



Ontario
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BY EMAIL

October 6, 2022

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ms. Marconi:

**Re: Ontario Energy Board's Environmental Guidelines Update Project
OEB Case Number EB-2022-0231**

Ontario Energy Board (OEB) staff has initiated a project (Project) to update the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition 2016* ([Environmental Guidelines](#)).

The Environmental Guidelines provide guidance to project proponents on how to prepare an Environmental Report (ER)¹ that is required by the OEB as part of certain hydrocarbon facilities applications (e.g., leave to construct applications under section 90 of the [OEB Act](#), etc.). The initial work in preparing an ER involves multiple stakeholders including government ministries and agencies, municipalities, conservation authorities, landowners and Indigenous communities. Some of these stakeholders are permit or approval issuing authorities who comprise the [Ontario Pipeline Coordinating Committee](#) (OPCC). The majority of the provisions outlined in the Environmental Guidelines are matters required and overseen by members of the OPCC. The Environmental Guidelines also contain provisions that relate to the process and role of OPCC members.

The Project will review the OPCC process and individual OPCC member requirements

¹ The Environmental Guidelines defines the "environment" as encompassing a broad range of environmental and socio-economic elements.

and involves consultation with the OPCC members.

The Project has three goals:

1. Address the passage of time (e.g., update the names of government ministries, update OPCC member requirements related to an ER, etc.)
2. Clarify that the Environmental Guidelines apply to natural gas storage and related projects
3. Review the OPCC process with the intent to clarify and improve the process where possible

The Project has four phases, as listed below. The first phase involved OEB staff developing material for comment by stakeholders as is noted below. The issuance of this letter coincides with the kick-off of the second phase.

1. *Pre-OPCC Consultation Phase*. During this phase, OEB staff (a) developed an online survey to collect high-level feedback from OPCC members and (b) prepared a version of the current Environmental Guidelines that identifies changes that OEB staff proposes to address the matters outlined above (Working Draft).
2. *OPCC Consultation Phase*. During this phase, OEB staff is seeking written comments from OPCC members on the survey and the Working Draft. OEB staff will then meet with the OPCC members to discuss the survey results and proposed changes to the Working Draft.
3. *Draft Revision, Clarification and further Comment Phase*. During this phase, OEB staff will synthesize the feedback from OPCC members and draft the 8th edition of the Environmental Guidelines. If necessary, OEB staff will seek clarification from OPCC members on their feedback. During this phase, the penultimate draft of the 8th edition will be circulated for further comment. At the conclusion of this phase, OEB staff will post a summary of the feedback received on the OEB's [Engage with Us - OPCC](#) webpage.
4. *Final Revisions and Publication*. During this phase, OEB staff will prepare the final draft of the 8th edition and arrange for its publication.

The updates to the Environmental Guidelines do not include any material changes to the portions of the document relating to Indigenous consultation and the Constitutional duty to consult. The OEB has initiated an internal review of the Indigenous consultation and duty to consult portions of the Environmental Guidelines to assess whether and how improvements and updates to the process should be implemented. The OEB also

needs to engage the Ministry of Energy in this review given its significant role in relation to consultation with Indigenous communities. The OEB is committed to engaging representatives of Indigenous communities and other interested parties on any future updates to the Indigenous consultation and duty to consult provisions of the Environmental Guidelines.

Please direct any questions relating to this project to Ritchie Murray at 416-544-5182 or to OPCC.Chair@oeb.ca.

Yours truly,

Ritchie Murray
OEB staff

c: Zora Crnojacki, OEB staff and OPCC Chair
Lawrie Gluck, OEB staff
Judith Fernandes, OEB staff
Natalya Plummer, OEB staff