

## Appendix A: Modernizing Ontario's Environmental Assessment Program (ERO number 013-5101)

The table below includes responses to questions posed in the MECP Discussion Paper: Modernizing Ontario's Environmental Assessment Program according to the four themes.

No.	Question	Response
<b>Ensure better alignment between the level of assessment and level of potential environmental risk associated with a project.</b>		
1	What kind of projects should require environmental assessment in Ontario?	<p>Projects that are of a size, scale and/or higher level of risk (to be defined) should require an environmental assessment (EA). These projects should include those where a decision-making process is required and can be influenced by public consultation and identification and evaluation of alternatives (e.g., the “how” to solving a problem or opportunity is subject to change based on conducting the EA and its outcome). EA should apply to these types of projects, irrespective of whether they are publicly or privately driven so long as they are not redundant or duplicative with another legislated planning process.</p> <p>Projects that should not require an EA are those projects involving:</p> <ul style="list-style-type: none"> <li>• Repairs, maintenance, modifications, replacements, refurbishments or upgrades of existing infrastructure where alternatives are not viable;</li> <li>• Minor projects with limited/low potential for environmental effects; or</li> <li>• Projects that are adequately “protected” (in terms of environmental effects) by other regulations and permits where there is no EA decision to be made.</li> </ul> <p>The province could shift towards the idea of Impact Assessment instead of Environmental Assessment for these proposed exclusions, where warranted.</p> <p>In terms of a project list approach, there could be advantages (e.g., alignment and consistency within sectors) and disadvantages (e.g., having to keep up-to-date, non-exhaustive, less flexible). Understanding how a project list would relate to streamlined processes and whether it can coexist with the existing Class EA framework is important. Essentially, a project list already exists within each of the Class EAs. Compiling all of these into one regulated list could serve the benefit of application to the private sector as well as introducing new projects not currently described in Class EAs, where an EA would be warranted.</p>
2	Are there some types of projects where a streamlined assessment process is appropriate?	<p>Yes, there are various projects that have a medium to high risk of environmental effects that may not require an Individual EA (IEA), but where the planning outcome could (and should) still be influenced by public consultation and the identification and evaluation of alternatives. Those projects having a similar risk profile, where such influence is not possible, should be subject to an Impact Assessment framework to assess projects currently subject to Class EAs.</p> <p>Within the Class EA for Minor Transmission Facilities (Class EA for MTF) there are two types of assessments that can be completed: 1) Screening Class EA process, and 2) Full Class EA process. Examples of projects that typically fall within each are provided in the Class EA parent document, however no specific project list currently exists.</p> <p>Hydro One is supportive of the concept of a tiered project list approach so long as it does not result in elevating the level of assessment required (beyond</p>

existing) for undertakings subject to the Class EA for MTF. **Further, Hydro One would like certain low risk undertakings, currently subject to the Class EA for MTF, to be considered “pre-approved” or not subject to the *Environmental Assessment Act (EAA)*.** Other Class EAs benefit from this category. The EA process does not appear to be the right mechanism for planning certain replacement programs such as wood poles and structure replacement as they are very limited in where these poles and structures can go. Additionally, they are required to maintain reliability of the electricity system. As such, while public consultation is appreciated, limited changes can be made to the program based on the public’s input. Furthermore, alternatives are not viable when the infrastructure is required to function as/where it was installed. Hydro One cannot envision a situation where MECP would elevate the level of assessment for these projects based on a Part II Order request. This would slow the project down and potentially affect electricity service reliability, which is not in the overall public interest. Part II Order requests have become known as the only tool available to try to stop or inconvenience a program, irrespective of merit. Based on the statistics provided in the Discussion Paper, the Part II Order request process appears to be over- and misused. The appeal mechanism should be proportionate to the scale of the project’s potential for environmental effects/level of risk.

It is important for Hydro One to understand how a project list would relate to our Class EA for MTF. It is assumed that the project list would define which projects are subject to the EEA and also, within the Act, which would be subject to an IEA versus a streamlined process (e.g., the Class EA for MTF). **Hydro One endorses moving Transmission Line projects subject to an IEA in Ontario toward alignment with the federal EA trigger** (designated physical activities - National Energy Board) per CEAA 2012 and Bill C-69 (proposed Impact Assessment Act), listed as: *39. The construction, operation, decommissioning and abandonment of a new electrical transmission line with a voltage of 345 kV or more that requires a total of 75 km or more of new right of way.* In Ontario, an IEA is triggered for transmission lines 230 kV ≥ 50 km or 500 kV >2 km.

Regarding transmission infrastructure, O. Reg. 116/01 currently uses criteria based on voltage and length (for lines) to categorize projects. This is based on the inferred relationship between these factors and potential environmental effects. Hydro One does not propose that new criteria be introduced for the purposes of categorizing transmission undertakings at this time.

The table to the right shows project categorization outlined within the *Guide to EA Requirements for Electricity Projects (O. Reg. 116/01)*. Within the Class EA for MTF there are also screening criteria. These criteria are used to determine or confirm whether an undertaking can proceed per the Screening Class EA process (as opposed to the Full Class EA process).

<u>Category A</u>	<u>Category B</u>	<u>Category C</u>
No Requirement	<b>Class EA</b> (if NOT associated with a generation facility)	Individual EA
Transmission Lines <ul style="list-style-type: none"><li>• &lt;115 kV</li><li>• ≥115 kV and ≤2 km</li></ul> Transformer Stations <ul style="list-style-type: none"><li>• &lt;115 kV</li></ul>	Transmission Lines <ul style="list-style-type: none"><li>• 115 kV and &gt;2 km; or</li><li>• 230 kV and &gt;2 km to &lt;50 km</li></ul> Transformer Stations <ul style="list-style-type: none"><li>• 115 kV, 230 kV &amp; 500 kV</li></ul>	Transmission Lines <ul style="list-style-type: none"><li>• 230 kV and ≥ 50 km</li><li>• 500 kV and &gt;2 km</li></ul>

Guide to EA Requirements for Electricity Projects (2011)

 Subject to Class EA for MTF

		<p>These criteria include:</p> <ul style="list-style-type: none"> <li>• Conflict with the <b>environmental goals, objectives, plans, standards, policy statements or guidelines</b> adopted by the Province of Ontario or the municipalities or communities where the project is to be located.</li> <li>• Have significant effects on <b>persons or property</b>, including lands zoned to permit residential or other sensitive land uses.</li> <li>• Necessitate the irreversible commitment of any significant amount of <b>non-renewable resources</b>, including Prime Agricultural Lands, which includes Specialty Crop Areas and/or Canada Land Inventory Classes 1, 2 and 3 lands.</li> <li>• Pre-empt the use, or potential use, of a significant <b>natural resource</b> for any other purpose.</li> <li>• Result in a significant detrimental effect on <b>air</b> or <b>water</b> quality, or on ambient <b>noise</b> levels for adjacent areas.</li> <li>• Cause significant interference with the movement of any resident or migratory <b>fish, wildlife</b> species, <b>species at risk</b>, or their respective <b>habitats</b>.</li> <li>• Establish a precedent or involved a new <b>technology</b>, either of which is likely to have significant environmental effects now or in the future.</li> <li>• Be a <b>pre-condition</b> to the implementation of another larger and more environmentally significant project <i>[clarification being amended]</i>.</li> <li>• Likely generate significant <b>secondary effects</b>, directly caused by the proponent's activities, which will adversely affect the environment.</li> <li>• Block <b>pleasing views</b> or significantly affect the <b>aesthetic</b> image of the surrounding area.</li> <li>• Significantly change the <b>social structure or demographic characteristics</b> of the surrounding neighbourhood or community.</li> <li>• Overtax existing <b>community services</b> or facilities.</li> <li>• Result in undesired or inappropriate <b>access</b> to previously inaccessible areas.</li> <li>• Create the removal of a significant amount of <b>timber</b> resources.</li> <li>• Result in significant effects to <b>natural heritage</b> resources.</li> <li>• Result in significant effects to <b>cultural heritage</b> resources. Significant effects to cultural heritage resources are to be determined based on technical cultural heritage studies prepared by qualified persons.</li> </ul>
<b>Eliminate duplication between EA and other planning and approvals process, including the Federal EAA</b>		
3	What could a one-project-one-review process look like for projects in Ontario subject to both provincial and federal requirements?	<p>For this to work, the relevant levels of government would need to agree to a defined single process developed to meet all EA requirements for both levels of government and multiple provincial ministries, while reducing or eliminating redundancy and duplication with other processes.</p> <p>Key areas of agreement required to make such an approach successful, include:</p> <ul style="list-style-type: none"> <li>• Identification of applicable permits and approvals, data collection/technical study requirements;</li> <li>• Agreement on consultation strategies, timelines, appeal processes;</li> <li>• Confirmation of reporting requirements; and</li> <li>• Form of approval and responsible entity for decisions.</li> </ul> <p>Hydro One does not trigger the federal process often, however, when the company does, it would be beneficial to have a process that reduces duplicative processes and coordination efforts. There are opportunities to improve alignment between federal and provincial EA processes (e.g., federal authorization section 67 requires information that is more detailed than what is typically known at the EA stage, such as laydown areas).</p>

4	Can you identify any other examples of provincial processes that could be better integrated?	<p>In the current EA framework, a proponent may be unable to plan a project by using a single Class EA process. An example of this is where Hydro One is expanding a transformer station and needs to acquire property from Infrastructure Ontario (IO). Currently, Hydro One is required to complete the Class EA for MTF to address the transformer station expansion as well as the Public Work Class EA to address IO’s disposition of land. This is because the undertakings that are common to different applicants are not described within each other’s “classes of projects” covered by their respective Class EA documents, nor do they all have explicit language permitting use of another EA to plan their project. As such, two Class EAs are often completed for one project.</p> <p>MECP should consider extending proponentcy to the private sector for use of the most appropriate Class EA (based on the project) to be followed (e.g., mines, chemical processing). This would standardize the planning approach between the public and private sector. This could be done by regulation rather than by requiring amendments to all Class EAs. Currently there are unnecessarily long delays between EA and subsequent regulatory permits (e.g. Environmental Compliance Approvals). Pending sufficient detail regarding project design, proponents should be able to submit permit applications for reliable regulator review during the EA stage, which can be “approved-in-principle” with the permit processed immediately following approval of the EA. There have been occasions when Hydro One completes a Class EA for an undertaking related to simple repair/modification work and even though consultation occurs with Ministry of Natural Resources and Forestry (MNRF) regarding the subject project during the EA, Hydro One is unable to obtain a MNRF work permit until sometime following completion of the EA, which can cause delays. Another example of opportunities for integration is regarding Ontario Energy Board (OEB) Section 92 (Leave to Construct) approval. This approval should be aligned with the EA process. There have been occasions when a federal or provincial ministry/agency has prevented progress of an EA (e.g., not endorsing commencement of indigenous consultation) until they are sure that project will move forward (i.e., Section 92 granted). This can cause significant delays.</p> <p>The Class EA amendment process needs to be simplified for applicants. MECP should standardize the format for amendment requests and the requirements to facilitate changes. Also, consultation practices for major amendments should be standardized and made more efficient.</p> <p>Part II Order requests:</p> <ul style="list-style-type: none"> <li>• Should not be permitted for the Class EA for MTF Screening Process;</li> <li>• Should be reviewed within a set (short) timeframe to determine merit, and if deemed frivolous or vexatious, immediately denied;</li> <li>• Need MECP decision timelines to be set for each decision where it has been deemed to have merit;</li> <li>• Should not be so onerous to address and should be proportionate to scale of the project’s potential environmental effects/level of risk; and</li> <li>• Should result in conditions of approval (if required) that are coordinated with the applicable district office.</li> </ul> <p>The Part II Order request process or another form of issue resolution should be embedded in the EA process earlier as opposed to at the end.</p>
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5	What other actions can the ministry take to eliminate duplicative or redundant processes or approvals?	<p>Hydro One supports the initiative of reducing duplication and redundancy between EA and other provincial processes. This could be achieved by streamlining a one-window approach for regulatory approvals, which is favourable so long as it does not introduce further delays in the process. Improved integration among ministry divisions/staff providing approvals (e.g., EA/ECA) as well as between multiple ministries (e.g., MECP and MNRF approvals) would be beneficial.</p> <p>As mentioned above, one project can trigger more than one Class EA, see following examples:</p> <ul style="list-style-type: none"> <li>Transformer station expansion triggers Class EA for MTF Screening Process and can also trigger Public Work Class EA (disposition);</li> <li>Access road on Crown Land can also trigger MNRF Class EA;</li> <li>Mining projects often trigger multiple Class EAs; and</li> <li>Metrolinx projects can create conflicts with Hydro One assets triggering the Class EA for MTF.</li> </ul> <p>Proponents should only need to complete a single Class EA for a project evening though it may contain various undertakings applicable to other Class EAs.</p> <p>Duplication also exists in the following areas, which can be improved:</p> <ul style="list-style-type: none"> <li>Between EA and heritage standards and guidelines;</li> <li>Duty to Consult (DTC) responsibilities where multiple ministries are involved. Coordination of DTC between ministries is needed as is procedural guidance to fulfill. Such guidance is limited once DTC has been delegated; and</li> <li>In consultation efforts and requirements for Individual EAs and Declaration Orders in a competitive marketplace (e.g., future of transmission sector) where the proponent planning a project may not be the same proponent constructing the infrastructure.</li> </ul>
<b>Find efficiencies in processes to shorten timelines (e.g. coordinating a one-window approach)</b>		
6	What could a coordinated one-window approach look like for Ontario projects?	<p>A one-window approach could aim to permit:</p> <ul style="list-style-type: none"> <li>Streamlining between EA and permitting process – guidance on data collection requirements during EA used to support permitting process;</li> <li>Proponents to deal with a single agency coordinator who will collect feedback from other agencies; <ul style="list-style-type: none"> <li>Could resolve difference of opinions among ministries (MECP, MTCS) or different branches/department within same ministry;</li> <li>Could resolve duplication of review during EA and permitting processes (coordinated hand-off between EA and permitting); and</li> </ul> </li> <li>Regulated Class EA timelines to reduce EA duration (e.g., Transit Project Assessment Project).</li> </ul> <p>However, it is critical that timelines be reduced compared to current framework which would require MECP resources and potentially a modified organizational structure. Furthermore, all ministries would need to agree to an approach that would ensure seamless execution.</p> <p>A one-window approach could influence both how the process is coordinated as well as how decisions are made. Any coordination involved would benefit from a sector-based approach with staff knowledgeable about projects and the sector in general. Coordination could involve an electronic dashboard allowing proponents to follow the status of an EA or other approval in the system, improving transparency. A one-window approach for decision-making is also important to avoid conflicting positions from different ministries.</p>

		<p>A one-window approach (and sector-based coordination) could provide guidance and standardization on topics such as Indigenous engagement and expectations. The MECP would need to:</p> <ul style="list-style-type: none"> <li>• Establish a consolidated approach to address DTC and project-related consultation as part of an EA;</li> <li>• Support identification of Indigenous Communities to be consulted (rights holders vs. stakeholders);</li> <li>• Delegate authority and procedural aspects; and</li> <li>• Provide guidance on addressing opposing Indigenous Communities for other situations (e.g., no EA or DTC requirements).</li> </ul>
7	Can you identify any areas in the environmental assessment process that could be better streamlined with the municipal planning process or with other provincial processes?	<p>There could be harmonization with the planning process in terms of defining study area consultation limits (e.g. 120 m used in the <i>Planning Act</i>).</p> <p>There is a need to provide clear mapping of the Parkway Belt boundaries. The Class EA for MTF currently contains Exemption Order OHK-11 which provides exemptions of electricity projects involving listed Transmission Lines and Stations located within the Parkway Belt. However, current mapping is not consolidated or easily available in GIS format, making it difficult to determine boundaries.</p>
8	What advantages and disadvantages do you see with the ministry's environmental assessment process being the one-window for other approval/permit processes?	<p>Advantages include continuity of file with same office/staff, improved transparency and reliability surrounding decision-making process.</p> <p>Disadvantages include potential for bottle-necks/delay in process, conflicts between ministry positions, reduced ability for proponents to develop relationships with, and understand regulatory regime of, other ministries directly.</p>
9	What areas of the environmental assessment program could benefit from clearer guidance from the ministry?	<p>Information that could better guide and inform proponents of ministry expectations includes:</p> <ul style="list-style-type: none"> <li>• Guidance regarding what technical studies (including standardizing scope and level of detail) are required in support of various EAs;</li> <li>• Standardized documentation required to address Part II Order requests;</li> <li>• Updated Codes of Practice;</li> <li>• Centralized reference site for guidance documentation (removal of out-dated information);</li> <li>• Guidance regarding other means for addressing regulatory compliance if an undertaking is not subject to an EA (e.g. confirming the applicable permits required);</li> <li>• Timelines for stakeholder comments (disallowing impactful input after the fact);</li> <li>• Standardized consultation expectations/methods with Indigenous Communities to demonstrate achieving, or attempting to achieve meaningful consultation;</li> <li>• Consistent approaches regarding assessment of climate change and source water protection within an EA; and</li> <li>• Sector-specific based guidance.</li> </ul>

10	What other actions can we take to reduce delays and provide certainty on timelines for environmental assessment?	Clarity regarding guidance, decision-making and timelines.
11	What are the advantages and disadvantages of using a sector-based terms of reference?	<p>Advantages of a sector-based terms of reference includes improved efficiency for IEAs assuming MECP would adopt a templated terms of reference that could be used or adapted to apply to a particular project (as opposed to developing from scratch for each project). This would also improve consistency. A sector-based terms of reference would provide improved guidance for proponents.</p> <p>Disadvantages could be that of negative public perception by removing/reducing consultation requirements at project onset, though this can become the focus of the start of the EA process rather than terms of reference.</p>
12	Are there other ways we could improve our review timelines?	Establishing hard timelines for various approval process stages would set expectations and allow proponents to better schedule and execute their projects.
<b>Go digital by permitting online submissions</b>		
13	How would you like to be consulted on environmental assessment projects?	<p>Consultation currently takes various forms including by phone, mail, email, advertisement, social media, websites, etc... It is important to adopt greater electronic notification tools and reduce use of paper, while respecting the fact that a percentage of the population does not have consistent and reliable internet access. Also, it is important to adapt to the generational shift in reliance on digital tools and social media as leading vehicles for access to information.</p> <p>Newspaper advertisements are becoming antiquated. New tools aimed at reaching affected population are required to become part of the industry standard. Focus is needed on defining the audience and targeting consultation on those who are affected and most interested. The system for consulting needs to be kept simple and maximize exposure to the most applicable parties. In-person meetings and Public Information Centres (PIC) are valuable for connecting with affected communities by enabling face-to-face communication, information sharing and relationship-building.</p> <p>Information could be shared through a provincial website (sector-based) and/or through municipalities within which projects are taking place.</p>
14	Would an online environmental assessment registry be helpful for you in submitting an environmental assessment or accessing environmental assessment information?	<p>An online database containing EA information would be useful. Having this information available through a geospatial database to assist the public and other stakeholders understand projects that exist in their community would be particularly beneficial.</p> <p>There is an opportunity for such a database to support technical data capture that can later be used to support other projects. In a one-window approach, the coordinating entity could disseminate this information to the relevant regulators and their science-based databases to advance the collective knowledge for professionals who access this data to benefit other initiatives. Responsibilities would need to be determined to achieve this. The site could also be used as an EA repository during the planning process as a centralized reference for affected and interested parties.</p>



		<p>Challenges of this concept include making the repository/database searchable, accessible (Accessibility for Ontarians with Disabilities Act compliant) and kept up-to-date. An example of how proponent-compliance could be achieved (for consistently providing accurate and timely information to MECP to support such a database) includes language requiring this in the MECP's standard response to a proponent's Notice of Commencement.</p> <p>Online submissions should be the preference for proponents and the MECP (including for IEAs). It is important to introduce consistency among Class EA Applicants to post the same type of information on their websites in addition to information that is placed within a central repository managed by MECP (possibly with links made available to municipalities for their websites covering projects in their jurisdiction). Also, MECP could publish a list of the Class EA Applicants in the database with links to their websites and how to access additional information.</p> <p>Online tools can also be used for other information such as appeal forms, guides, notifying of ministerial decisions, etc...</p>
15	What type(s) of environmental assessment project information would you like to access online?	Hydro One does not have specific concerns with how information is currently made available, however a central website or repository for EA reports may benefit the public and stakeholders. A centralized geospatial mapping database of all EAs in the province (colour-coded by sector) would be useful for all. Hydro One intends to continue to post our completed Full Class EA reports and IEA EA reports on our website.
16	Are there any existing online tools that would be appropriate to use for environmental assessment information?	Hydro One does not currently use a public-facing system similar to that described above, however will consider this depending on if the province moves in this direction. A GIS-based system would likely be the best platform. Attribute tables could contain relevant information required as well as links to supporting reports and other documentation.

### Additional Items for Consideration

The following provides information of a nature not specifically prompted by the questions posed in the Discussion Paper for consideration:

- Emergency situations should be defined broadly within each Class EAs with an exemption applicable to all proponents. When broadly defining emergency situations, MECP should consider including not only emergencies as they occur, but rather situations where, if action is not taken in a timely manner, an emergency could, or is likely to result (e.g., could result in power outage, water/wastewater service disruption, flooding, unsafe road conditions).
- The shelf-life of Class EAs (time between Class EA completion and shovel in the ground) should be consistent. In the case of the Class EA for MTF, this means increasing to more than the 5 years currently prescribed.
- The Class EA parent document 5-year review cycle is too short and there should be more flexibility making amendments on an as-needed basis. Applicants do not seem to be able to meet the 5-year review timeline, nor are they enforced. It would be helpful if the process were simplified and extended to 10 years.



- While Hydro One will benefit from some undertakings becoming exempt from the EAA, other proponents (if no longer requiring an EA for certain undertakings that could conflict with Hydro One assets) may experience delays in project execution. This is because there would be no mechanism or trigger for Hydro One to be consulted early and proactively identify such conflicts.
- Given that Metrolinx has a regulated process (Transit Project Assessment Process) providing an exemption from the EAA due to the need to progress critical infrastructure, should other infrastructure be considered critical/essential such that projects would benefit from a similar exemption?