Mowbray Road

- 153 Mowbray Road
- 46 Crowes Road
- 606 Crowes Road
- Scott's Mill
- 2847 County Road 10
- 2741 County Road 10
- 2653 County Road 10
- 2561 County Road 10
- 131 County Road 1
- 440 Miller Road
- 36 County Road 1