

## **Green Energy and Economy Act Brief for South Simcoe Municipalities**

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## **1.0 Purpose:**

According to the architects of the Green Energy and Economy Act, 2009, the purpose of the Act is to ensure Ontario's green economic future. To accomplish this goal, the Act encourages investment in renewable energy generation and a culture of conservation to spur green job creation and reduce the effects of climate change. According to Deloitte, the result of the Act will be "growth of a robust green economy that puts Ontario on a leadership path for investment in renewable energy". The government of Ontario estimates 50,000 jobs will result from the implementation of the Act from over \$10 billion dollars invested in renewable energy projects.

A renewable energy facility produces energy from wind power, solar power, biomass, biogas, water power or landfill gas that can be transformed to feed into the electrical grid transmission system.

This document provides an overview of the policies currently in effect under Bill 150, the Green Energy and Economy Act, 2009 that may be of interest to municipalities of South Simcoe. It does not cover all aspects of the Act and is not intended to be a substitute for professional legal or planning advice.

## **2.0 Key Aspects of the Act**

- The government has increased the rate for its feed-in-tariff (FIT) program. The program provides guaranteed 20 year financial incentives to encourage more investment by government, business and homeowners in renewable energy.
- The government is increasing the opportunities to hook up to the grid so generators can sell the power back to the system.
- The approvals process is streamlined providing a six-month service guarantee for renewable energy producers. It accomplishes this by removing planning approvals, reducing regulations and public participation opportunities. For large projects the Environmental Assessment process has been replaced with regulations under the Ministry of the Environment and Ministry of Natural Resources.
- The 'right to connect' gives priority access for renewable energy to hook up to the energy grid.
- The government is expanding and supporting a green economy through provisions supporting community ownership, provincial content regulations

and supporting the development of renewable energy businesses to increase the number of green jobs.

- Other aspects of the Act not implemented by April 2010 encourage a culture of conservation through conservation demand management programs, and the eventual implementation of a smart power grid which will provide responsive transmission and distribution controls.

### **3.0 Effect on Municipal Planning**

The Green Energy and Economy Act streamlines approvals for renewable energy projects. In doing so, it amends the Planning Act, by creating a number of exemptions regarding renewable energy facilities. A new section in the Planning Act 62.0.2 exempts renewable energy projects from requirements under Official Plans, zoning by-laws, demolition control areas and development permit processes. Essentially, municipalities no longer have control over land use decisions regarding these projects. The Green Energy Act removes planning requirements, including the associated fees and public process but building permits are still required.

The third party right to appeal is limited and now rests with Environmental Review Tribunal. Parties have 15 days from the date of a decision to file an appeal, and they must prove that the project will be devastating to human health or the environment. In addition, subsections 50 (3) and 50 (5), subdivision and part lot control no longer apply to renewable energy leases between 21 and 50 years.

The applicant is required to consult with the municipality when planning a renewable energy project. In addition, applicants are required to provide written notice and public notice within 120 metres at the preliminary stage and two public notices as the project proceeds.

### **4.0 Municipal Consultation**

Although the Act restricts challenges by local stakeholders to those with legitimate environmental concerns and First Nations consultation and gives the authority for approvals to the Province of Ontario, there remains an opportunity for municipalities to participate through the required consultations with the proponents of projects. Renewable Energy projects require consultation between the proponents and the municipality to address information such as location of water works, sanitary sewers, and gas/hydro. According to the Act, if the municipality raises issues about the project, these must be addressed by the proponent to the satisfaction of the Ministry of the Environment.

Facilities exempt from municipal consultation include biogas and biomass combustion from farms, solar greater than 10kW, and wind power greater than 3kW. The removal of planning control and public process is of great concern to a number of municipalities and members of the public concerned about health and property aesthetic issues. In response, a number of municipalities have called on the government to make changes to the Act concerning issues of health and noise of wind turbines (Crosby, 2009)

## **5. The Provincial Process**

### **5. a. Processing Renewable Energy Approvals (REA)**

The REA process is under the direction of the Ministry of the Environment (MOE) in coordination with the Ministry of Natural Resources. Application forms and fact sheets are available at the the MOE website

<http://www.ene.gov.on.ca/en/business/green-energy/>

The Renewable Energy Approval process does not require an environmental assessment as in the past. Large projects may require an environmental impact study.

### **5. b. Placement and Setbacks**

According to the Ministry of the Environment's website setbacks for renewable energy projects will be consistent across the province. They will not be determined on a project specific basis as with the former environmental assessment process. Renewable Energy Approvals (REA) from the Ministry of the Environment will be required for certain projects.

Renewable Energy projects are not permitted in provincially significant wetlands. Generally, facilities may be located 120 metres away from a wetland feature after an Environmental Impact Study is satisfied by the Ministry of Natural Resources.

#### Bio-Energy.

This category of projects includes: thermal treatment, anaerobic digestion, biofuel and landfill gas. The requirements are dependent on the facility however, most farm based projects will have a minimum setback of 250m from inhabited buildings. Large industrial facilities will have to submit studies identifying impacts and mitigation.

#### Solar Facilities

Projects under 10kW will not require an REA. Ground mounted units over 10kW require a REA and a noise study. The Ministry also indicates that no ground mounted solar projects above 100kW will be permitted on Class one and two soils or specialty crop areas but may be considered on class three soils.

### Wind projects

Wind power facilities producing less than 3kW do not require a REA but the structures that support small wind turbines may require a building permit. Those over 3 kW and offshore wind turbines require an REA. Wind turbines are required to be setback a minimum setback of 550 metres for one to five wind turbines, with setbacks increasing with the number and the sound level rating of turbines. This setback is required to ensure noise levels do not exceed 40 decibels.

The applicable setbacks rise with the number of turbines and the sound level rating of selected turbines. For example, a turbine with a sound power level of 106 decibels will have to meet a setback of 950 metres, whereas a facility with eight turbines with a sound power level of 105 decibels would require a setback of 1000 metres. All wind turbines with a sound power level greater than 107 decibels, regardless of the number, would require a noise study, as would projects involving more than 26 turbines within 1.5 km of any buildings. This provision reduces the opportunities to install wind applications near urban areas.

### **5. c. Connections to the grid**

Priority access to the transmission grid is provided through the Green Energy Act. Local Distribution Corporations (LDC) are required to connect generation facilities in a timely fashion to their transmission or distribution systems if certain criteria is met. While providing priority access to renewable energy projects, LDC's may also be directed by the Ontario Energy Board to establish conservation and energy demand management targets. In addition, local Distribution Corporations are requested to work with the independent electricity system operators to ensure pricing reflects costs.

### **5. d. Feed-in-Tariff Program:**

The Green Energy Act directs the Ontario Power Authority (OPA) to develop a the feed-in-tariff program. The feed-in-tariff program provides a 20 year guaranteed contract price for energy produced from biomass, biogas, solar, wind generation, water power and landfill gas. The feed-in-tariff establishes a contract between the energy generator and the OPA to sell the electricity back to the transmission grid at a set rate for a defined time period. The 20 year guaranteed rate of return provides an incentive to investors. According to many case studies, capital costs and installation fees and permits are estimated to be recovered in 12 to 15 years potentially providing 5 to 7 years of income for generators for those with MicroFIT solar projects.

For more information on the FIT program visit <http://fit.powerauthority.on.ca/Page.asp?PageID=834&ContentID=10512&SiteNo>

[deID=1126](#)

The MicroFIT program covers small renewable power projects, such as a home or small business installation generating 10 kilowatt or less, providing 80.2 c/kilowatt for residential solar rooftop projects 10 kilowatt or smaller for example. The feed-in-tariff also includes an added incentive for Aboriginal and community projects to encourage participation.

FIT contract rates from OPA's website - [fit.powerauthority.on.ca](http://fit.powerauthority.on.ca)

Feed-In Tariff Prices for Renewable Energy Projects in Ontario			
Base Date: September 30, 2009			
Renewable Fuel	Size Tranches	Contract Price ¢/kWh	Percentage Escalated <sup>4</sup>
<b>Biomass<sup>1,2</sup></b>			
	≤ 10 MW	13.8	20%
	> 10 MW	13.0	20%
<b>Biogas<sup>1,2</sup></b>			
On-Farm	≤ 100 kW	19.5	20%
On-Farm	> 100 kW ≤ 250 kW	18.5	20%
Biogas	≤ 500 kW	16.0	20%
Biogas	>500 kW ≤ 10 MW	14.7	20%
Biogas	> 10 MW	10.4	20%
<b>Waterpower<sup>1,2,3</sup></b>			
	≤ 10 MW	13.1	20%
	> 10 MW ≤ 50 MW	12.2	20%
<b>Landfill gas<sup>1,2</sup></b>			
	≤ 10MW	11.1	20%
	> 10 MW	10.3	20%
<b>Solar PV</b>			
Any type	≤10 kW	80.2	0%
Rooftop	> 10 ≤ 250 kW	71.3	0%
Rooftop	> 250 ≤ 500 kW	63.5	0%
Rooftop	> 500 kW	53.9	0%
Ground Mounted <sup>2</sup>	≤ 10 MW	44.3	0%
<b>Wind<sup>2</sup></b>			
Onshore	Any size	13.5	20%
Offshore	Any size	19.0	20%

According to the OPA website, the process to obtain a feed-in-tariff contract is as follows:

#### First Performance and Completion contract

The purpose of the completion and performance security payment is to provide a measure of certainty to the OPA and Ontario's electricity system planners that FIT Program contract holders will complete their projects as intended.

#### Contract Milestones

The FIT contract milestones are required to ensure that your project successfully connects to the grid and reaches commercial operation. The milestones include impact assessments, renewable energy approval, a provincial content plan and a financing plan.

#### Notice to Proceed

The notice to proceed is intended to provide you with the certainty you need to begin building your project.

#### Second Completion and Performance Security

The second security payment is required when all the applicable impact assessments and approvals have been completed and a notice to proceed has been issued.

#### Commercial Operation timeline

The FIT contract specifies the time frame within which your project must achieve commercial operation. These time frames depend on the type of project involved.

#### Contract Management

The OPA is responsible for managing the contractual relationship with the generator after the contract is executed.

For additional information visit:

[http://fit.powerauthority.on.ca/Storage/99/10863\\_FIT\\_Pricing\\_Schedule\\_for\\_web\\_site.pdf](http://fit.powerauthority.on.ca/Storage/99/10863_FIT_Pricing_Schedule_for_web_site.pdf)



photo credit: [www.solardirect.ca](http://www.solardirect.ca)

## **5. e. Smart Grid Implementation**

Many of us are familiar with the smart meters that are being installed in our homes to provide additional control over use of energy and metering including the ability to charge time of day rates. The Smart Grid is an intelligent information exchange system that will provide greater control over energy supply and demand and will enable the production of renewable energy to be used more efficiently and effectively. The Green Energy and Economy Act provides support for the establishment of a smart grid system.

## **6.0 Promoting Conservation**

The Green Energy Act authorizes the government to create regulations requiring municipalities to develop a conservation and demand management program and a procurement policy. Conservation Demand Management [plans will be required by 2012. The procurement targets for domestic content prescribed in the Act have not been determined at this time. As the 2<sup>nd</sup> highest users of electricity in the Province investing in conservation will serve to reduce municipal energy costs. It is anticipated that the Province will provide financial assistance when the CDM program is finalized.

## **7. Opportunities for Municipalities**

The Green Energy Act makes it easier for municipalities to generate electricity. Unlike past policy, no separate corporation is required if the project is under 10 megawatts. Municipal corporations have the authority to own and operate energy generation facilities including co-generation and energy storage.

### **7. a. Residential, Agriculture and Business applications**

The Green Energy Act provides incentives and opportunities for small business, farms and homeowners to generate electricity. The program requires a capital outlay but provides a reliable return on investment over a 20 year period. There are a variety of people interested in pursuing renewable energy, some are dedicated to reducing our reliance on fossil fuels and nuclear energy and reducing the effects of climate change while others want to earn income on their property.

Energy-from-waste systems that generate electricity from municipal wastes are of particular relevance for South Simcoe communities as the County prepares its new Waste Management Strategy. Energy from waste can be produced a number of ways such as through incineration or on the farm using anaerobic digestors (OMAFRA, 2010).

Municipalities can take the lead in educating rural residents and farmers about the opportunities available through renewable energy projects. This spring in King Township, the municipality's Environmental Action Committee held an information session on renewable energy attended by over 300 people. Industry representatives, Windfall Ecology Centre and local residents that had completed projects made presentations. Two homeowners explained the process of implementing a solar photovoltaic project(PV), one on the ground the other on a rooftop. These homeowners calculated that they would earn a 5 to 12% return on investment, a better return than many people earned on their financial investments in 2009.

Many energy generations projects are ideal on the farm providing an additional source of on-farm income. The biggest drawback to individuals is the large capital outlay at the beginning of the project. However, the contract with the OPA provides a 20 year price guarantee which is encouraging considerable investment by individuals and business.

### **7. b. Community Power**

The Green Energy Act encourages community power projects. One successful project in the Lake Simcoe area is the Pukwis project on Georgina Island, a 54 megawatt wind energy project. *Pukwis* is a joint venture between the Chippewas of Georgina Island First Nation and a community based co-operative, Pukwis Energy [Co-operative](#). The co-operative will be comprised of members from within the GTA. Project construction will be financed by equity raised within the GTA through a co-operative share offering enabled by the Green Energy Act and by traditional commercial loans backed by a long term power purchase agreement with the Ontario Power Authority. For more information visit: <http://www.windfallcentre.ca/pukwis/index.php?st=1&s=Home&p=Homepage&>

### **7. c. District Energy**

While not part of the Green Energy Act at this time, the use of district energy is expected to increase as we plan communities that are more compact. District Energy is energy that produces heating or cooling to a number of units from one energy source. The heat/cooling source can be varied, from deep lake cooling in Toronto, co-generation units in Markham and the University of Toronto campus, to geothermal and energy from waste in industry or greenhouse operations. District energy can reduce energy costs through collective use and provide efficiencies not available on an individual basis. There are a number of funding opportunities encouraging district energy systems. For example, the Accelerated Capital Cost Allowance for Clean Energy Generation program provides a federal tax incentive to allow businesses and individuals to write off a certain capital costs associated with efficient and renewable energy projects.

## **8) Implications for South Simcoe Municipalities**

Municipalities in South Simcoe can take advantage of the opportunities provided by the Green Energy Act. Government, business and landowners can develop renewable energy projects on their properties with a guaranteed 20-year revenue stream. While the Green Energy Act removes municipal planning and permit requirements, municipalities can still provide information to businesses and landowners by producing an information guide for applications and perhaps even creating their own policies.

<http://www.king.ca/files/documents/Township%20of%20King%20Guide%20for%20Renewable%20Energy%20Projects.pdf>

Municipalities can get ahead of the coming legislation by planning ways to implement Conservation Demand Management (CDM) as plans will be required by 2012. Some actions to consider include: new lighting standards for municipal uses (CFL's or for interior lighting, induction or LED's for exterior), hybrid fleets, institute LEED standards for buildings for more energy efficient building design requirements, district heating (biomass or co-generation) and cooling for shared spaces (i.e. geothermal). In pre-consultation with developers municipalities can encourage more south facing roofs in subdivisions, require LEED neighbourhood design and explore district energy opportunities.

While there are constraints facing urban areas regarding the development of wind and biomass energy projects. South Simcoe is prime for the development of these resources. Farmers in South Simcoe can be encouraged to begin developing energy from waste projects to provide additional on-farm income. Building owners and landowners can install solar projects in towns and within rural areas to create additional income. In addition, rural areas and areas offshore of Lake Simcoe may be accessed to develop wind energy projects.

Businesses throughout South Simcoe will benefit as green energy industries are attracted to Ontario, including manufacturers of wind turbines, solar systems and energy from waste systems. Entrepreneurs and consultants working in the renewable energy field will also increase the number people employed.

The Town of Innisfil will benefit from having a Local Distribution Corporation, Innisfil Hydro. The corporation can now develop projects under 10 megawatts to develop revenue for the municipality and provide services to encourage more local renewable energy projects.

By embracing the Green Energy and Economy Act South Simcoe municipalities, residents and businesses can become more self reliant and resilient by leading new green economic development opportunities.

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## 10. Resources

### Community Power

Pukwis Community Wind Park Retrieved from <http://www.pukwis.ca/>

### District Energy

Canadian District Energy Association, Advancing District Energy in Canada: A process for Site Selection, Review and Community Participation, 2007. retrieved from [http://cdea.ca/resources/developing-district-energy-systems/UES\\_EnergyFrameworkand10communities.pdf/view](http://cdea.ca/resources/developing-district-energy-systems/UES_EnergyFrameworkand10communities.pdf/view)

### Energy from Farm Waste

Ministry of Agriculture, Food and Rural Affairs, 2009 Green Energy information for farmers retrieved from [http://www.omafra.gov.on.ca/english/engineer/ge\\_bib/welcome.htm](http://www.omafra.gov.on.ca/english/engineer/ge_bib/welcome.htm)

Agricultural Energy from Farm waste example  
[http://planetbiogas.ca/greenhouse\\_canada\\_march\\_2010.pdf](http://planetbiogas.ca/greenhouse_canada_march_2010.pdf)

### Energy Pricing Reform Tools

Thompson, David and Bevan, Andrew. (2010) "Smart Budget: A Background Paper on Environmental Pricing Reform for Local Governments." Sustainable Prosperity. Retrieved from [http://www.sustainableprosperity.ca/files/Smart\\_Budget.pdf](http://www.sustainableprosperity.ca/files/Smart_Budget.pdf)

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Accelerated Capital Cost Allowance program –write off certain capital expenditures, individuals or companies retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00004.html>

Eco Energy for BioFuels program - available to individuals and companies retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00037.html>

Eco Energy for Renewable Heat- thermal energy funding for solar, air or water heating available to industrial, commercial and institutional applicants retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00038.html>

Eco Energy for Renewable Power program- available to municipal governments, not-for-profits, private companies, individuals (not homeowners) retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00039.html>

EcoABC Eco Agriculture Biofuels Capital Initiative – available until 2011 to private companies and individuals retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00129.html>

EcoEnergy Retrofit program – available until 2012 for industrial, commercial and institutional facilities retrieved from <http://oee.nrcan.gc.ca/industrial/financial-assistance/retrofit/index.cfm?attr=0>

Eco Energy Technology Initiative – research and development and end use for buildings, available to governments, corporations, institutions until 2011, Retrieved from <http://www.ic.gc.ca/eic/site/fte-fte.nsf/eng/00041.html>

Federation of Canadian Municipalities, Green Municipal Funds, renewable energy projects, district energy, community energy, transit, - covers 50% of the eligible costs up to \$350,000.

<http://sustainablecommunities.fcm.ca/GMF/>

### General Information

Ministry of Energy and Infrastructure- Renewable Energy Information Centre  
<http://www.mei.gov.on.ca/en/energy/renewable/>

Ontario Power Authority- Feed-In-Tariff Program - <http://fit.powerauthority.on.ca/>

### Green Job Creation

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