

# Recent Changes to the Provincial EA Regime

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Environmental Assessment at a Crossroads

*Protecting our environment.*



Ontario

# Presentation

- Environmental Assessment (EA) Overview
- Context for Changes in EA Program
- Recent EA Initiatives
- Potential for Future Changes
- Lessons Learned



# Environmental Assessment Overview

# Environmental Assessment

- Environmental assessment (EA) is a planning tool for making informed decisions
- EA strikes a balance between the pursuit of activities and protecting the environment
- Originally created as a process for public projects to:
  - Ensure projects conducted in an environmentally sustainable manner
  - Safeguard the environment for all Ontarians
- Evolution of the EA program:
  - 1997 *Environmental Assessment Act* (EAA) amendments
  - Expanding the requirements to some private sector proponents
  - Streamlined processes for routine projects with known impacts that can be easily mitigated
  - Higher level of assessment for projects that have a greater potential for harm to the environment

# Environmental Assessment Principles

- The purpose of the EAA is to provide for the protection, conservation and wise management of Ontario's environment
- Broad definition of "environment" in the EAA – natural, social, cultural and economic
- There are a number of key EA principles including:
  - Identifying and comparing a reasonable range of alternatives
  - Demonstrating a decision-making process that is:
    - Accountable
    - Logical
    - Traceable
  - Consulting with affected parties early in the planning process
  - Identifying and considering issues
  - Considering all aspects of the environment
  - Providing clear and complete documentation
  - Carrying out monitoring, follow-up and compliance

# Context for Change

# Recent Drivers

- Facilitate Provincial Priorities
  - Climate Change and Green Economy
    - Renewable Energy
    - Transit
- Role of Modern Regulator
  - Modern approach to assessments/reviews, while continuing to protect the public interest
- Global Economy
  - Cross jurisdictional partnerships



# Implications of Change

- Need for greater nimbleness in EA processes
- Faster decision-making
- Appropriate level of assessment and review for projects
  - Scoping of ‘environment’ definition
- Continued need for transparency, consultation and environmental protection



# Recent Environmental Assessment Initiatives

# Transit

- Goal - increase transit as an effective means of combating climate change and improving air quality
- Ontario Regulation 231/08 – a new streamlined process for transit projects was introduced in June 2008
- The new transit process requires an assessment for transit projects which is protective of the environment, but also ensures these environmentally beneficial projects can be assessed within six months
- Proponents are required to prepare a report that documents the results of the process and consultation undertaken
- Opportunity for public objections to the Minister
  - Focused grounds for Minister's consideration
- New process will ensure that transit projects are assessed faster so single-occupant vehicles are off the road sooner

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# Green Energy

- Goal – expanding Ontario's use of clean and renewable sources of energy
- *The Green Energy Green Economy Act* and the Renewable Energy Approval Regulation (O. Reg. 359/09) will create a coordinated, streamlined approach that provides:
  - Certainty with respect to provincial standards;
  - Clarity in government decision-making; and
  - Provisions for public review.
- The Renewable Energy Approval review integrates the environmental, health and safety matters traditionally managed through the following requirements:
  - Land use planning (municipal government level)
  - Environmental assessment (natural environment, cultural aspects)
  - Emissions approval (Certificates of Approval)
  - Water taking approval (Permit to Take Water)
- New Renewable Energy Team to conduct ministry review and have decision-making responsibilities

# Global Economy

- In an emerging global economy, the province is working to forge stronger relationships with economic partners

## **Continental Gateway Strategy:**

- Continental Gateway and Trade Corridor initiative - to bolster economic opportunities and growth through the development of an integrated, multi-modal transportation system
- Examining opportunities for improving EA processes across jurisdictions to facilitate faster implementation of transportation infrastructure

## **Ontario Quebec Economic Partnership Agreement:**

- The agreement commits provinces to cooperate and coordinate EA activities
  - Early identification and resolution of potential transboundary impacts that may be associated with certain projects

## **European Union Trade Agreement**

- Ontario is participating in negotiations for a trade agreement between Canada and the European Union
- Trade agreement will foster sustainability and green practices while promoting Ontario as an attractive market for green businesses
- Role of EA still to be determined

# Potential for Future Changes

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- No known plans for further EA reforms
- On the horizon:
  - Ministry examining how to incorporate cumulative effects into its programs
  - Report of the Expert Panel on Climate Change Adaptation
- Stakeholder interests:
  - Infrastructure/economic stimulus
  - Greater EA integration with land use planning



# Lessons Learned

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- Innovation can occur in EA practices and processes
- EA does not have to be a 'one-size fits' all approach
- Differing EA processes and requirements – can be difficult to navigate through and understand
- Streamlined processes for faster decision-making, although perception still exists that EA is cumbersome and time-consuming
- No matter what the change, difficult to manage diverse stakeholders' expectations of the EA program

