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BY EMAIL

March 17, 2023

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
Summary of Consultation Feedback
OEB Case Number EB-2022-0231**

In October 2022, Ontario Energy Board (OEB) staff 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 the Environmental Report (ER)¹ that is required by the OEB as part of Hydrocarbon Project applications.² Several of the stakeholders involved in the preparation of an ER are provincial government ministries and agencies that are permit or approval issuing authorities who comprise the [Ontario Pipeline Coordinating Committee](#) (OPCC). Many of the provisions outlined in the Environmental Guidelines are matters over which OPCC members have some authority.

The Project was limited to a review of the process by which OPCC members provide feedback on individual Hydrocarbon Projects, and the requirements individual OPCC members have with respect to various permits or approvals they issue that may be

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

² The 8th edition of the Environmental Guidelines will define Hydrocarbon Projects as those that require approval of the OEB under section 90 or 91 of the *Ontario Energy Board Act, 1998* (OEB Act), and natural gas storage applications under 36.1(1), 38(1), and 40(1) of the OEB Act.

related to Hydrocarbon Project applications. The OEB sought input on revisions related to this Project from the OPCC members, Conservation Ontario,³ and the natural gas utilities. Enclosed is a high-level summary of the feedback received during consultation.

The OEB adopted the majority of suggestions submitted. Those that were not adopted were either out of scope of the Project or would have resulted in more detail than is necessary for the Environmental Guidelines. In the latter instance, references to external sources of information were in some cases added.

There were several suggestions regarding the Indigenous consultation sections of the Environmental Guidelines. The Project scope does not include updates to these sections or the Constitutional duty to consult more broadly, and therefore none of the substantive suggestions in this regard were adopted at this time.

The OEB has initiated a separate review of the Indigenous consultation and duty to consult sections of the Environmental Guidelines to assess whether and how improvements and updates to the process should be implemented. The OEB has engaged the Ministry of Energy in this review, given its role in the Environmental Guidelines in relation to consultation with Indigenous communities. The OEB is committed to engaging with and seeking feedback from 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.

The 8th edition of the Environmental Guidelines is scheduled to be published on or before March 31, 2023.

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
Senior Project Advisor

Encl.

c: Zora Crnojacki, Senior Project Advisor and OPCC Chair

³ Although not members of the OPCC, Conservation Authorities are permit and approval issuing entities who are routinely engaged by applicants during the preparation of Environmental Reports. Conservation Ontario assisted with the review of the Environmental Guidelines on behalf of its Conservation Authority members.

Summary of Feedback Received on OEB Environmental Guidelines

General

OPCC members proposed writing style edits throughout the document to improve the clarity and flow of the text and for consistency of terminology.

OPCC members recommended that additional hyperlinks be added to current legislation, policy documents, technical guidelines, etc.

OPCC members stressed that early engagement with stakeholders is a critical first step to preparing an environmental report.

OPCC members agreed that the 42-day OPCC review period is sufficient to review the environmental report. OPCC members recognized that, in many cases, not all issues will be addressed prior to the end of the 42-day OPCC review period. OPCC members continue to support the current requirement that applicants identify any unresolved issues in their Hydrocarbon Project applications to the OEB.

OPCC members support the use of a Review Letter that would inform the applicant in writing that the OPCC member has completed its review of the Environmental Report. The gas utilities agree to include copies of the Review Letters in their Hydrocarbon Project applications, on a best-efforts basis.

Infrastructure Ontario

Infrastructure Ontario suggested edits to reflect changes in roles and responsibilities between it and various other OPCC members.

Ministry of Agriculture, Food and Rural Affairs (Ministry of Agriculture)

Regarding route and site selection, the Ministry of Agriculture emphasized the importance of considering prime agricultural areas designated in municipal official plans, along with investments into agriculture (e.g., drainage, buildings and structures), and elements of the agri-food supply chain such as grain elevators, cold storage facilities, and farmers' markets.

Regarding impact identification and assessment, the Ministry of Agriculture suggested assessing potential impacts during construction and post construction following rehabilitation. The Ministry of Agriculture also suggested that soil be addressed broadly

taking into consideration potential impacts such as erosion and compaction and providing direction on topsoil removal and storage, as well as topsoil inspection standards to be met.

Ministry of Citizenship and Multiculturalism (Ministry of Multiculturalism)

The Ministry of Multiculturalism suggested revisions to reflect that the responsibility for administration of the Ontario Heritage Act and matters related to cultural heritage has been transferred to the Ministry of Multiculturalism. Previously, this responsibility was under the Ministry of Tourism, Culture and Sport (Ministry of Culture).

The Ministry of Multiculturalism suggested revisions to update documentation requirements for cultural heritage reports, archaeological assessments, and screening checklists.

The Ministry of Multiculturalism recommended the inclusion of environmental assessment principles, in keeping with the Ministry of the Environment, Conservation and Parks' (Ministry of Environment) Code of Practice.

The Ministry of Multiculturalism recommended that OPCC members be copied on post-construction reports filed with the OEB by applicants to assist OPCC members in monitoring progress against future commitments (e.g., to undertake further stages of archaeological assessment).

Ministry of Energy

The Ministry of Energy provided detailed comments and edits with respect to the Indigenous consultation section of the Environmental Guidelines.

Ministry of Municipal Affairs and Housing (Ministry of Municipal Affairs)

The Ministry of Municipal Affairs suggested additional content that explains the role of Planning Boards in northern Ontario where unincorporated territories exist. Planning Boards may perform certain functions otherwise associated with municipal governments.

Ministry of Natural Resources and Forestry (Ministry of Natural Resources)

The Ministry of Natural Resources suggested revisions to clarify changes in its roles and responsibilities relative to the roles and responsibilities of the Ministry of Environment that took effect in 2018 (e.g., with respect to species at risk, and Ontario protected areas).

Ministry of the Environment, Conservation and Parks (Ministry of Environment)

The Ministry of Environment provided updated information on requirements related excavated soil, excess soil, dust suppressants, noise control, spills, and hydrostatic testing.

The Ministry of Environment also proposed a new section in the Environmental Guidelines related to drinking water source protection that addresses impact assessment, evaluation of alternatives, and mitigation and monitoring measures.

Ministry of Tourism, Culture and Sport (Ministry of Culture)

The Ministry of Culture is no longer responsible for administration of the Ontario Heritage Act. This responsibility has been transferred to the Ministry of Multiculturalism. As a result, the Ministry of Culture did not provide comments on the Environmental Guidelines.

Ministry of Transportation

The Ministry of Transportation suggested adding references to certain Canadian Standards Association standards that apply to documentation it requires from project proponents and proposed additions to the list of Legislations that may be applicable to hydrocarbon projects in Ontario.

Technical Standards and Safety Authority (TSSA)

The TSSA confirmed that it can process an applicant's completed Application for Review of Pipeline Project form concurrent with its review of the Environmental Report, provided that the two documents are submitted to the TSSA together.

Conservation Ontario

Conservation Ontario suggested a new paragraph that explains the role of Planning Boards in northern Ontario where conservation authorities do not exist. Planning Boards may perform certain functions otherwise associated with conservation authorities.

Conservation Ontario suggested edits to clarify its role in regulating activities in or adjacent to rivers or stream valleys, Great Lakes and inland lakes' shorelines, watercourses, hazardous lands and wetlands.

Natural Gas Utilities

OEB rate regulated natural gas utilities were sent a draft of the Environmental Guidelines that incorporated feedback received from the OPCC members.

Enbridge Gas Inc. (Enbridge Gas) proposed writing style edits throughout the document to improve the clarity and flow of the text and for consistency of terminology.

EPCOR Natural Gas Limited Partnership confirmed that it reviewed the draft Environmental Guidelines and had no comments.