

Environmental Assessment Requirements for Electricity Projects

Growing the Margins Conference
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Protecting our environment.



Outline

- Background on environmental assessment (EA)
- O. Reg. 116/01 (Electricity Projects Regulation)
 - Sets out EA requirements for electricity projects
- Environmental Screening Process
 - Overview of process
 - Elevation Requests
 - Role of MOE

Background on Environmental Assessment

- The purpose of the *Environmental Assessment Act* (EAA) is:
 - To provide for the protection, conservation and wise management of Ontario's environment
 - Environment is broadly defined – social, economic, cultural and natural
- The Act requires:
 - The identification and evaluation of potential environmental effects of certain activities before development
- Applies to:
 - Public sector projects
 - Private sector projects only if designated by regulation

Background on Environmental Assessment

- Under the EAA, projects are subject to either:
 - An individual environmental assessment (EA); or
 - A self assessment process (Class EA or Environmental Screening Process)
- Individual EA:
 - Required for large projects with significant environmental effects
 - Requires Minister and Cabinet approval
- Self-assessment processes
 - Required for projects where impacts are predictable and can be mitigated
 - No MOE approval of projects

Background – EA Requirements for Electricity

Prior to 2001

- EA requirements in electricity sector applied only to public sector, including Ontario Hydro
- Private sector electricity projects were not subject to EAA

Post 2001

- Government introduced EA requirements for public and private electricity projects in April 2001
- Requirements set out in Electricity Projects Regulation and the Guide to EA Requirements for Electricity Projects (2001)
 - Guide available at <http://www.ene.gov.on.ca/envision/gp/4021e.pdf>

Electricity Projects Regulation

- **Category A: Projects with relatively minor environmental effects**
 - no EAA requirements
- **Category B: Projects with mitigable environmental effects**
 - subject to Environmental Screening Process (a self-assessment process)
- **Category C: Projects with known significant environmental effects**
 - subject to Individual EA

Project Classification

(Note: please see Electricity Projects Regulation for exact definitions and complete list of thresholds)

Project Type	Category A	Category B	Category C
Biomass Peat, wood, or organic material grown for the purpose of being burned to generate electricity	< 5 MW	5 MW or more	n/a
Waste Biomass Agricultural waste, sewage, woodwaste and gases from decomposition of organic materials	< 10 MW	10 MW or more	n/a

Project Classification (cont'd)

Project Type	Category A	Category B	Category C
Natural Gas	< 5 MW	5 MW or more	n/a
Exception for Cogeneration/Generation for Use on Site For biomass, waste biomass, natural gas	< 25 MW	25 MW or more	n/a
Emergency Generators	All	n/a	n/a

Project Classification (cont'd)

Project Type	Category A	Category B	Category C
Wind Turbines	< 2 MW	2 MW or more	n/a
Waterpower	n/a	< 200 MW	200 MW or more
Solar	All	n/a	n/a

Waste-fuelled Electricity Projects

- In March 2007, a new waste management projects regulation was made (O. Reg. 101/07)
- This regulation now applies to electricity projects using waste as a fuel
- Under O. Reg. 101/07, many projects also subject to an Environmental Screening Process
- More information is available on the Environmental Registry at www.ebr.gov.on.ca; EBR Registry Number RA06E0018

Environmental Screening Process – Key Features

- Provides a streamlined EA planning process for Category B projects.
- Set out in Part B of the Guide to EA Requirements for Electricity Projects (2001)
- Self-assessment carried out by the proponent
- Requires proponent to consult with public and agencies and document results of process in a report
- No MOE approval of reports prepared by proponent
- Can be coordinated with other approval requirements

Environmental Screening Process - Steps

- Issue Notice of Commencement of Screening
- Prepare project description
- Apply screening criteria
- In consultation with public/agencies, identify mitigation measures
- Identify remaining “net effects” of the project
- If potential concerns cannot be readily addressed, can proceed to Environmental Review stage

Environmental Screening Process - Steps

- Prepare Screening/Environmental Review Report
- Issue Notice of Completion of Screening/Environmental Review Report and make report available for 30-day public and agency review
- Opportunity for concerned parties to request that project be elevated
- If no requests to elevate:
 - proponent files Statement of Completion with MOE
 - project must be implemented in the manner described in report
 - project may proceed (subject to any other required approvals)

Environmental Screening Process – Elevation Requests

- Concerned parties can request MOE to elevate a project to an individual EA
- Occurs during 30-day review period
 - MOE encourages resolution of concerns between party and proponent
 - If no resolution, elevation request submitted to Director, Environmental Assessment and Approvals Branch, MOE
- Director makes decision with 30 days
- Minister can be asked to review Director's decision

Role of MOE - General

- Similar to role in Class EA projects
- Screening process is a proponent driven, self-assessment process
- MOE does not approve Screening/Environmental Review Reports
- If an elevation request is received, MOE reviews the Screening/Review Report and make decision on request

Role of MOE – Regional EA Coordinators

- One-window into Ministry and first point of contact for all electricity projects
- Provide general advice and guidance to proponents on projects subject to O. Reg. 116/01
- Receive Notices of Commencement and Completion
- Coordinate MOE technical review of project where issues within ministry's mandate arise

Role of MOE – Environmental Assessment and Approvals Branch

- Make decisions on elevation requests
- Receive and record Statements of Completion submitted to formalize completion of screening process
- Administer EAA for Individual EAs
- Training and outreach on program
- Improvements to Guide and amendments to O. Reg 116/01