

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: Modernizing Ontario's Environmental Assessment Program – Environmental Assessment Act
(ERO number 013-5102)

Dear Ms. Wyndham-Nguyen:

Thank you for providing Hydro One with the opportunity to comment on the proposed changes to Ontario's *Environmental Assessment Act*. 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. It is for these reasons that Hydro One is supportive of the proposed changes to Ontario's *Environmental Assessment Act* and respectfully provides the following comments for consideration.

Class Environmental Assessments

Hydro One supports modernizing the environmental assessment (EA) program to focus on higher risk projects by exempting low risk undertakings from Class EAs. Currently, Hydro One's Class EA for Minor Transmission Facilities (MTF) does not include a category of low risk undertakings. As the Electricity Projects Regulation (O. Reg. 116/01) includes a "Category A" group exempting certain transmission projects from EA, it was previously unnecessary to include in Hydro One's Class EA for MTF.

Hydro One recommends a new category be developed and included in an amended Class EA for MTF comprising a list of low risk undertakings such as simple pole/structure replacements and refurbishments to be exempt from the *Environmental Assessment Act* per the proposed 15.3(1). These types of undertakings are currently subject to the Class EA for MTF Screening Process. This would provide schedule efficiencies both for Hydro One and proponents that trigger the Class EA for MTF for transportation/transit projects. In addition, it would result in cost savings to our customers of approximately \$4-5M/annually.

Further, greater alignment between O. Reg. 116/01 and the Class EA for MTF is required. As an example, while transmission lines ≤ 2 km are exempt from the *Environmental Assessment Act* per O. Reg. 116/01, the Class EA for MTF references the "modification and upgrade" of transmission lines meaning the

replacement of a pole or tower, or a change in a right-of-way for the line; triggering a Class EA Screening Process. Alignment could be achieved by incorporating transmission line modifications, refurbishments or upgrades ≤ 2 km as also being exempt, consistent with the intent of O. Reg. 116/01. Other projects, such as annual wood pole replacements should also be exempt as could others rationalized to have minimal potential environmental effects.

Part II Order Requests

Hydro One supports changes to Part II Order requests including limiting the issuance of an order where such an order may prevent, mitigate or remedy adverse impacts on, (a) the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act*, or (b) a prescribed matter of provincial importance.

In addition, Hydro One supports prescribing time limits for decisions to be made by the Minister as well as limiting such requests to residents of Ontario.

Part II Order requests:

- Should not be permitted for the Class EA for MTF Screening Process;
- Should be reviewed within a set (short) timeframe to determine merit, and if deemed frivolous or vexatious, immediately denied;
- Need the Ministry of Environment, Conservation and Parks (MECP) decision timelines to be set for each decision where it has been deemed to have merit;
- Should not be so onerous to address and should be proportionate to scale of the project's potential environmental effects and level of risk; and
- Should result in conditions of approval (if required) that are coordinated with the applicable district office.

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.

There are examples where Part II Order requests have been entertained on EA projects where they were not technically allowed. In one case, it was several months after the Notice of Completion was submitted. In other examples, extended timelines on Part II Order requests have been experienced long after information was provided for consideration. Some modest changes could help avoid these scenarios in the future.

Hydro One looks forward to working with the MECP to develop a new category within the Class EA for MTF for low risk undertakings and welcomes further discussion on modernizing environmental assessment in Ontario.

Sincerely,



Elise Croll
Director, Environmental Services