



Sharifa Wyndham-Nguyen

eamodernization.mecp@ontario.ca

Re: ERO # 019-2377

Input on a proposed list of projects which will be subject to the comprehensive environmental assessment requirements in Part II.3 of the Environmental Assessment Act

November 10, 2020

Dear Ms Wyndham-Nguyen

This submission is from the Greater Sudbury Watershed Alliance, which represents 24 lake stewardship and First Nation organizations in the Sudbury area.

The Greater Sudbury Watershed Alliance welcomes the opportunity to comment on the proposed list of projects covered under Part II.3 of the Environmental Assessment Act. We would have also welcomed the opportunity to comment on Bill 197. However, contrary to the mandatory consultation requirements under Part II or the Environmental Bill of Rights, the public had no ability to provide input before Bill 197 was proclaimed.

We have serious concerns about the significant changes made to the EAA and to the proposed list of candidates proposed for inclusion on the list of projects that will trigger an environmental assessment. In particular we see no evidence that justifies the categories or thresholds on the proposed list, no transparency in the process used for selection, and ultimately no adherence to the overall purpose of the EAA, the “protection, conservation and wise management of the environment.”

The Registry notice states that “the project list is consistent with the federal government and other provincial environmental assessment frameworks across Canada.” However, the Ontario list includes only 13 project types whereas the federal Impact Assessment Act includes 61 project types. The difference in the number of project types is particularly troubling. Furthermore, the federal act creates Ministerial power and criteria used to designate non-listed projects on public request; Ontario’s proposal contains no such provision.

The Registry notice also states that the “projects in the Comprehensive EA Project List will be those projects that in the ministry’s experience have been seen to have the potential for significant impacts taking into account the following criteria,” and 6 types of criteria are then listed. However, no evidence whatsoever is provided to validate these criteria. The factors listed are not found in the Environmental Assessment Act and given the

potential for serious environmental change due to global warming, past experience will be a poor method of evaluating future environmental risk.

The proposed list currently excludes environmentally significant provincial plans or programs, energy plans, climate change plans, land use plans, mines, refineries, smelters, sewage treatment plants, quarries, nuclear waste storage facilities etc. All of these projects have the potential for significant environmental impact yet they have not been included in the Project List. These are serious omissions that must be addressed.

We cannot find any justification for the choice of threshold/trigger values contained in the Project List Proposal. Thus, we are unable to determine the usefulness or appropriateness of the values chosen. We are concerned, however, that by establishing set values, projects may circumvent the environmental assessment process by splitting a complete plan into a number of projects so that each individual project does not meet the threshold level. There are documented examples of this occurring with federal thresholds.

We are emphatic that all mining projects, refineries and smelters should be added to the proposed Ontario Project List. Not including all of these projects would be a gross error. One of the lakes in our area is contaminated with arsenic from old mine tailings. Although this issue was raised over ten years ago, rehabilitation work has not yet commenced. The rehabilitation cost, possibly millions of dollars, will be the responsibility of the Ontario taxpayer, not the company responsible for the pollution. Had an environmental assessment process existed when this company operated, we would not now be faced with the costs of the cleanup.

For all of the aforementioned reasons we find the proposed EAA Project List inadequate and unacceptable because far too many environmental significant projects have been excluded.

Sincerely

Richard Witham

Chair, Greater Sudbury Watershed Alliance