

# Ministry of the Environment

## Provincial Environmental Assessment

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**To: Northern Ontario First Nations**  
**Environment Conference**

**On: October 1, 2013**



# Purpose and Outline

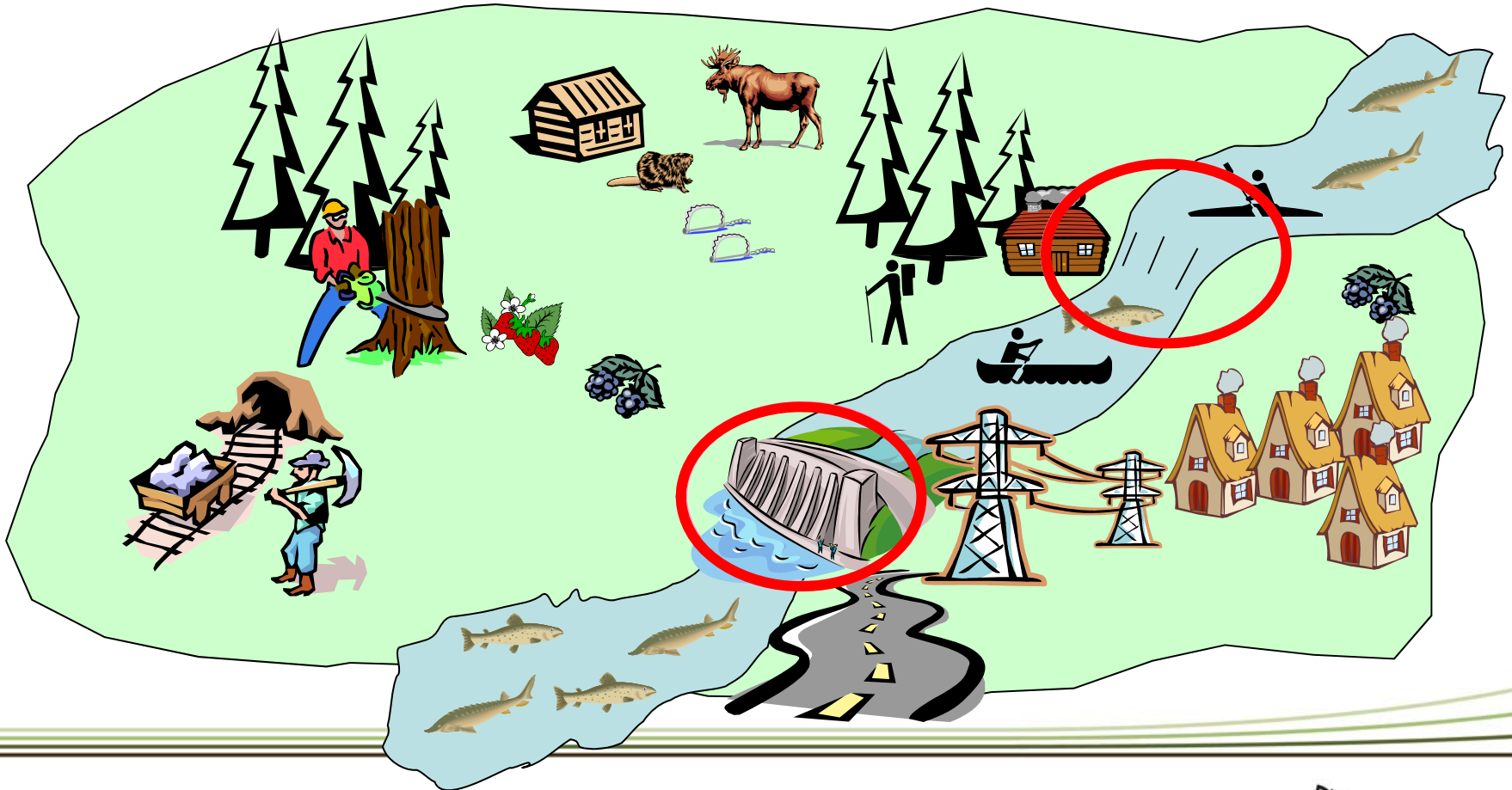
- What is Environmental Assessment?
- Ontario Environmental Assessment – Processes and Roles
  - Individual Environmental Assessments
  - Streamlined Environmental Assessments
- Consultation Process



# What is Considered in Environmental Assessment?



# What is Environmental Assessment?



# What is Environmental Assessment?

- A study and a planning process
  - Assesses the potential positive and negative effects of an undertaking on the environment before implementation
  - Studies (e.g. science, models)
  - Consultation – Public, First Nations and other government
- Key principles
  - Identify/compare a reasonable range of alternatives
  - Conduct rational/systematic evaluation of environmental effects
  - Consider all aspects of the environment
  - Consult with interested parties – early
  - Provide clear and complete documentation
- Project can be modified or may not proceed as a result of this process to reduce environmental impacts
- Federal and Ontario EAs – if need to meet both efforts are made to coordinate processes

# Ontario's EA Act

## Applies to:

- Public sector projects
  - Provincial ministries and agencies
  - Municipalities
  - Public organizations, e.g., Conservation Authorities
- Private sector projects if
  - Designated by regulation, e.g., all electricity projects by a regulation
  - Proponent volunteers

## Proponent

- Person proposes to or carries out project
- Owner or in charge, management or control



# Individual EAs

- Large-scale, complex projects that have the potential for significant environmental effects



## Proponent

- Terms of Reference (ToR)
  - Outlines EAs approach
  - Includes consultation
- Environmental Assessment
  - Must follow ToR process
  - Includes consultation

## Ministry of Environment (MOE)

- MOE and Cabinet Decisions
  - Includes consultation
  - Can involve mediation/hearings
- Issues its permits and approvals
- Monitors for compliance with EA/permits

# Streamlined EAs

- Routine projects with predictable and manageable environmental effects
- Pre-approved or exempt
- Follow a streamlined EA assessment process

## Class EA

- Parent Class EA
  - Developed using Individual EA process
  - Sets standard approach for specific types of projects
- Proponent-driven
- MOE role - guides and monitor
- MOE decisions if Part II Order and for its permits/approval

## By Regulations

- Waste and electricity projects
- 3 Categories in each regulation
  - Exempt
  - Screenings process
  - Individual EA required
- Transit projects – some projects are exempt if follow process



# Parent Class EAs

- Municipal Engineers Association Municipal Class EA (MEA)
- Provincial Transportation Facilities (MTO)
- GO Transit Class EA (GO Transit)
- Minor Transmission Facilities (Hydro One)
- Ministry of Infrastructure Public Works (MOI/IO)
- Remedial Flood and Erosion Control Activities (CO)
- Resource Stewardship and Facility Development (MNR)
- Provincial Parks and Conservation Reserves (MNR)
- Forest Management on Crown Lands in Ontario (MNR)
- Ontario Waterpower Association Class EA (OWA)
- MNDM Activities under the Mining Act (MNDM)

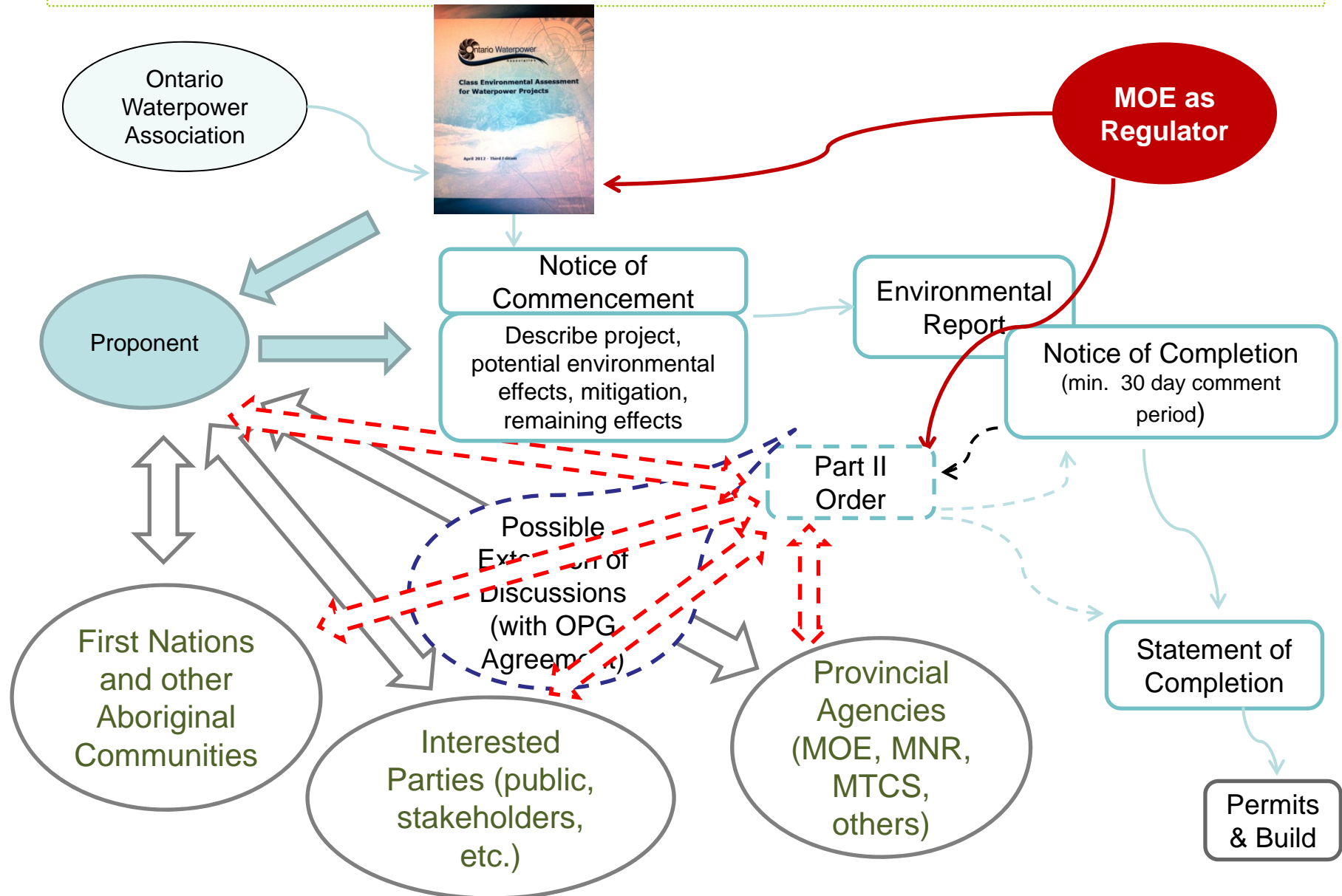
# Electricity Projects

Type	Category A	Category B		Category C
Process	No EA	Regulation Screening	Two Class EAs: <ul style="list-style-type: none"> <li>Transmission</li> <li>Waterpower</li> </ul>	Individual EA
Transmission Lines	<ul style="list-style-type: none"> <li>&lt;115 kV</li> <li>≥115 kV and ≤ 2 km if no generating</li> </ul>	Category B generating and ≥ 115 kV	No Category B generating and <ul style="list-style-type: none"> <li>115 kV and 2km or</li> <li>&gt;115 -&lt;500 kV and &lt; 2 - &lt;50 km</li> </ul>	<ul style="list-style-type: none"> <li>&gt;115 -&lt;500 kV and ≥ 50 km or</li> <li>≥500 kV and &gt; 2km</li> </ul>
Transformer Stations	<115 kV	Category B generating and ≥ 115 kV	No Category B generating and <ul style="list-style-type: none"> <li>≥115 - ≤500 kV</li> </ul>	>500 kV
Wind turbines	< 2 MW	> 2 MW		
Hydroelectric facilities		< 200 MW →	<ul style="list-style-type: none"> <li>With existing infrastructure</li> <li>On managed waterway</li> <li>On unmanaged waterway</li> </ul>	≥ 200 MW
Natural gas or biomass (not waste)	< 5 MW	≥ 5MW		
On-site (i.e., not sold) co-generation & landfill gas	< 25 MW	≥ 25MW		
Oil	<1 MW	1 to <5 MW		≥ 5MW

# Appealing Class EA Projects

- Part II Order Requests (Elevation Requests, Bump-ups)
- All Parent Class EAs have a mandatory public review period during which any party with outstanding concerns can request the Minister of the Environment require a proponent to prepare an individual EA for a Class EA project
- Requests are reviewed by the MOE and one of the following decisions is made
  - Deny (with or without conditions)
  - Accept (requires proponent conduct an individual EA)
  - Require mediation before a final decision is issued
- If a Part II Order request is granted the project can no longer fulfill their EA Act requirements via the Class EA process

# Example of Class EA Process



# After the Environmental Assessment

## Proponent

- Once the environmental assessment is approved, can apply for any permits and approvals
- Ongoing monitoring to ensure the environment is protected as outlined in EA document and permit/approval



## MOE

- More consultation might be required for other permits and approvals, e.g.,
  - Permit to take water
  - Approvals for sewage infrastructure and air discharges
- Ensures compliance with EA, permits and approvals

# Consultation

- Consultation is intended to
  - Provide information about the project and its implications
  - Obtain local and traditional information
  - Identify and respond to concerns
- Environmental Assessment Act
  - Proponents and ministry must consult with affected parties
  - First Nations, other governments, public, industry, other stakeholders
- Constitutional Duty to Consult - First Nations, Métis, Inuit
  - Crown can delegate procedural aspects to the proponent within a Class EA, in writing, at meetings etc.
  - Procedural aspects - notifying, providing/gathering information, answering questions, making mitigating changes, documenting etc.
  - Crown maintains responsibility - identify communities, oversight and decision if Duty has been fulfilled

# Consultation

- Effective consultation takes different forms depending on the project, interests, concerns and the community
- Information and format must be clear and meaningful
- Some aspects to consider during consultation
  - What is the process and how you can participate clear?
  - What do you need to participate and make informed decisions?
  - What is the best way to give you information and receive input?
  - What are your concerns and how can they be addressed?
  - What do you think should be studied?
  - What knowledge can you provide of sensitive areas, waterways, cultural sites, impacts to food or medicinal sources?



# Want to Know More?

- MOE's Forms, Manuals, and Guidelines Website
  - <http://www.ene.gov.on.ca/en/publications/forms/index.php>
- MOE's Regional Environmental Assessment Coordinators may also assist:
  - For Local MOE Regional Office call 807-475-1205
  - Toll Free: 1-800-875-7772
- MOE's Environmental Approvals Branch can be contacted:
  - Toll Free: 1-800-461-6290
  - E-mail: [EAASIBgen@ontario.ca](mailto:EAASIBgen@ontario.ca)
- The Renewable Energy Facilitation Office (REFO) can address questions regarding legislation and approval requirements for wind, solar, and bio-energy (thermal treatment, anaerobic digestion, biogas, biofuel) projects
  - Toll Free: 1-877-440-7336
  - E-mail: [REFO@ontario.ca](mailto:REFO@ontario.ca)