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May 24, 2019

Sharifa Wyndham-Nguyen
Client Services and Permissions Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario, M4V 1P5

RE: Discussion Paper: Modernizing Ontario's Environmental Assessment Program
(ERO number 013-5101)

Dear Ms. Wyndham-Nguyen:

Thank you for providing the opportunity to provide comments on a modern vision for the environmental assessment program. Hydro One is Canada's largest electricity transmission and distribution service provider. Our values guide us to work relentlessly to achieve world-class environmental performance and to best serve homes, businesses and communities as we continually improve our operations in an environmentally responsible and sustainable manner.

While we are providing advice and comments on the process we must follow as an electricity provider, please know that at the end of every Hydro One project is a customer – an expanding or new business, a growing community or an Indigenous community in need of service. It is our responsibility to ensure we have the right amount of power available where and when it is needed in order to support our customers and communities. Hydro One provides the following comments to Ministry of Environment, Conservation and Parks (MECP) on the Discussion Paper: Modernizing Ontario's Environmental Assessment Program.

General

As the EA process is a planning and decision-making tool, the key components that differentiate it from other environmental regulatory permits are the requirements for public consultation and evaluation of alternatives.

Proponent undertakings that relate to repairs, maintenance, modifications, replacements, refurbishments or upgrades of existing infrastructure make the evaluation of alternatives less viable. These types of undertakings are best served by proceeding through the applicable regulatory permitting regime as opposed to the EA process. Conversely, for proponent undertakings comprising new infrastructure, the evaluation of alternatives typically are viable and public consultation more critical. For these undertakings, the EA process serves its purpose as a decision-making and planning tool as the proponent, the public and other stakeholders all benefit from the process.

Hydro One is supportive of any changes to the current EA process that will result in it being targeted at new infrastructure projects of a larger scale, while limiting its use for existing infrastructure involving repairs, maintenance, modifications, replacements, refurbishments or upgrades, where evaluation of

alternatives are less viable. This is not to suggest that the concept of Impact Assessment be ignored as this is a critical component of project planning to understand the impacts of a project before proponents seek applicable permits.

It is also noted that even on more significant projects, the consideration of alternatives can be limited as a result of a directive from the Crown or applicable agency. In terms of transmission projects, Hydro One often receives direction from the Independent Electricity System Organization (IESO), which identifies the need and technically viable solution to be implemented. For these projects, the preferred “alternative to” the undertaking is primarily based on technical feasibility in advance of IESO providing direction to proceed. Furthermore, there may or may not be the ability to evaluate “alternative methods” for implementing the preferred alternative. In many aspects, these EAs become more about conducting an impact assessment of the project rather than using it as a decision-making process.

Early Access to Land

While not directly addressed in the discussion paper, as the MECP currently contemplates the vision for a modern EA program, Hydro One also proposes that the MECP consider early access to land. While most work should rightfully wait for the conclusion of the appropriate regulatory process before commencing, early access to contemplated lands in order to conduct preliminary studies (e.g., archaeology and preliminary environmental assessment) would represent a significant reduction in project timelines. In many cases, such work must wait for approvals to run their course ahead of commencing, resulting in a delay of project completion. This modest streamlining initiative would help reduce the regulatory burden on projects, while still ensuring all appropriate steps are taken to satisfy environmental requirements.

Discussion Questions

See Appendix A for a summary of Hydro One’s responses to the questions posed in the Discussion Paper.

Hydro One welcomes further discussion on modernizing EA and is available at your convenience to expand on our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Elise Croll', is positioned above the printed name.

Elise Croll
Director, Environmental Services