

## Métis Nation of Ontario Comments

### Project List Proposal – Projects subject to Part II.3 (comprehensive environmental assessment)

#### Proposed Comprehensive Environmental Assessment Project List

## ELECTRICITY PROJECTS

*Ontario Regulation 116/01: Electricity Projects* sets out the current requirements for electricity projects under the *Environmental Assessment Act*. The regulation clearly identifies which projects are subject to a comprehensive environmental assessment, the streamlined process known as the environmental screening process, and which projects are exempt from environmental assessment requirements. As outlined below, the ministry is proposing to maintain the existing thresholds for projects that would require a comprehensive environmental assessment but is looking for your input on whether any changes should be made.

***O. Reg. 116/01 - Electricity Projects (the planning, designing, establishing, constructing, operating, expanding or retiring of the following projects and certain changes to projects***

Item #	Project Type	Threshold or Trigger	MNO Comments
1	Transmission lines	<p>New transmission lines that are:</p> <ul style="list-style-type: none"> <li>• greater than 115 Kilovolts and less than 500 Kilovolts and greater than or equal to 50 kilometres</li> <li>• greater than or equal to 500 Kilovolts and greater than 2 kilometres</li> </ul> <p>and are not associated with a generation facility that the Environmental Screening Process applies to under <i>O. Reg. 116/01</i>.</p>	No comments at this time on the 5 proposed Electricity Projects.
2	Transformer stations	A new transformer station that is designed to operate at a nominal voltage of greater than 500 Kilovolts.	
3	Hydroelectric facilities	A new hydroelectric facility with a capacity greater than or equal to 200 Megawatts.	

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Item #	Project Type	Threshold or Trigger
4	Electricity generating facility that uses oil as a fuel	New electricity generating facility that uses oil for fuel with a capacity greater than or equal to 5 Megawatts.
5	Project Changes - Significant modifications to electricity projects	<p>Any expansion of or change in a generation facility, transmission line, or transformer station that would result in it becoming a thing described in rows 1 through 4 above.</p> <p>Or any significant modifications in a generation facility, transmission line, or transformer station as described in rows 1 through 4 above.</p> <p>Significant modifications to these facilities are described in <i>Ontario Regulation 116/01</i>.</p>

## WASTE MANAGEMENT PROJECTS

*Ontario Regulation 101/07: Waste Management Projects*, made under the *Environmental Assessment Act*, designates some waste management projects, regardless of whether the proponent is public or private sector. Like the electricity regulation, the waste management projects regulation identifies the specific thresholds for when a project would be subject to a comprehensive environmental assessment, subject to the environmental screening process, or exempt from environmental assessment requirements. The ministry is proposing to maintain the existing thresholds for waste management projects that require a comprehensive environmental assessment but is looking for your input as to whether changes should be made. Note that specific exceptions or exemptions, including the transition provisions, that are covered by *O. Reg. 101/07* will also be incorporated into the proposed project list.

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#### *O. Reg. 101/07 - Waste Management Projects (establish or change)*

Item #	Project Type	Threshold or Trigger	MNO Comments
6	Landfill	<p>Establishing a landfill with a total waste disposal volume (total volume) greater than 100,000 cubic metres (100,000 m<sup>3</sup>)</p> <p>A change a landfill that increases the total volume if after the increase the total volume exceeds by more than 100,000 m<sup>3</sup> from the EPA authorized total volume.</p> <p>A change to a landfill:</p> <ul style="list-style-type: none"> <li>• That involves the excavation of waste at the site; and</li> <li>• The excavation would increase by more than 100,000 m<sup>3</sup> the amount of waste that could be deposited at the site without any increase in the EPA authorized total volume</li> </ul>	No comments at this time.

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7	Waste Disposal Site – Hazardous or Liquid Industrial Waste	Establishing a waste disposal site for the final disposal of hazardous or liquid industrial waste  A change to the site that: <ul style="list-style-type: none"><li>• results in an increase of EPA authorized total volume; or</li><li>• involves the excavation at the site of previously disposed of waste.</li></ul> A change to a thermal treatment site at which hazardous waste or liquid industrial waste is thermally treated that increases the amount of waste that is EPA authorized to be thermally treated at the site on any day	No comments at this time.
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Item #	Project Type	Threshold or Trigger	MNO Comments
8	Thermal treatment site	<p>The establishment of a thermal treatment site that:</p> <ul style="list-style-type: none"> <li>• uses coal, oil or petroleum coke as fuel for thermal treatment; But <b>not</b> if: <ul style="list-style-type: none"> <li>▪ the site is located at a commercial, industrial or manufacturing facility;</li> <li>▪ the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste;</li> <li>▪ more than 100 tonnes of waste are received at the facility per day; and</li> <li>▪ of the energy or fuel generated by thermal treatment at the site, all of the energy or fuel is used at the facility and not all of it is used to dispose of waste (i.e. there is energy from waste (EFW))</li> </ul> </li> <li>○ <b>And not if:</b> <ul style="list-style-type: none"> <li>▪ the site is located at a commercial, industrial or manufacturing facility</li> <li>▪ the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste; and</li> </ul> </li> </ul>	No comments at this time.

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		<p>100 tonnes or less of waste are received at the facility per day and the energy or fuel generated is all used there and not all for waste disposal (i.e. there is EFW) or all the waste that is used in the thermal treatment at the facility is generated there and the energy or fuel generated is all used there for waste disposal (i.e. there is no EFW)</p> <p>The establishment of a thermal treatment site:</p> <ul style="list-style-type: none"><li>• that does not use coal, oil or petroleum coke as a fuel for thermal treatment;</li><li>• where more than 10 tonnes per day is the maximum amount of waste subject to thermal treatment; and</li><li>• of the energy or fuel generated by thermal treatment at the site that is used, all of the energy or fuel is used to dispose of waste (i.e. no Energy From Waste [EFW]).</li></ul>	
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Item #	Project Type	Threshold or Trigger	
		<ul style="list-style-type: none"> <li>▪ 100 tonnes or less of waste are received at the facility per day and the energy or fuel generated is all used at the facility and not all for waste disposal (i.e. there is EFW) or all the waste used in the thermal treatment at the facility is generated there and the energy or fuel is all used there for waste disposal (i.e. there no EFW)</li> </ul> <p>A change to a thermal treatment site, where:</p> <ul style="list-style-type: none"> <li>• before the change not all of the energy or fuel that was generated by thermal treatment and used at the site was used to dispose of waste (i.e. there was EFW)); and</li> <li>• after the change, the site produces no EFW.</li> </ul> <p>A change that increases the amount of waste to be thermally treated at the site on any day from the amount authorized under the EPA.</p>	

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9	Waste disposal site (Changes to sites described above)	<p>A waste disposal site that is a landfill or dump with a total volume that is less than 100,000 m<sup>3</sup> that changes to become a site with 100,000 m<sup>3</sup> but only if the total volume after the change exceeds the EPA approved volume by 100,000 m<sup>3</sup></p> <p>A waste disposal site that is not one of the following sites but changes to become one;</p> <p>A thermal treatment site that uses coal, oil or petroleum coke as a fuel for thermal treatment;</p> <p>A thermal treatment site that does not use coal, oil or petroleum coke, where no EFW is produced and where more than 10 tonnes per day is the maximum amount of waste subject to thermal treatment; or</p> <p>A waste disposal site at which hazardous or liquid industrial waste is finally disposed of.</p>	No comments at this time
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### TRANSPORTATION

Transportation projects in Ontario are currently subject to a number of different processes and requirements, depending on the type and the proponent. With the exception of new provincial freeways and municipal expressways, the majority of provincial and municipal transportation projects are planned through streamlined class environmental assessment processes or in the case of transit projects, they are also planned through the transit process assessment process, which is set out in *Ontario Regulation 231/08, Transit Projects and Metrolinx Undertakings*.



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The ministry is proposing to require that a comprehensive environmental assessment be conducted for new provincial freeways and associated transitways, including extensions to existing freeways or transitways that are greater than 75 kilometres in length. This threshold would align Ontario’s environmental assessment requirements with the federal *Impact Assessment Act* and would allow the province to coordinate with the federal government to reduce duplication and implement priority transportation projects faster. New provincial freeways and associated transitways, including extensions that are less than 75 kilometres in length would likely continue to be subject to a streamlined environmental assessment process.

Similarly, the ministry is also proposing to require that a comprehensive environmental assessment for the construction of a new municipal expressway or transitway or an extension to an existing municipal expressway or transitway of greater than 75 kilometres and the decommissioning of an existing expressway or transitway by a municipality. New municipal expressways and expansions to existing municipal expressways less than 75 kilometres would likely be captured under a streamlined process.

Item #	Project Type	Threshold or Trigger	MNO Comments
10	Provincial freeway	New provincial freeways and associated transitways, including extensions to existing freeways and transitways that are greater than 75 km.	MNO has a general concern through harmonization with the IAA standards, there will be a reduction in emphasis and possible dilution. Where there were previously no provincial thresholds, now there are in the name of harmonization.
11	Municipal expressway	<p>The construction of a new municipal expressway or an extension to an existing municipal expressway of greater than 75 km and the decommissioning of an existing expressway by a municipality not captured in a streamlined EA.</p> <p>Note: This threshold aligns the provincial EA process with the federal <i>Impact Assessment Act</i> (IAA) and will allow for harmonization or substitution which will reduce duplication of work.</p>	While distance/length of road may be one trigger when assessing whether a project requires a comprehensive EA, there will need to be assurances that impact assessment considers all aspects of the environmental scope (as per the EA process). Only in the assessment through these criteria will there be an understanding of the potential impacts to the Métis way-of-life.

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			<p>For example, when a new freeway/expressway or extension of an existing one is less than 75 km but would cross an area of burial ground or an area with a species significant to the Métis way-of-life that is not an endangered species or a species at risk.</p> <p>While it indicates above that projects “that are less than 75 kilometres in length would likely continue to be subject to a streamlined environmental assessment process”, the “likely” is of concern as if a project is not subject to a comprehensive EA than at least it would be reviewed and Indigenous groups would receive appropriate notification under the duty to consult.</p>
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## OTHER PROJECTS PROPOSED FOR CONSIDERATION IN COMPREHENSIVE ENVIRONMENTAL ASSESSMENT PROJECT LIST

### CONSERVATION PROJECTS

Some conservation projects can be unique and significant and may be of high public interest, and they may involve significant inwater works and have the potential for greater environmental effects. Examples of these projects include comprehensive environmental assessments completed for Don Mouth Naturalization and Port Lands Flood Protection Project. The Don Mouth Naturalization and Port Lands Flood Protection Project Environmental Assessment was completed by the Toronto and Region Conservation Authority. This project proposed transforming the existing mouth of the Don River, including the Keating Channel, into a healthier, more naturalized river outlet to the Toronto Inner Harbour and Lake Ontario, while seeking to remove the risk of flooding on the lands. This project is a key component of Waterfront Toronto and the City of Toronto’s plans to renew and revitalize Toronto’s waterfront. It is a precedent-setting project which will allow development in the Lower Don Lands to occur in support of revitalizing Toronto’s waterfront area.

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Projects such as these are large scale and gain significant public interest during the environmental assessment process. They are not currently covered by a streamlined process but would have comprehensive environmental assessment requirements.

Item #	Project Type	Threshold or Trigger	MNO Comments
12	Major flood, erosion control and associated conservation projects	<p>Significant remedial flood and erosion control projects that facilitate or anticipate development.</p> <p>Major flood and erosion control projects, such as multipurpose projects.</p> <p>Examples of criteria that could be used to further refine the above- land area in number of hectares, total shoreline affected, proximity to major settlement areas, amount of river realigned, within an Area of Concern, impact to significant natural heritage features. Projects on previously developed lands would not be included.</p>	<p>From the importance of water to the Métis way-of-life, it is difficult to determine criteria that would eliminate such projects from a comprehensive EA.</p> <p>While not wanting to hinder conservation projects, it is important that the projects are planned and designed with Indigenous communities' input.</p> <p>One criteria could be that any such project is still required to undergo consultation with the MNO and other Indigenous communities.</p>

**RAILWAY LINES**

The safe and efficient movement of people and goods is of critical importance to Ontario’s economy and way of life. Construction of new railway corridors however may have impacts on the environment and local communities. The longer the railway corridor the higher the potential impact may be.

The ministry thinks that these projects should be on our project list, and align with federal EA triggers where appropriate

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Item #	Project Type	Threshold or Trigger	MNO Comments
13	Intra-provincial railway lines (lines-within Ontario)	<p>The construction, operation, decommissioning and abandonment of a new railway line that is capable of carrying freight or passengers between cities and requires at least 50 km or more of new right of way, or an extension of &gt;50 km to an existing line on a new right of way. Note that activities within existing rights of way would not be included.</p> <p>Note: Include to align with the federal <i>Impact Assessment Act</i>.</p>	<p>MNO has a general concern through harmonization with the IAA standards, there will be a reduction in emphasis and possible dilution. Where there were previously no provincial thresholds, now there are in the name of harmonization.</p> <p>While distance/length of railway line may be a trigger when assessing whether a project requires a comprehensive EA, there will need to be assurances that impact assessment considers all aspects of the environmental scope (as per the EA process). Only in the assessment through these criteria will there be an understanding of the potential impacts to the Métis way-of-life.</p> <p>For example, when a new railway line or extension of an existing one is less than 50 km but would cross an area of burial ground or an area with a species significant to the Métis way-of-life that is not an endangered species or a species at risk.</p> <p>Also, there is not indication that if the 50 km threshold move forward, if a streamlined EA process would be established for projects less than 50 km.</p>

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#### **MINING**

Currently mining projects are not automatically subject to the requirements of the EAA; however, many proposed mining projects must meet requirements of several Class EAs (disposition, transmission etc.). At the same time many mining projects are on the federal Project List which can trigger a federal impact assessment. The current approach makes it difficult to coordinate the two processes and for Ontario to move towards a one project, one assessment and one decision approach for large scale projects.

Ontario is looking for feedback on whether to include certain mining projects to the proposed Ontario Project List and, if so, what types of mining projects should be on the Project List. Please share your thoughts on this as a potential way to reduce overlap and duplication between the federal and provincial processes.

#### MNO Comments on Mining

MNO has general concern over the dilution and/or EA rigour should mining projects be put on the Ontario Project List and aligned with the federal IAA standards.

In particular, Crown land disposition is an important issue in preserving the Métis way-of-life which is part of the current Class EA process.

#### **OTHER COMMENTS**

Energy Storage projects do not appear to be in the Project List. Because of the size of some of these projects such as the proposed TC Energy Pumped Storage Project north of Meaford, MNO recommends these projects to be on the list.