

Appendix F

Consultation Log

Stakeholder	Name	Last Name	Role/Department	Phone	Email	Mailing Address	Town	Postal Code	Additional Notes
Elected Officials									
Sarnia-Lambton	Marilyn	Gladu	MP	519-383-6600	Marilyn.Gladu@parl.gc.ca	1000 Finch Drive, Unit 6	Sarnia, ON	N7S 6G5	
Sarnia-Lambton	Bob	Baily	MPP	(519) 337-0051	bob.baileyco@pc.ola.org	805 Christina St. North Suite 102	Point Edward, ON	N7V 1X6	
Provincial Authorities									
Ministry of the Environment, Conservation and Parks			Environmental Assessment Notification		eanotification.swregion@ontario.ca				
Ministry of the Environment, Conservation and Parks	Sean	Morrison	District Manager	(519) 336-4030	Sean.Morrison@ontario.ca	1094 London Rd	Sarnia, On	N7S 1P1	
Ministry of the Environment, Conservation and Parks	Mohamed	Ismail	Enforcement Officer	226- (932) -0359	Mohamed.Ismail@ontario.ca	1094 London Rd	Sarnia, On	N7S 1P1	
Ministry of Economic Development, Job Creation and Trade	Nathan	Hammill	Manager, Corporate Policy Coordination Unit, Policy, Planning and Strategy Branch	437-882-0990	nathan.hammill@ontario.ca	56 Wellesley St. W, 11 th Flr	Toronto ON	M5S 2S3	
Ministry of Agriculture, Food and Rural Affairs	Andrea	Martin	Director, Food Safety and Environmental Policy Branch	519-826-6800	andrea.l.martin@ontario.ca	Ontario Government Bldg 2nd Flr SW, 1 Stone Rd W	Guelph ON	N1G 4Y2	Added April 2023 to replace Diana Kieffler
Ministry of Agriculture, Food and Rural Affairs					omafra.eanotices@ontario.ca				Email omafra.eanotices@ontario.ca as initial step prior to circulating documents to regional planners
Infrastructure Ontario					NoticeReview@infrastructureontario.ca				
Infrastructure Ontario	Ainsley	Davidson	Director(A), Land Use Planning, Development Planning	647-264-3605	ainsley.davidson@infrastructureontario.ca	1 Dundas St. W., 20th flr	Toronto ON	M5G 1Z3	cc: noticereview@infrastructureontario.ca
Infrastructure Ontario	Joanna	Craig	Portfolio Analyst, Land Use Planning, Development Planning	647-965-6703	joanna.craig@infrastructureontario.ca	1 Dundas St. W., 20th flr	Toronto ON	M5G 1Z3	cc: noticereview@infrastructureontario.ca
Ministry of Municipal Affairs and Housing	Erick	Boyd	Manager, Community Planning and Development, Western Municipal Services Office	519-873-4025	erick.boyd@ontario.ca	659 Exeter Road, 2nd Floor	London ON	N6E 1L3	
Ministry of Natural Resources and Forestry	Deanna	Lindblad	Supervisor, Aylmer District	228-407-4178	deanna.lindblad@ontario.ca	615 John St. N	Aylmer ON	N5H 2S8	
Ministry of Tourism, Culture and Sport	James	Antler	Policy Advisor, Tourism Policy Unit, Tourism Policy and Research Branch	705-493-0880	james.antler@ontario.ca	447 McKeown Avenue, Suite 203	North Bay ON	P1B 9S9	
Ministry of the Solicitor General	Robert	Greene	Director	416-277-2370	robert.greene@ontario.ca	25 Grosvenor Street, 13 th Flr	Toronto ON	M7A 1Y6	Contact to see if they have an interest in the EA.
Ministry of Indigenous Affairs									Contact MECP to determine if the Ministry of Indigenous Affairs should be notified
St. Clair Conservation Authority	Melissa	Deisley	Director of Planning and Regulations	519-245-3710 ext. 221	mdeisley@scrca.on.ca	205 Mill Pond Cres	Strathroy, ON	N7G 3P9	
St. Clair Conservation Authority	Kelsey	Oatman	Planning and Regulations Clerk	519-245-3710 ext. 252	koatman@scrca.on.ca	205 Mill Pond Cres	Strathroy, ON	N7G 3P9	
Municipal Authorities									
Township of St. Clair	Jeff	Agar	Mayor	(519) 867-2021	mayorandcouncil@stclairtownship.ca	1155 Emily Street	Mooretown ON	N0N 1M0	
Township of St. Clair	Carlie	McClemens	Deputy Clerk/Coordinator of Planning	(519) 867-2021	cmclemens@stclairtownship.ca	1155 Emily Street	Mooretown ON	N0N 1M0	

Stakeholder	Name	Last Name	Role/Department	Phone	Email	Mailing Address	Town	Postal Code	Additional Notes
City of Sarnia	Mike	Bradley	Mayor	519-332-0330 x3312	mayor@sarnia.ca	255 N. Christina Street, Box 3018	Sarnia, ON	N7T 7N2	
Township of St. Clair	Jeff	Baranek	Clerk	519-867-2021	jbaranek@stclairtownship.ca	1155 Emily Street	Mooretown ON	N0N 1M0	
Township of St. Clair Emergency Services	Richard	Boyes	Director of Emergency Services / Fire Chief	519-481-0111	rboyes@stclairfire.ca	392 Lyndoch Street	Corunna ON	N0N 1G0	
Interest Groups									
Ontario Federation of Agriculture (OFA)	Tyler	Brooks	Director of Communications and Stakeholder Relations	(519) 821-8883	tyler.brooks@ofa.on.ca	200 Hanlon Creek Boulevard	Guelph, ON	N1C 0A1	
Ontario Greenhouse Vegetable Growers (OGVG)	Joe	Sbrocchi	CEO	519-326-2604	j.sbrocchi@ogvg.com	32 Seneca Road	Learnington, ON	N8H 5H7	
The Ontario Greenhouse Alliance	Andrea	Murray	Alliance Director		admin@theontariogreenhousealliance.com	7382 County Rd 30, Unit B	Guelph ON	N1H 6J2	
Cannabis Council of Canada	Beena	Goldenberg	Board Member		hello@cannabis-council.ca	111 Albert St	Ottawa, ON	K1P 1B1	
Christian Farmers Federation of Ontario				(519) 837-1620	cffomail@christianfarmers.org	642 Woolwich St	Guelph, ON	N1H 3Y2	
Lambton Federation of Agriculture	Christina	Hyatt	Federation Administrator	(519) 864-4224	lambtonfederation@hotmail.com	302 Homestretch Dr	Corunna, ON	N0N 1G0	
Sarnia-Lambton Industrial Alliance	Karen	Richards	Secretary/Treasurer	519-332-1820	karen@sarnialambton.on.ca	1086 Modeland Road, Building 1050, Suite 100	Sarnia, ON	N7S 6L2	
Sarnia-Lambton Business Development Corporation			General Email	(519) 383-1371	info@slbdc.com	109 Durand St	Sarnia, ON	N7T 5A1	Replaced Don Anderson - April 2023
Ontario Clean Air Alliance	Jack	Gibbons	Chair	Telephone: (416) 260-2080 x 1	contact@cleanairalliance.org	160 John Street, Suite 300	Toronto, ON	M5V 2E5	
Sarnia Construction Association	John	Pilat	General Manager	519-344-7441	sca@bellnet.ca	P.O. Box 545, 954 Upper Canada Drive	Sarnia, ON	N7T 7J4	
Local Agencies									
Colonel Cameron Public School	Kathy	Myers	Principal	(519) 862-1116	kathy.myers@lkdsb.net	338 Cameron St	Corunna, ON	N0N 1G0	
Sir John Moore Public School	Angela	Cote	Vice Principal	(519) 862-1089	Angela.Cote@lkdsb.net	274 St Clair Blvd	Corunna, ON	N0N 1G0	
St. Joseph Catholic School	Courtney	Mellow	Vice Principal	(519) 862-1479		535 Birchbank Dr	Corunna, ON	N0N 1G0	
Public									
Nova Chemicals Corp - Corunna Plant				████████	████████████████	██████████	Corunna, ON	N0N 1G0	
Katoen Natie Canada				██████████	██████████	████████	Corunna, ON	N0N 1G0	Hard copy
Pembina Pipeline Corporation				██████████		██████████	Corunna, ON	N0N 1G0	Owens 2354890 ALBERTA LTD property
Tom Wilson Farms Limited	Nicole, Douglas, and Thomas	Wilson	Land Owners			██████████	St. Clair, ON	N0N1G0	Hard copy

Stakeholder	Name	Last Name	Role/Department	Phone	Email	Mailing Address	Town	Postal Code	Additional Notes
	Stephen and Debra	Wellington	Land Owner				St. Clair, ON	N0N1G0	Hard copy
Shell Canada Limited	Vince	Stastny					Calgary, AB	T2P 2H5	
Enbridge Gas							Corunna, ON	N0N1G0	
	Robert Scott	Wellington					St. Clair, ON	N0N1G0	
BONNEFIELD FARMLAND ONTARIO IV INC.							Toronto, ON	M5H 3L5	
Utilities									
Hydro One Networks Inc.					SecondaryLandUse@HydroOne.com				Proponents must clearly identify the proposal's location and outline the type of impact anticipated relative to HONI facilities.
Ontario Power Generation	Tammy	Wong	Senior Environment Specialist, Corporate Programs	416-592-4548	tammy.wong@opg.com	700 University Avenue	Toronto ON	M5G 1X6	
Request to be Added									
Sarnia Lambton Environmental Association	Jason	Vaillant	General Manager	519-383-1222	jvaillant@lambtonbases.ca	1086 Modeland Road, Building 1020, Suite 100N	Sarnia, ON	N7S 6L2	
County of Lambton	Paula	Stokes			paula.stokes@county-lambton.on.ca	789 Broadway Street Box 3000	Wyoming ON	N0N 1T0	
Request to be removed									
Infrastructure Ontario	Katherine	Hotrum	Director Environmental Projects	647-264-4573	katherine.hotrum@infrastructureontario.ca	1 Dundas St. W., 20th flr	Toronto ON	M5G 1Z3	
Sarnia-Lambton Environmental Association / Bluewater Association for Safety, Environment & Sustainability	Jason	Vaillant	General Manager	519-383-1222	admin@slea.ca	1086 Modeland Road, Building 1020, Suite 100N	Sarnia, ON	N7S 6L2	Email bounced back - merged with BASES
County of Lambton	Ashley	Aalten	Executive Assistant, Infrastructure & Development	519-845-0801 ext. 5344	Ashley.aalten@county-lambton.on.ca	789 Broadway Street Box 3000	Wyoming ON	N0N 1T0	Extended leave until Summer 2023
Ministry of Agriculture, Food and Rural Affairs	Dana	Kieffer	Rural Planner (A), Land Use Policy & Stewardship, Food Safety and Environmental Policy Branch	226-962-8933	dana.kieffer@ontario.ca	6484 Wellington Rd 7 – Unit 10	Elora ON	N0B 1S0	Replaced with Andrea L Martin - April 2023
Sarnia Lambton Environmental Association	Drew	Erickson	Technical Coordinator		derickson@lambtonbases.ca				Left position - Replaced with Jason Vaillant - April 2023
Sarnia-Lambton Business Development Corporation	Don	Anderson	General Manager	(519) 383-1371	don@slbdc.com	109 Durand St	Sarnia, ON	N7T 5A1	Retired - replaced with general email per instructions - April 2023

Stakeholder						
Elected Officials						
Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Stakeholder Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)
Apr 12, 2023	Laura Swyers	Email	Marilyn Gladu	Thanked for Notice of Project Update.	N/A	

Stakeholder:

Provincial Authority

Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)
Nov 24 2022	Joe Muraca	Email	Katherine Hotrum	Requested that correspondence is sent to NoticeReview@infrastructureontario.ca	Update contact list	Resolved
Dec 05 2022	Joe Muraca	Email	Valerie Naso	Scan indicated that property owned by the Minister of Government and Consumer Services is within and adjacent to your project's study area . If provincial government property in the study area is not required for the	See if we need to find property owners or consult with IO	Resolved
Dec 16 2022	Joe Muraca	Email	Mark Badali	Provided letter of acknowledgement and supporting attachments.	N/A	Resolved
Apr 26 2023	Joe Muraca	Email	Karen Cook	Provided comments on the project update on behalf of the Ministry of Natural Resources and Forestry. The comments note that there may be petroleum wells within the proposed project area, and that the project may	Do not circulate unless the MNRF's interests are identified.	Resolved

Stakeholder:						
Municipal Authority						
Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)
Nov 24 2022	Joe Muraca	Email	Ashley Aalten	Extended leave until summer 2023 - gave alternate contact.	Replace with Paula Stokes	

Stakeholder: Interest Group							
Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)	Notes
Nov 22, 2022	Joe Muraca	Email	Jack Gibbons	Joe requested meeting to discuss the Proposed St Clair Energy Centre Expansion Environmental Assessment. Jack preferred Friday Nov 25 to meet.	Set meeting for November 28th at 3PM.	Resolved	Invenergy and Dillon set up and attended meeting but Jack Gibbons did not attend. Project team followed up to direct where specific
Dec 14, 2022	Joe Muraca	Email	Ali Angier	Requested to get in contact with PM for marketing purposes	N/A	Resolved	Phoned and sent email Dec 14 2022
Apr 11 2023	Laura Swyers	Email	Drew Erickson	Automated email informing that Drew is no longer working at BASES/SLEA. Provided alternate contact.	Updated contact sheet.	Resolved	
Apr 11 2023	Laura Swyers	Email	Don Anderson	Automated email informing that Don is no longer working at SLBDC. Provided alternate contact.	Updated contact sheet.	Resolved	

Stakeholder:						
Local Agency						
Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)

Stakeholder:

Public

Date	Project Team Member	Method (e.g. email, letter, phone, video call)	Point of Contact (name)	Issues/Questions (include links to original email or meeting transcript/notes where relevant in column H)	Invenergy Response	Status (note if response indicates issue is Resolved, Follow-up Action Required, or Unresolved)	Notes
Dec 5 2022	Laura Swyers	Mail	Robert Scott Wellington	Dillon sent Notice via mail to address in Geowarehouse - came back undelivered	Find address and update response	Resolved	Two addresses on Geowarehouse for "Robert Scott Wellington" - other is 68 Beach St, Grand Bend LinkedIn indicates a Bob Wellington working at Embridge
Dec 20 2022	Laura Swyers	Email	Kevin Mills	Kevin requested Dillon to send the presentation via email.	Sent presentation link as well as the links to the audio/video file and the presentation	Resolved	
Feb 8 2023	Mike Enright	Email	Tom Wilson	Tom raised a concern regarding overland water flows should the expansion of the Facility be developed.	Invenergy to meet onsite to discuss concerns	Resolved	On site meeting occurred June 13th to discuss concern.
Jun 13 2023	Mike Enright	Meeting	Tom Wilson	Tom wanted to ensure that if the expansion is constructed that an appropriate hydrology study is completed and necessary drainage is provided to ensure overland flow does not shift water onto his property to the east.	Invenergy committed to take appropriate hydrology modelling to define drainage requirements during detailed design should the facility be expanded.	Resolved	
Jun 27 2023	Laura Swyers	Email	Jack Wagoner	A couple questions regarding the upcoming St. Clair Energy Centre upgrade and expansion projects:	Respond to questions	Resolved	Responded July 11 2023



October 21, 2022

VIA EMAIL - MinisterEnergy@ontario.ca

Ministry of Energy

Todd A. Smith

Unit 77 Grenville St. 10th Floor Toronto, ON M7A 2C1

Dear Mr. Smith:

Re: St. Clair Energy Centre Station Expansion

The purpose of this letter is to inform the Ministry that St. Clair Power L.P., and its' affiliate Invenergy AMPCI Thermal Power LLC, (St. Clair Power and Invenergy) are proposing to expand the nameplate capacity of the existing St. Clair Energy Centre located in St. Clair Township, Ontario (the "Project"). This is pursuant to the Independent Electricity System Operator's Long-Term RFP Request for Proposal (LT1 RFP), released in the fall of 2022, for approximately 2,500 MW from new build and eligible expansion electricity resources to address multiple reliability needs. The LT1 RFP will seek resources that can be in service starting in 2027 or earlier.

The Guide to Environmental Assessment Requirements for Electricity Projects (the "Guide") issued by the Ontario Government pursuant to the *Environmental Assessment Act* indicates that a project applicant shall provide the Ministry of Energy (the "Ministry") with a description of a project, in the planning process, such that the Ministry can determine if there are any Duty to Consult requirements for the project. St. Clair Power and Invenergy will be completing an Environmental Review Report (ERR) pursuant to the Guide for the Project and is therefore contacting the Ministry to determine whether the Project triggers the Duty to Consult.

Attachment 1 contains a description of the Project's characteristics and its location for the Ministry's review and to assist it with its determination as to whether it will delegate the procedural aspects of the Duty to Consult to St. Clair Power and Invenergy. While work on the Project is still in its early stages, St. Clair Power and Invenergy would be pleased to discuss the Project with you should you have any questions.

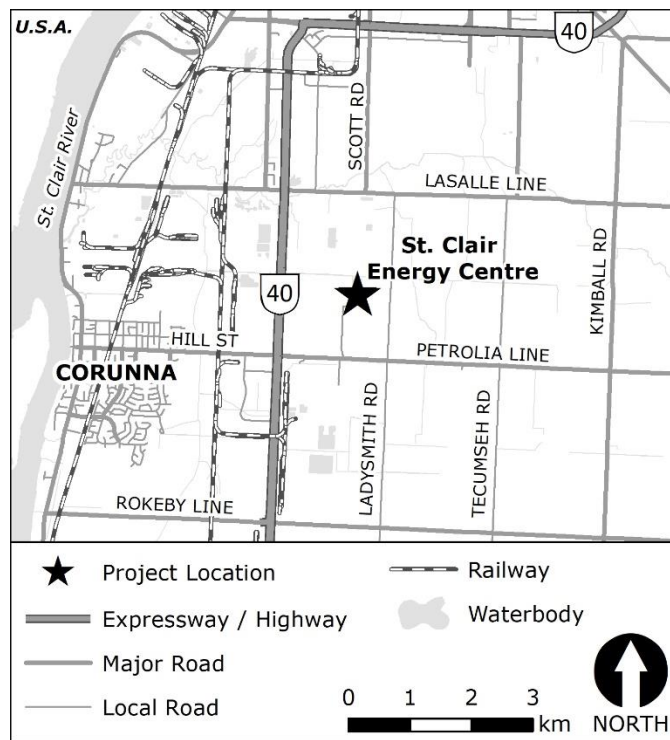
Regards,

Michael Enright
Manager, Renewable Development
Invenergy

ATTACHMENT 1: PROJECT OVERVIEW AND ENVIRONMENTAL ASSESSMENT

1.0 – Project Summary

St. Clair Power L.P. owns and operates the St. Clair Energy Centre, which is a combined-cycle natural gas turbine generation facility with a name plate capacity of 584 megawatt (MW), which achieved commercial operation in 2009. The facility is located at 790 Petrolia Line, Corunna, Ontario in St. Clair Township (see Figure below). Power generated from the facility is interconnected the provincial 230 kV electrical transmission network through an onsite transformer station. An ERR was completed for the facility in 2006 and Environmental Compliance Approvals exist for the operation of the facility.



At this time, the proposed expansion to the facility includes the following projects:

- 1: Expanded plant capacity through process improvements and equipment upgrades. This would require no physical expansion of the plant. This scenario results in approximately an additional 60 megawatts (MW) of generating capacity.
- 2: Addition of a new gas turbine(s), or reciprocating engines, to achieve a total of approximately 100-120 MW of additional capacity. This would require the expansion of the plant footprint and other upgrades to infrastructure.

2.0 – Authorizations and Recommendations Required

An ERR for the Project will be prepared for the Project. The ERR will identify the potential authorizations required. St. Clair Power and Invenergy's preliminary work on the Project has identified the following potential authorizations:

Provincial Approvals:

- Ministry of the Environment, Conservation and Parks
- St. Clair Region Conservation Authority

Municipal Approvals:

- St. Clair Township

Other Approvals:

- Electrical Safety Association
- Technical Standards and Safety Association

Other authorizations, notifications, permits and/or approvals may be required in addition to those identified above.

3.0 Project Activities

Planning and design activities for the Project commenced in the second and third quarter of 2022. Pursuant to the Guide, an ERR will be prepared and archaeological studies will be completed. Engineered drawings will be produced with the final design and issued to local municipalities and other regulators for approval. Once all approvals are obtained final engineered drawings will be prepared for construction. St. Clair Power and Invenergy are planning to submit permits to agencies and are looking towards anticipated approval of the Project in late 2023 and into early 2024.

4.0 Potential Environmental Effects and Mitigation

The area in which the Project is to be constructed is already within the parameters of the energy facility. It is expected that the majority of adverse environmental and/or socio-economic effects will be construction related. The ERR will also provide an assessment of potential effects and propose mitigation for the operation of the facility.

Mitigation measures recommended in the ERR will be followed in conjunction with Invenergy's approach to best practices. In addition, St. Clair Power and Invenergy will use professional judgement, past experience, industry best practices and any additional feedback received through the consultation and engagement process when constructing the Project.



5.0 Project Benefits

If successful, the Project will allow St. Clair Power and Invenergy to contribute to the needed increase in power supply called for by the IESO and the Provincial government in the 2025-2026 calendar years.

6.0 Contact Information

Joe Muraca
EA Project Manager
Dillon Consulting Limited
416-678-1279
gmuraca@dillon.ca

Michael Enright
Manager, Renewable Development
Invenergy
416-453-0975
menright@invenergy.com

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

Direction des évaluations
environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Téléc. : 416 314-8452

December 16, 2022

Michael Enright
Manager, Renewable Development
Invenergy
info@stclaireenergycentre.com

BY EMAIL ONLY

Re: **St. Clair Energy Centre Upgrade and Expansion**
St. Clair Energy Centre
Electricity Projects Regulation, O. Reg. 116/01 (Category B)
Acknowledgement of Notice of Commencement

Dear Michael Enright,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that the St. Clair Energy Centre (proponent), owned and operated by St. Clair Power, L.P., an affiliate of Invenergy, has indicated that the study is following the approved environmental planning process for a Category B project set out in the *Electricity Projects Regulation*, O. Reg. 116/01 (the “Environmental Screening Process”), made under the Environmental Assessment (EA) Act.

The **updated (August 2022)** attached “Areas of Interest” document provides guidance regarding the ministry’s interests with respect to the Environmental Screening Process. Please address all areas of interest in the Environmental Screening and Environmental Review at an appropriate level for the Environmental Screening Process. Proponents who address all the applicable areas of interest can minimize potential delays to the project schedule. **Further information is provided at the end of the Areas of Interest document relating to recent changes to the Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act 2020.**

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown's preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island)
- Caldwell First Nation
- Chippewas of Kettle and Stony Point
- Chippewas of the Thames First Nation
- Oneida Nation of the Thames

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the "[Code of Practice for Consultation in Ontario's Environmental Assessment Process](#)". Additional information related to Ontario's Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments.

Please also refer to the attached document "A Proponent's Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities" for further information, including the MECP's expectations for Screening/Environmental Review Report documentation related to consultation with communities.

The proponent must contact the Director of Environmental Assessment Branch (EABDirector@ontario.ca) under the following circumstances after initial discussions with the communities identified by the MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;

- Consultation with Indigenous communities or other stakeholders has reached an impasse; or
- An elevation request is expected on the basis of outstanding environmental concerns.

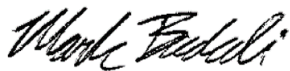
The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play should additional steps and activities be required.

A draft copy of the Screening/Environmental Review Report should be sent directly to me prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments.

Please also ensure a copy of the final notice is sent to the ministry's Southwest Region EA notification email account (eanotification.swregion@ontario.ca) after the draft report is reviewed and finalized.

Should you or any members of your project team have any questions regarding the material above, please contact me at mark.badali1@ontario.ca.

Sincerely,



Mark Badali
Regional Environmental Planner – Southwest Region

Cc: Gavin Battarino, Supervisor, Project Review Unit, MECP
Sean Morrison, Manager, Sarnia District Office, MECP
Joe Muraca, EA Project Manager, Dillon Consulting Limited

Enclosed: Areas of Interest

Attached: Client's Guide to Preliminary Screening for Species at Risk
A Proponent's Introduction to the Delegation of Procedural Aspects of Consultation with Aboriginal Communities

AREAS OF INTEREST (v. August 2022)

It is suggested that you check off each section after you have considered / addressed it.

☐ Planning and Policy

- Applicable plans and policies should be identified in the report, and the proponent should describe how the proposed project adheres to the relevant policies in these plans.
 - Projects located in MECP Central, Eastern or West Central Region may be subject to [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2020\)](#).
 - Projects located in MECP Central or Eastern Region may be subject to the [Oak Ridges Moraine Conservation Plan \(2017\)](#) or the [Lake Simcoe Protection Plan \(2014\)](#).
 - Projects located in MECP Central, Southwest or West Central Region may be subject to the [Niagara Escarpment Plan \(2017\)](#).
 - Projects located in MECP Central, Eastern, Southwest or West Central Region may be subject to the [Greenbelt Plan \(2017\)](#).
 - Projects located in MECP Northern Region may be subject to the [Growth Plan for Northern Ontario \(2011\)](#).
- The [Provincial Policy Statement \(2020\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the report, and the proponent should describe how the proposed project is consistent with these policies.
- In addition to the provincial planning and policy level, the report should also discuss the planning context at the municipal and federal levels, as appropriate.

☐ Source Water Protection

The *Clean Water Act*, 2006 (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects that are subject to the Environmental Assessment Act that fall under a Class EA, or one of the Regulations, have the potential to impact sources of drinking water if they occur in designated vulnerable areas or in the vicinity of other at-risk drinking water systems (i.e.

systems that are not municipal residential systems). Projects may include activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- The proponent should identify the source protection area and should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed. Specifically, the report should discuss whether or not the project is located in a vulnerable area and provide applicable details about the area.
- If located in a vulnerable area, proponents should document whether any project activities are prescribed drinking water threats and thus pose a risk to drinking water (this should be consulted on with the appropriate Source Protection Authority). Where an activity poses a risk to drinking water, the proponent must document and discuss in the report how the project adheres to or has regard to applicable policies in the local source protection plan. This section should then be used to inform and be reflected in other sections of the report, such as the identification of net positive/negative effects of alternatives, mitigation measures, evaluation of alternatives etc.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use [Source Protection Information Atlas](#), which is an online mapping tool available to the public. Note that various layers (including WHPAs, WHPA-Q1 and WHPA-Q2, IPZs, HVAs, SGRAs, EBAs, ICAs) can be turned on through the “Map Legend” bar on the left. The mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.
- For further information on the maps or source protection plan policies which may relate to their project, proponents must contact the appropriate source protection authority. **Please consult with the local source protection authority to discuss potential impacts on drinking water. Please document the results of that consultation within the report and include all communication documents/correspondence.**

More Information

For more information on the *Clean Water Act*, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to [Conservation Ontario's website](#) where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in [section 1.1 of Ontario Regulation 287/07](#) made under the *Clean Water Act*. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MECP.

☐ **Climate Change**

The document "[Considering Climate Change in the Environmental Assessment Process](#)" (Guide) is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the MECP's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in their study. Proponents should review this Guide in detail.

• **The MECP expects proponents of projects under a Class EA or EA Act Regulation to:**

1. Consider during the assessment of alternative solutions and alternative designs, the following:
 - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
 - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).
2. Include a discrete section in the report detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered. **Please ensure climate change is considered in the report.**

- The MECP has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

□ Air Quality, Dust and Noise

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern.
Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.
- If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:
 - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
 - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
 - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
 - A discussion of potential mitigation measures.
- As a common practice, "air quality" should be used as an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to [*Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities*](#) report prepared for Environment Canada. March 2005.
- The report should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

☐ **Ecosystem Protection and Restoration**

- Any impacts to ecosystem form and function must be avoided where possible. The report should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- Natural heritage and hydrologic features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
 - Key Natural Heritage Features: Habitat of endangered species and threatened species, fish habitat, wetlands, areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.
 - Key Hydrologic Features: Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.
 - Other natural heritage features and areas such as: vegetation communities, rare species of flora or fauna, Environmentally Sensitive Areas, Environmentally Sensitive Policy Areas, federal and provincial parks and conservation reserves, Greenland systems etc.

We recommend consulting with the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, for projects located in Central Region you may consider the provisions of the Rouge Park Management Plan if applicable.

☐ **Species at Risk**

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. Information, standards, guidelines, reference materials and technical resources to assist you are found at <https://www.ontario.ca/page/species-risk>.
- The Client's Guide to Preliminary Screening for Species at Risk (Draft May 2019) has been attached to the covering email for your reference and use. Please review this document for next steps.
- For any questions related to subsequent permit requirements, please contact SAROntario@ontario.ca.

□ Surface Water

- The report must include enough information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the report and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Environmental Screening Process** that includes:
 - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
 - Watershed information, drainage conditions, and other relevant background information
 - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
 - Information on maintenance and monitoring commitments.
- Projects located in MECP Southwest Region may be subject to Ontario Regulation 60/08 under the *Ontario Water Resources Act* (OWRA) as it applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If the proposed sewage treatment plant is listed in Table 1 of the regulation, the report should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.
- Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, except for certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information. Additionally, an Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

☐ **Groundwater**

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the report.
- If the potential construction or decommissioning of water wells is identified as an issue, the report should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.
- Consultation with the railroad authorities is necessary wherever there is a plan to use construction dewatering in the vicinity of railroad lines or where the zone of influence of the construction dewatering potentially intercepts railroad lines.

☐ **Excess Materials Management**

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled “On-Site and Excess Soil Management” (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don’t go to waste and to provide clear rules on managing and reusing excess soil. New risk-based standards referenced by this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase

in effect on January 1, 2021. For more information, please visit <https://www.ontario.ca/page/handling-excess-soil>.

- The report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP's current guidance document titled "[Management of Excess Soil – A Guide for Best Management Practices](#)" (2014).
- All waste generated during construction must be disposed of in accordance with ministry requirements.

☐ **Contaminated Sites**

- Any current or historical waste disposal sites should be identified in the report. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites. We recommend referring to the [MECP's D-4 guideline](#) for land use considerations near landfills and dumps.
 - Resources available may include regional/local municipal official plans and data; provincial data on [large landfill sites](#) and [small landfill sites](#); Environmental Compliance Approval information for waste disposal sites on [Access Environment](#).
- Other known contaminated sites (local, provincial, federal) in the study area should also be identified in the report (Note – information on federal contaminated sites is found on the Government of Canada's [website](#)).
- The location of any underground storage tanks should be investigated in the report. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry's Spills Action Centre must be contacted in such an event.
- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act* (EPA) and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.

☐ **Servicing, Utilities and Facilities**

- The report should identify any above or underground utilities in the study area such as transmission lines, telephone/internet, oil/gas etc. The owners should be consulted to discuss impacts to this infrastructure, including potential spills.
- The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the project.
- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with MECP's Environmental Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's [environmental land use planning guides](#) to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

☐ **Mitigation and Monitoring**

- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the report and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.
- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the report.

☐ **Consultation**

- The report must demonstrate how the consultation provisions of the Environmental Screening Process have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the report that identifies concerns that were raised and **describes how they have been**

addressed by the proponent throughout the planning process. The report should also include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments (as directed by the Guide to Environmental Assessment Requirements for Electricity Projects to include full documentation).

- Please include the full stakeholder distribution/consultation list in the documentation.

□ **Environmental Screening Process**

- The purpose of the Environmental Screening report is to document the process followed and the conclusions reached. It should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making and to allow for its timely review by government agencies, and interested persons, including Indigenous communities.
- The Environmental Screening Process requires the consideration of the effects of the project on all aspects of the environment (including planning, natural, social, cultural, economic, technical). The report should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments, cultural heritage assessments) such that all potential impacts can be identified, and appropriate mitigation measures can be developed. Any supporting studies conducted during the Environmental Screening Process should be referenced and included as part of the report.
- There are two possible stages of review required under the Environmental Screening Process, depending on the environmental effects of a project: a Screening stage and an Environmental Review stage.
 - All projects that are subject to the process are required to go through the Screening stage, which requires proponents to apply a series of screening criteria to identify the potential environmental effects of the project.
 - A more detailed study (an Environmental Review) is required if potential concerns are raised during the Screening stage that could not be readily addressed.
- Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the project, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, MTO permits and approvals under the *Impact Assessment Act*, 2019.

- Proponents are encouraged to circulate a draft of the Environmental Review Report, or relevant sections of the report, to the appropriate agencies and key stakeholders for comment prior to the formal review periods.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the report.

Once the Environmental Screening Report is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. The Notice of Completion must be sent to the appropriate MECP Regional Office email address.

The public can submit an elevation request, which requests a higher level of assessment on a project if they have outstanding environmental concerns. In addition, at any point in the Environmental Screening Process, if it is determined that a project is likely to have significant negative environmental effects, and that the scope and scale of these effects are such that an individual EA is warranted, the Minister of the Environment may of his or her own initiative require that a project be made subject to Part II of the *Environmental Assessment Act* (an individual EA). If the Minister requires an individual EA, the proponent will be informed in writing, stating reasons for the decision.

The proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- an elevation request has been submitted by any interested person including Indigenous communities to the ministry regarding outstanding environmental concerns, or
- the Minister has given notice to the proponent requiring that an environmental assessment be prepared.

Please ensure that the Notice of Completion advises that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding environmental concerns, elevation requests should be addressed in writing to:

Director, Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
EABDirector@ontario.ca

For more information on the Environmental Screening Process and environmental assessment requirements for Electricity Projects, please visit the following link: [Guide to Environmental Assessment Requirements for Electricity Projects | ontario.ca](#)

From: Gladu, Marilyn - M.P. <Marilyn.Gladu@parl.gc.ca>
Sent: November 23, 2022 10:25 AM
To: StClairEnergyCentre Info
Subject: RE: Notice of Commencement and Information Session for Proposed Upgrade and Expansion of the St. Clair Energy Centre - Environmental Assessment

Thank you for contacting the Office of M.P. Marilyn Gladu. This is an acknowledgement of the receipt of your e-mail.

From: "Muraca, Joe" <gmuraca@dillon.ca>

Date: Tuesday, November 22, 2022 at 9:38 AM

To: "contact@cleanairalliance.org" <contact@cleanairalliance.org>

Cc: "Swyers, Laura" <lswyers@dillon.ca>

Subject: Request for Meeting - Proposed St Clair Energy Centre Expansion Environmental Assessment

Good morning!

I am contacting the Ontario Clean Air Alliance to request a meeting to discuss the project in the subject line.

Dillon Consulting Limited is working on behalf of Invenergy to conduct the EA.

The attached Notice will appear in local newspapers today and there is a Virtual Information Session beginning December 8th, 2022.

Please advise on times that may work for you and your key team members and we will facilitate the meeting. We would like to meet you in advance of the December 8th date to discuss the project and listen to your feedback.

Thank you!

Joe Muraca

EA Project Manager

From: Jack Gibbons <jack@cleanairalliance.org>
Sent: November 23, 2022 3:10 PM
To: 'Muraca, Joe'
Cc: 'Angela'; 'Enright, Mike'; lswyers@dillon.ca
Subject: RE: Request for Meeting - Proposed St Clair Energy Centre Expansion Environmental Assessment

Monday, November 28th at 3 p.m. works for me - Jack

From: Muraca, Joe <gmuraca@dillon.ca>
Sent: November 23, 2022 3:05 PM
To: Jack Gibbons <jack@cleanairalliance.org>
Cc: Angela <contact@cleanairalliance.org>; Enright, Mike <MENright@invenergy.com>; lswyers@dillon.ca
Subject: Re: Request for Meeting - Proposed St Clair Energy Centre Expansion Environmental Assessment

Hello Jack

Thanks for your response.

Unfortunately Friday doesn't work. I also would like Invenergy to join us. We have the following times available:

1. Monday Nov. 28 between 3-4
2. Tuesday Nov. 29 between 3-4
3. Wednesday Nov. 30 between 1-2

I don't think we'll need more than ½ an hour.

Please let me know what works for you and I will send an invite.

Thanks!

On Wed, Nov 23, 2022 at 11:04 Jack Gibbons <jack@cleanairalliance.org> wrote:

Hi Joe,

I can meet with you.

Friday would be good for me.

Jack

From: Muraca, Joe <gmuraca@dillon.ca>
Sent: November 28, 2022 3:29 PM
To: Jack Gibbons
Cc: Enright, Mike; Beatty, Patrick; Swyers, Laura; info@stclaireenergycentre.com
Subject: Re: Meeting

Jack

Sorry we missed you today.

We'd still encourage you and the OCAA to provide feedback.

Our website is now up at www.stclaireenergycentre.com and you will have received the Notice of EA Commencement and Virtual Open House.

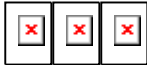
Thank you!

Joe

Joe [Giuseppe] Muraca
Partner
Dillon Consulting Limited
235 Yorkland Blvd Suite 800
Toronto, Ontario, M2J 4Y8
T - 416.229.4647 ext. 2374
F - 416.229.4692
M - 416.678.1279
GMuraca@dillon.ca
www.dillon.ca



To help protect your privacy, Microsoft Office prevented automatic download of this picture from the Internet.



On Mon, Nov 28, 2022 at 3:04 PM Muraca, Joe <gmuraca@dillon.ca> wrote:

Hello Jack

Just a reminder to join the meeting if you are able to make it.

Thanks

Joe

Joe [Giuseppe] Muraca
Partner
Dillon Consulting Limited
235 Yorkland Blvd Suite 800
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F - 416.229.4692
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www.dillon.ca

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--

Joe Muraca
Partner
Dillon Consulting Limited
416-678-1279
gmuraca@dillon.ca

Sent from Gmail Mobile

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From: Hotrum, Katherine (IO) <Katherine.Hotrum@infrastructureontario.ca>
Sent: November 24, 2022 5:25 PM
To: StClairEnergyCentre Info
Cc: Notice Review
Subject: RE: Notice of Commencement and Information Session for Proposed Upgrade and Expansion of the St. Clair Energy Centre - Environmental Assessment

Going forward, please sent to NoticeReview@infrastructureontario.ca



Katherine Hotrum (she, her)
Infrastructure Ontario
Director, Environmental Projects

katherine.hotrum@infrastructureontario.ca
Mobile: 416-568-4585 | Office: 647-264-4573
www.infrastructureontario.ca

Follow IO at:   

From: StClairEnergyCentre Info <info@stclaireenergycentre.com>
Sent: November 23, 2022 10:22 AM
Subject: Notice of Commencement and Information Session for Proposed Upgrade and Expansion of the St. Clair Energy Centre - Environmental Assessment

CAUTION: This email originated from outside of Infrastructure Ontario. Do not click links or open attachment(s) unless you recognize the sender and know the content is safe.

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The sender's email domain has been active for a short period of time and could be unsafe.

Please find attached a notice concerning the St. Clair Energy Centre.

This email, including any attachments, is intended for the personal and confidential use of the recipient(s) named above. If you are not the intended recipient of the email, you are hereby notified that any dissemination or copying of this email and/or any attachment files is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender and arrange for the return of any and all copies and the permanent deletion of this message including any attachments, without reading it or making a copy. Thank you.

From: Naso, Valerie (IO) <Valerie.Naso@infrastructureontario.ca>
Sent: December 5, 2022 12:10 PM
To: info@stclairenergycentre.com
Subject: IO EA Notification Response: St. Clair Energy Centre Notice and PIC
Attachments: St. Clair Energy Centre Notice and PIC_Invenenergy.pdf; IO Map - St. Clair Energy Centre.pdf

Good afternoon,

Thank you for sending us the Notice of Project Commencement and Information Session for the proposed upgrade and expansion of the St. Clair Energy centre. Our initial scan indicates that property owned by the Minister of Government and Consumer Services is within and adjacent to your project's study area (See attached map).

While this was identified in our scan, it is ultimately the proponent's responsibility to verify if provincial government property is within the study area. Title documents may identify owners of provincial government property as any of the following:

- His Majesty the King
- Her Majesty the Queen
- Hydro One
- Hydro One Networks Inc.
- Management Board Secretariat (MBS)
- Minister of Economic Development, Employment and Infrastructure (MEDEI)
- Minister of Energy and Infrastructure (MEI)
- Minister of Government and Consumer Services (MGCS)
- Minister of Infrastructure (MOI)
- Minister of Natural Resources and Forestry (MNRF)
- Minister of Public Infrastructure Renewal (PIR)
- Minister of Public Works
- Minister of Transportation (MTO)
- Ontario Lands Corporation (OLC)
- Ontario Realty Corporation (ORC)

If provincial government property in the study area is not required for the project, please continue to consult us as a directly affected stakeholder. However, if government property is required for the project, the proponent should contact us so that we can advise about requirements for obtaining government property.

Additionally, please remember to send notices to our dedicated notice email address:
noticereview@infrastructureontario.ca

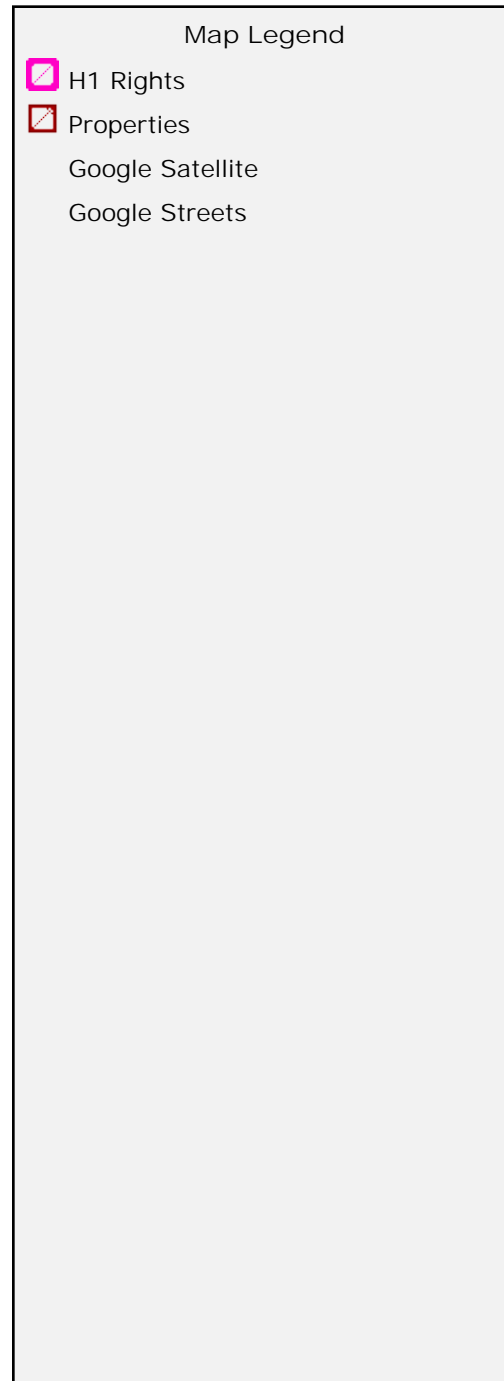
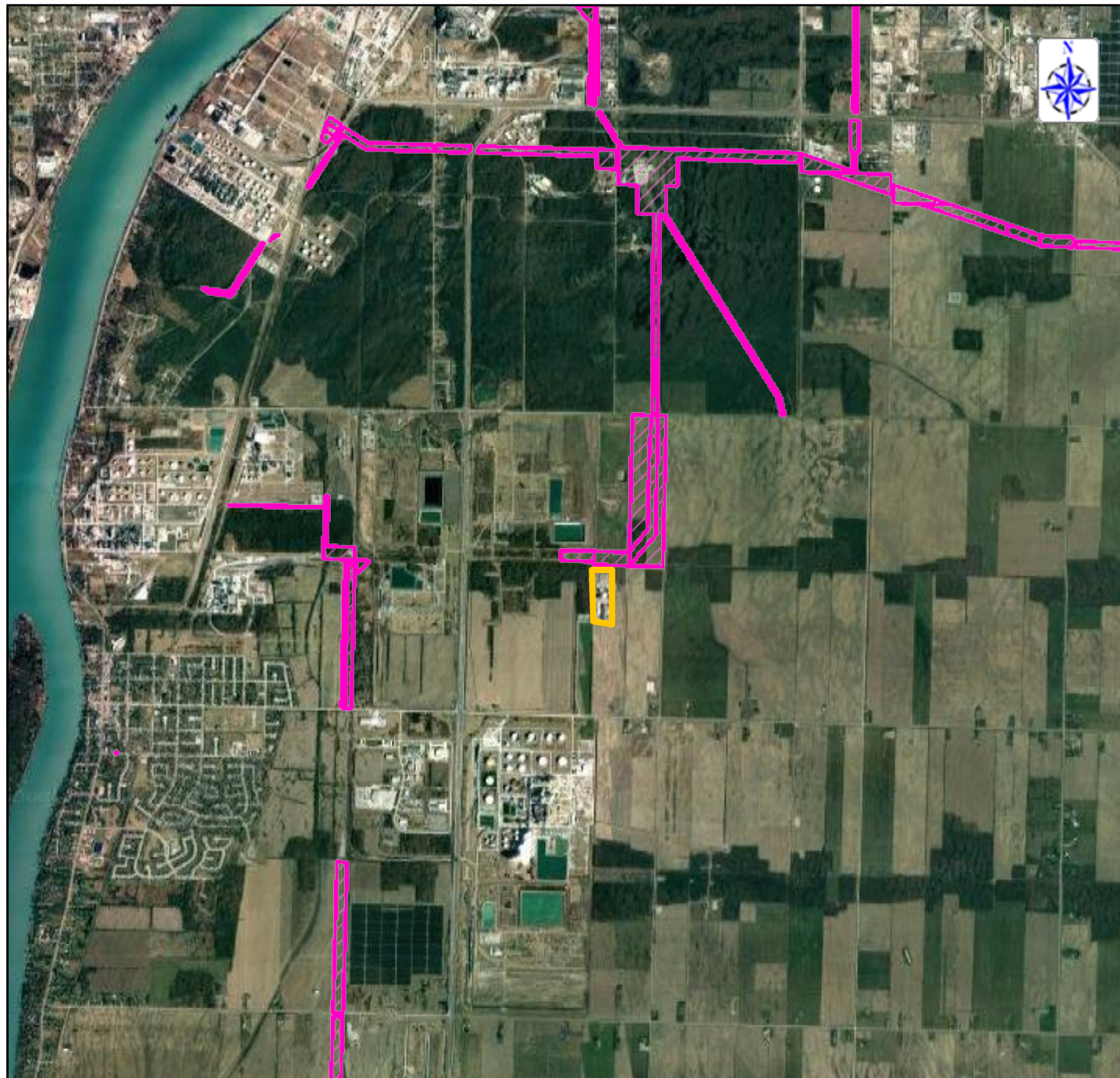
Regards,

Valerie



Valerie Naso (she, her)
Infrastructure Ontario
Co-op, Environmental Management
valerie.naso@infrastructureontario.ca
Phone: +1 647-695-5119
www.infrastructureontario.ca

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Hydro One Land Use



From: Muraca, Joe <gmuraca@dillon.ca>
Sent: December 14, 2022 10:31 AM
To: Enright, Mike
Cc: Swyers, Laura
Subject: Fwd: Invenergy St. Clair Energy Centre Expansion

FYI

Joe [Giuseppe] Muraca
Partner
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M - 416.678.1279
GMuraca@dillon.ca
www.dillon.ca



----- Forwarded message -----

From: Alison Angier <[REDACTED]>
Date: Wed, Dec 14, 2022 at 9:56 AM
Subject: Invenergy St. Clair Energy Centre Expansion
To: <gmuraca@dillon.ca>

Good morning Joe,

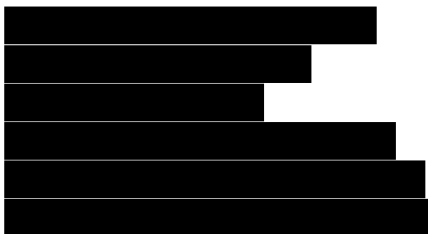
I am looking for the project manager for the Invenergy St. Clair Energy Centre expansion; are you managing that or can you please direct me to the project manager?

Is Dillon Consulting the owner's engineer or will you also provide detailed engineering services?

My company researches for our clients, who are EPCMs, equipment suppliers and contractors for industrial projects in Canada and the U.S.

Thank you!
-Alison

Alison Angier
Industrial Services



From: Badali, Mark (MECP) <Mark.Badali1@ontario.ca>
Sent: December 16, 2022 11:53 AM
To: info@stclaireenergycentre.com
Cc: Morrison, Sean (MECP); Battarino, Gavin (MECP); gmuraca@dillon.ca; menright@invenergyllc.com
Subject: RE: Notice of Commencement for Proposed Upgrade and Expansion of the St. Clair Energy Centre - Environmental Assessment
Attachments: MECP Acknowledgement of NOC - O. Reg. 116-01 Cat B - St. Clair Energy Centre Upgrade and Expansion.pdf; Supporting Attachment - Proponent's Intro to Delegation of Procedural Aspects of Consultation with Aboriginal Communities.pdf; Supporting Attachment - Species at Risk Proponents Guide to Preliminary Screening (Draft May 2019).pdf; St. Clair Energy Centre Notice and PIC_Invenergy.pdf; St. Clair Energy Centre MECP Cover Letter_Invenergy.pdf

Good morning,

Please find the attached letter of acknowledgement and supporting attachments in response to the Notice of Commencement of the St. Clair Energy Centre Upgrade and Expansion project being undertaken by the St. Clair Energy Centre, which is following the approved environmental planning process for a Category B project set out in the Electricity Projects Regulation, O. Reg. 116/01.

For preliminary guidance regarding water, waste management, and potential permits and approvals for the undertaking, as requested in the attached cover letter, please refer to the Areas of Interest document enclosed in the letter of acknowledgement. Should the proponent have any specific questions regarding the Environmental Screening Process or the ministry's mandated areas of interest, please feel free to reach out to me directly.

Best regards,

Mark Badali ([he/him](#))
Regional Environmental Planner (REP) – Southwest Region
Project Review Unit | Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks
Mark.Badali1@ontario.ca | (416) 457-2155



From: StClairEnergyCentre Info <info@stclaireenergycentre.com>
Sent: November 23, 2022 10:23 AM
To: EA Notices to SWRegion (MECP) <eanotification.swregion@ontario.ca>
Cc: Morrison, Sean (MECP) <Sean.Morrison@ontario.ca>; gmuraca@dillon.ca; Mike Enright <menright@invenergyllc.com>
Subject: Notice of Commencement for Proposed Upgrade and Expansion of the St. Clair Energy Centre - Environmental Assessment

**Ministry of the Environment,
Conservation and Parks**

**Ministère de l'Environnement,
de la Protection de la nature
et des Parcs**

Environmental Assessment
Branch

Direction des évaluations
environnementales

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Téléc. : 416 314-8452

December 16, 2022

Michael Enright
Manager, Renewable Development
Invenergy
info@stclaireenergycentre.com

BY EMAIL ONLY

Re: **St. Clair Energy Centre Upgrade and Expansion**
St. Clair Energy Centre
Electricity Projects Regulation, O. Reg. 116/01 (Category B)
Acknowledgement of Notice of Commencement

Dear Michael Enright,

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that the St. Clair Energy Centre (proponent), owned and operated by St. Clair Power, L.P., an affiliate of Invenergy, has indicated that the study is following the approved environmental planning process for a Category B project set out in the *Electricity Projects Regulation*, O. Reg. 116/01 (the “Environmental Screening Process”), made under the Environmental Assessment (EA) Act.

The **updated (August 2022)** attached “Areas of Interest” document provides guidance regarding the ministry’s interests with respect to the Environmental Screening Process. Please address all areas of interest in the Environmental Screening and Environmental Review at an appropriate level for the Environmental Screening Process. Proponents who address all the applicable areas of interest can minimize potential delays to the project schedule. **Further information is provided at the end of the Areas of Interest document relating to recent changes to the Environmental Assessment Act through Bill 197, Covid-19 Economic Recovery Act 2020.**

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

The proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to the proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to the proponent through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information provided to date and the Crown's preliminary assessment the proponent is required to consult with the following communities who have been identified as potentially affected by the proposed project:

- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island)
- Caldwell First Nation
- Chippewas of Kettle and Stony Point
- Chippewas of the Thames First Nation
- Oneida Nation of the Thames

Steps that the proponent may need to take in relation to Aboriginal consultation for the proposed project are outlined in the [“Code of Practice for Consultation in Ontario’s Environmental Assessment Process”](#). Additional information related to Ontario’s Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments.

Please also refer to the attached document “A Proponent’s Introduction to the Delegation of Procedural Aspects of consultation with Aboriginal Communities” for further information, including the MECP’s expectations for Screening/Environmental Review Report documentation related to consultation with communities.

The proponent must contact the Director of Environmental Assessment Branch (EABDirector@ontario.ca) under the following circumstances after initial discussions with the communities identified by the MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;

- Consultation with Indigenous communities or other stakeholders has reached an impasse; or
- An elevation request is expected on the basis of outstanding environmental concerns.

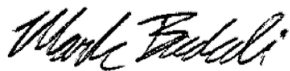
The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play should additional steps and activities be required.

A draft copy of the Screening/Environmental Review Report should be sent directly to me prior to the filing of the final report, allowing a minimum of 30 days for the ministry's technical reviewers to provide comments.

Please also ensure a copy of the final notice is sent to the ministry's Southwest Region EA notification email account (eanotification.swregion@ontario.ca) after the draft report is reviewed and finalized.

Should you or any members of your project team have any questions regarding the material above, please contact me at mark.badali1@ontario.ca.

Sincerely,



Mark Badali
Regional Environmental Planner – Southwest Region

Cc: Gavin Battarino, Supervisor, Project Review Unit, MECP
Sean Morrison, Manager, Sarnia District Office, MECP
Joe Muraca, EA Project Manager, Dillon Consulting Limited

Enclosed: Areas of Interest

Attached: Client's Guide to Preliminary Screening for Species at Risk
A Proponent's Introduction to the Delegation of Procedural Aspects of Consultation with Aboriginal Communities

AREAS OF INTEREST (v. August 2022)

It is suggested that you check off each section after you have considered / addressed it.

☐ Planning and Policy

- Applicable plans and policies should be identified in the report, and the proponent should describe how the proposed project adheres to the relevant policies in these plans.
 - Projects located in MECP Central, Eastern or West Central Region may be subject to [A Place to Grow: Growth Plan for the Greater Golden Horseshoe \(2020\)](#).
 - Projects located in MECP Central or Eastern Region may be subject to the [Oak Ridges Moraine Conservation Plan \(2017\)](#) or the [Lake Simcoe Protection Plan \(2014\)](#).
 - Projects located in MECP Central, Southwest or West Central Region may be subject to the [Niagara Escarpment Plan \(2017\)](#).
 - Projects located in MECP Central, Eastern, Southwest or West Central Region may be subject to the [Greenbelt Plan \(2017\)](#).
 - Projects located in MECP Northern Region may be subject to the [Growth Plan for Northern Ontario \(2011\)](#).
- The [Provincial Policy Statement \(2020\)](#) contains policies that protect Ontario's natural heritage and water resources. Applicable policies should be referenced in the report, and the proponent should describe how the proposed project is consistent with these policies.
- In addition to the provincial planning and policy level, the report should also discuss the planning context at the municipal and federal levels, as appropriate.

☐ Source Water Protection

The *Clean Water Act*, 2006 (CWA) aims to protect existing and future sources of drinking water. To achieve this, several types of vulnerable areas have been delineated around surface water intakes and wellheads for every municipal residential drinking water system that is located in a source protection area. These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) and surface water Intake Protection Zones (IPZs). Other vulnerable areas that have been delineated under the CWA include Highly Vulnerable Aquifers (HVAs), Significant Groundwater Recharge Areas (SGRAs), Event-based modelling areas (EBAs), and Issues Contributing Areas (ICAs). Source protection plans have been developed that include policies to address existing and future risks to sources of municipal drinking water within these vulnerable areas.

Projects that are subject to the Environmental Assessment Act that fall under a Class EA, or one of the Regulations, have the potential to impact sources of drinking water if they occur in designated vulnerable areas or in the vicinity of other at-risk drinking water systems (i.e.

systems that are not municipal residential systems). Projects may include activities that, if located in a vulnerable area, could be a threat to sources of drinking water (i.e. have the potential to adversely affect the quality or quantity of drinking water sources) and the activity could therefore be subject to policies in a source protection plan. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how or where that activity is undertaken. Policies may prohibit certain activities, or they may require risk management measures for these activities. Municipal Official Plans, planning decisions, Class EA projects (where the project includes an activity that is a threat to drinking water) and prescribed instruments must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

- The proponent should identify the source protection area and should clearly document how the proximity of the project to sources of drinking water (municipal or other) and any delineated vulnerable areas was considered and assessed. Specifically, the report should discuss whether or not the project is located in a vulnerable area and provide applicable details about the area.
- If located in a vulnerable area, proponents should document whether any project activities are prescribed drinking water threats and thus pose a risk to drinking water (this should be consulted on with the appropriate Source Protection Authority). Where an activity poses a risk to drinking water, the proponent must document and discuss in the report how the project adheres to or has regard to applicable policies in the local source protection plan. This section should then be used to inform and be reflected in other sections of the report, such as the identification of net positive/negative effects of alternatives, mitigation measures, evaluation of alternatives etc.
- While most source protection plans focused on including policies for significant drinking water threats in the WHPAs and IPZs it should be noted that even though source protection plan policies may not apply in HVAs, these are areas where aquifers are sensitive and at risk to impacts and within these areas, activities may impact the quality of sources of drinking water for systems other than municipal residential systems.
- In order to determine if this project is occurring within a vulnerable area, proponents can use [Source Protection Information Atlas](#), which is an online mapping tool available to the public. Note that various layers (including WHPAs, WHPA-Q1 and WHPA-Q2, IPZs, HVAs, SGRAs, EBAs, ICAs) can be turned on through the “Map Legend” bar on the left. The mapping tool will also provide a link to the appropriate source protection plan in order to identify what policies may be applicable in the vulnerable area.
- For further information on the maps or source protection plan policies which may relate to their project, proponents must contact the appropriate source protection authority. **Please consult with the local source protection authority to discuss potential impacts on drinking water. Please document the results of that consultation within the report and include all communication documents/correspondence.**

More Information

For more information on the *Clean Water Act*, source protection areas and plans, including specific information on the vulnerable areas and drinking water threats, please refer to [Conservation Ontario's website](#) where you will also find links to the local source protection plan/assessment report.

A list of the prescribed drinking water threats can be found in [section 1.1 of Ontario Regulation 287/07](#) made under the *Clean Water Act*. In addition to prescribed drinking water threats, some source protection plans may include policies to address additional "local" threat activities, as approved by the MECP.

☐ **Climate Change**

The document "[Considering Climate Change in the Environmental Assessment Process](#)" (Guide) is now a part of the Environmental Assessment program's Guides and Codes of Practice. The Guide sets out the MECP's expectation for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes. The guide provides examples, approaches, resources, and references to assist proponents with consideration of climate change in their study. Proponents should review this Guide in detail.

• **The MECP expects proponents of projects under a Class EA or EA Act Regulation to:**

1. Consider during the assessment of alternative solutions and alternative designs, the following:
 - a. the project's expected production of greenhouse gas emissions and impacts on carbon sinks (climate change mitigation); and
 - b. resilience or vulnerability of the undertaking to changing climatic conditions (climate change adaptation).
2. Include a discrete section in the report detailing how climate change was considered in the EA.

How climate change is considered can be qualitative or quantitative in nature and should be scaled to the project's level of environmental effect. In all instances, both a project's impacts on climate change (mitigation) and impacts of climate change on a project (adaptation) should be considered. **Please ensure climate change is considered in the report.**

- The MECP has also prepared another guide to support provincial land use planning direction related to the completion of energy and emission plans. The "[Community Emissions Reduction Planning: A Guide for Municipalities](#)" document is designed to educate stakeholders on the municipal opportunities to reduce energy and greenhouse gas emissions, and to provide guidance on methods and techniques to incorporate consideration of energy and greenhouse gas emissions into municipal activities of all types. We encourage you to review the Guide for information.

□ Air Quality, Dust and Noise

- If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern.
Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.
- If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:
 - A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;
 - A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;
 - A discussion of local air quality impacts that could arise from this project during both construction and operation; and
 - A discussion of potential mitigation measures.
- As a common practice, "air quality" should be used as an evaluation criterion for all road projects.
- Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.
- The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to [*Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities*](#) report prepared for Environment Canada. March 2005.
- The report should consider the potential impacts of increased noise levels during the operation of the completed project. The proponent should explore all potential measures to mitigate significant noise impacts during the assessment of alternatives.

☐ **Ecosystem Protection and Restoration**

- Any impacts to ecosystem form and function must be avoided where possible. The report should describe any proposed mitigation measures and how project planning will protect and enhance the local ecosystem.
- Natural heritage and hydrologic features should be identified and described in detail to assess potential impacts and to develop appropriate mitigation measures. The following sensitive environmental features may be located within or adjacent to the study area:
 - Key Natural Heritage Features: Habitat of endangered species and threatened species, fish habitat, wetlands, areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.
 - Key Hydrologic Features: Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.
 - Other natural heritage features and areas such as: vegetation communities, rare species of flora or fauna, Environmentally Sensitive Areas, Environmentally Sensitive Policy Areas, federal and provincial parks and conservation reserves, Greenland systems etc.

We recommend consulting with the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO) and your local conservation authority to determine if special measures or additional studies will be necessary to preserve and protect these sensitive features. In addition, for projects located in Central Region you may consider the provisions of the Rouge Park Management Plan if applicable.

☐ **Species at Risk**

- The Ministry of the Environment, Conservation and Parks has now assumed responsibility of Ontario's Species at Risk program. Information, standards, guidelines, reference materials and technical resources to assist you are found at <https://www.ontario.ca/page/species-risk>.
- The Client's Guide to Preliminary Screening for Species at Risk (Draft May 2019) has been attached to the covering email for your reference and use. Please review this document for next steps.
- For any questions related to subsequent permit requirements, please contact SAROntario@ontario.ca.

□ Surface Water

- The report must include enough information to demonstrate that there will be no negative impacts on the natural features or ecological functions of any watercourses within the study area. Measures should be included in the planning and design process to ensure that any impacts to watercourses from construction or operational activities (e.g. spills, erosion, pollution) are mitigated as part of the proposed undertaking.
- Additional stormwater runoff from new pavement can impact receiving watercourses and flood conditions. Quality and quantity control measures to treat stormwater runoff should be considered for all new impervious areas and, where possible, existing surfaces. The ministry's [Stormwater Management Planning and Design Manual \(2003\)](#) should be referenced in the report and utilized when designing stormwater control methods. **A Stormwater Management Plan should be prepared as part of the Environmental Screening Process** that includes:
 - Strategies to address potential water quantity and erosion impacts related to stormwater draining into streams or other sensitive environmental features, and to ensure that adequate (enhanced) water quality is maintained
 - Watershed information, drainage conditions, and other relevant background information
 - Future drainage conditions, stormwater management options, information on erosion and sediment control during construction, and other details of the proposed works
 - Information on maintenance and monitoring commitments.
- Projects located in MECP Southwest Region may be subject to Ontario Regulation 60/08 under the *Ontario Water Resources Act* (OWRA) as it applies to the Lake Simcoe Basin, which encompasses Lake Simcoe and the lands from which surface water drains into Lake Simcoe. If the proposed sewage treatment plant is listed in Table 1 of the regulation, the report should describe how the proposed project and its mitigation measures are consistent with the requirements of this regulation and the OWRA.
- Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, except for certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information. Additionally, an Environmental Compliance Approval under the OWRA is required for municipal stormwater management works.

☐ **Groundwater**

- The status of, and potential impacts to any well water supplies should be addressed. If the project involves groundwater takings or changes to drainage patterns, the quantity and quality of groundwater may be affected due to drawdown effects or the redirection of existing contamination flows. In addition, project activities may infringe on existing wells such that they must be reconstructed or sealed and abandoned. Appropriate information to define existing groundwater conditions should be included in the report.
- If the potential construction or decommissioning of water wells is identified as an issue, the report should refer to Ontario Regulation 903, Wells, under the OWRA.
- Potential impacts to groundwater-dependent natural features should be addressed. Any changes to groundwater flow or quality from groundwater taking may interfere with the ecological processes of streams, wetlands or other surficial features. In addition, discharging contaminated or high volumes of groundwater to these features may have direct impacts on their function. Any potential effects should be identified, and appropriate mitigation measures should be recommended. The level of detail required will be dependent on the significance of the potential impacts.
- Any potential approval requirements for groundwater taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the OWRA will be required for any water takings that exceed 50,000 L/day, with the exception of certain water taking activities that have been prescribed by the Water Taking EASR Regulation – *O. Reg. 63/16*. These prescribed water-taking activities require registration in the EASR instead of a PTTW. Please review the [Water Taking User Guide for EASR](#) for more information.
- Consultation with the railroad authorities is necessary wherever there is a plan to use construction dewatering in the vicinity of railroad lines or where the zone of influence of the construction dewatering potentially intercepts railroad lines.

☐ **Excess Materials Management**

- In December 2019, MECP released a new regulation under the Environmental Protection Act, titled “On-Site and Excess Soil Management” (O. Reg. 406/19) to support improved management of excess construction soil. This regulation is a key step to support proper management of excess soils, ensuring valuable resources don’t go to waste and to provide clear rules on managing and reusing excess soil. New risk-based standards referenced by this regulation help to facilitate local beneficial reuse which in turn will reduce greenhouse gas emissions from soil transportation, while ensuring strong protection of human health and the environment. The new regulation is being phased in over time, with the first phase

in effect on January 1, 2021. For more information, please visit <https://www.ontario.ca/page/handling-excess-soil>.

- The report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the MECP's current guidance document titled "[Management of Excess Soil – A Guide for Best Management Practices](#)" (2014).
- All waste generated during construction must be disposed of in accordance with ministry requirements.

☐ **Contaminated Sites**

- Any current or historical waste disposal sites should be identified in the report. The status of these sites should be determined to confirm whether approval pursuant to Section 46 of the EPA may be required for land uses on former disposal sites. We recommend referring to the [MECP's D-4 guideline](#) for land use considerations near landfills and dumps.
 - Resources available may include regional/local municipal official plans and data; provincial data on [large landfill sites](#) and [small landfill sites](#); Environmental Compliance Approval information for waste disposal sites on [Access Environment](#).
- Other known contaminated sites (local, provincial, federal) in the study area should also be identified in the report (Note – information on federal contaminated sites is found on the Government of Canada's [website](#)).
- The location of any underground storage tanks should be investigated in the report. Measures should be identified to ensure the integrity of these tanks and to ensure an appropriate response in the event of a spill. The ministry's Spills Action Centre must be contacted in such an event.
- Since the removal or movement of soils may be required, appropriate tests to determine contaminant levels from previous land uses or dumping should be undertaken. If the soils are contaminated, you must determine how and where they are to be disposed of, consistent with *Part XV.1 of the Environmental Protection Act* (EPA) and Ontario Regulation 153/04, Records of Site Condition, which details the new requirements related to site assessment and clean up. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.

☐ **Servicing, Utilities and Facilities**

- The report should identify any above or underground utilities in the study area such as transmission lines, telephone/internet, oil/gas etc. The owners should be consulted to discuss impacts to this infrastructure, including potential spills.
- The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the project.
- Any facility that releases emissions to the atmosphere, discharges contaminants to ground or surface water, provides potable water supplies, or stores, transports or disposes of waste must have an Environmental Compliance Approval (ECA) before it can operate lawfully. Please consult with MECP's Environmental Permissions Branch to determine whether a new or amended ECA will be required for any proposed infrastructure.
- We recommend referring to the ministry's [environmental land use planning guides](#) to ensure that any potential land use conflicts are considered when planning for any infrastructure or facilities related to wastewater, pipelines, landfills or industrial uses.

☐ **Mitigation and Monitoring**

- Contractors must be made aware of all environmental considerations so that all environmental standards and commitments for both construction and operation are met. Mitigation measures should be clearly referenced in the report and regularly monitored during the construction stage of the project. In addition, we encourage proponents to conduct post-construction monitoring to ensure all mitigation measures have been effective and are functioning properly.
- Design and construction reports and plans should be based on a best management approach that centres on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.
- The proponent's construction and post-construction monitoring plans must be documented in the report.

☐ **Consultation**

- The report must demonstrate how the consultation provisions of the Environmental Screening Process have been fulfilled, including documentation of all stakeholder consultation efforts undertaken during the planning process. This includes a discussion in the report that identifies concerns that were raised and **describes how they have been**

addressed by the proponent throughout the planning process. The report should also include copies of comments submitted on the project by interested stakeholders, and the proponent's responses to these comments (as directed by the Guide to Environmental Assessment Requirements for Electricity Projects to include full documentation).

- Please include the full stakeholder distribution/consultation list in the documentation.

□ **Environmental Screening Process**

- The purpose of the Environmental Screening report is to document the process followed and the conclusions reached. It should provide clear and complete documentation of the planning process in order to allow for transparency in decision-making and to allow for its timely review by government agencies, and interested persons, including Indigenous communities.
- The Environmental Screening Process requires the consideration of the effects of the project on all aspects of the environment (including planning, natural, social, cultural, economic, technical). The report should include a level of detail (e.g. hydrogeological investigations, terrestrial and aquatic assessments, cultural heritage assessments) such that all potential impacts can be identified, and appropriate mitigation measures can be developed. Any supporting studies conducted during the Environmental Screening Process should be referenced and included as part of the report.
- There are two possible stages of review required under the Environmental Screening Process, depending on the environmental effects of a project: a Screening stage and an Environmental Review stage.
 - All projects that are subject to the process are required to go through the Screening stage, which requires proponents to apply a series of screening criteria to identify the potential environmental effects of the project.
 - A more detailed study (an Environmental Review) is required if potential concerns are raised during the Screening stage that could not be readily addressed.
- Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the project, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, species at risk permits, MTO permits and approvals under the *Impact Assessment Act*, 2019.

- Proponents are encouraged to circulate a draft of the Environmental Review Report, or relevant sections of the report, to the appropriate agencies and key stakeholders for comment prior to the formal review periods.
- Ministry guidelines and other information related to the issues above are available at <http://www.ontario.ca/environment-and-energy/environment-and-energy>. We encourage you to review all the available guides and to reference any relevant information in the report.

Once the Environmental Screening Report is finalized, the proponent must issue a Notice of Completion providing a minimum 30-day period during which documentation may be reviewed and comment and input can be submitted to the proponent. The Notice of Completion must be sent to the appropriate MECP Regional Office email address.

The public can submit an elevation request, which requests a higher level of assessment on a project if they have outstanding environmental concerns. In addition, at any point in the Environmental Screening Process, if it is determined that a project is likely to have significant negative environmental effects, and that the scope and scale of these effects are such that an individual EA is warranted, the Minister of the Environment may of his or her own initiative require that a project be made subject to Part II of the *Environmental Assessment Act* (an individual EA). If the Minister requires an individual EA, the proponent will be informed in writing, stating reasons for the decision.

The proponent cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion. Further, the proponent may not proceed after this time if:

- an elevation request has been submitted by any interested person including Indigenous communities to the ministry regarding outstanding environmental concerns, or
- the Minister has given notice to the proponent requiring that an environmental assessment be prepared.

Please ensure that the Notice of Completion advises that outstanding concerns are to be directed to the proponent for a response, and that in the event there are outstanding environmental concerns, elevation requests should be addressed in writing to:

Director, Environmental Assessment Branch
 Ministry of Environment, Conservation and Parks
 135 St. Clair Ave. W, 1st Floor
 Toronto ON, M4V 1P5
 EABDirector@ontario.ca

For more information on the Environmental Screening Process and environmental assessment requirements for Electricity Projects, please visit the following link: [Guide to Environmental Assessment Requirements for Electricity Projects | ontario.ca](#)

Client's Guide to Preliminary Screening for Species at Risk

***Ministry of the Environment, Conservation and Parks
Species at Risk Branch, Permissions and Compliance
DRAFT - May 2019***

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1.0 Purpose, Scope, Background and Context

1.1 Purpose of this Guide

This guide has been created to:

- help clients better understand their obligation to gather information and complete a preliminary screening for species at risk before contacting the ministry,
- outline guidance and advice clients can expect to receive from the ministry at the preliminary screening stage,
- help clients understand how they can gather information about species at risk by accessing publicly available information housed by the Government of Ontario, and
- provide a list of other potential sources of species at risk information that exist outside the Government of Ontario.

It remains the client's responsibility to:

- carry out a preliminary screening for their projects,
- obtain best available information from all applicable information sources,
- conduct any necessary field studies or inventories to identify and confirm the presence or absence of species at risk or their habitat,
- consider any potential impacts to species at risk that a proposed activity might cause, and
- comply with the *Endangered Species Act* (ESA).

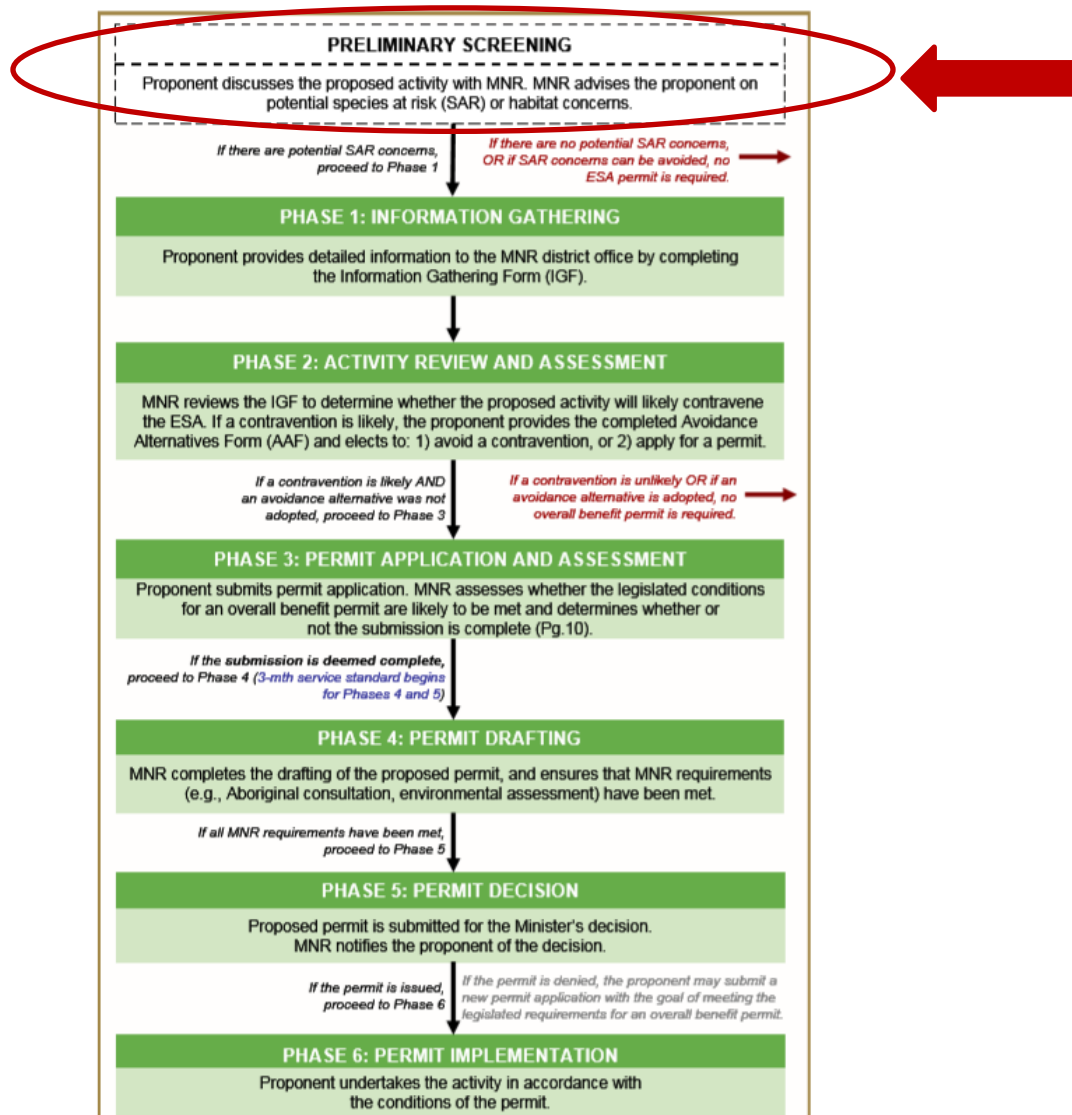
To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide, at a minimum, prior to contacting Government of Ontario ministry offices for further information or advice.

1.2 Scope

This guide is a resource for clients seeking to understand if their activity is likely to impact species at risk or if they are likely to trigger the need for an authorization under the ESA. It is not intended to circumvent any detailed site surveys that may be necessary to document species at risk or their habitat nor to circumvent the need to assess the impacts of a proposed activity on species at risk or their habitat. This guide is not an exhaustive list of available information sources for any given area as the availability of information on species at risk and their habitat varies across the province. This guide is intended to support projects and activities carried out on Crown and private land, by private landowners, businesses, other provincial ministries and agencies, or municipal government.

1.3 Background and Context

To receive advice on their proposed activity, clients must first determine whether any species at risk or their habitat exist or are likely to exist at or near their proposed activity, and whether their proposed activity is likely to contravene the ESA. Once this step is complete, clients may contact the ministry at SAROntario@ontario.ca to discuss the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. At this stage, the ministry can provide advice and guidance to the client about potential species at risk or habitat concerns, measures that the client is considering to avoid adverse effects on species at risk or their habitat and whether additional field surveys are advisable. This is referred to as the “Preliminary Screening” stage. For more information on additional phases in the diagram below, please refer to the *Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits* policy available online at <https://www.ontario.ca/page/species-risk-overall-benefit-permits>



2.0 Roles and Responsibilities

To provide the most efficient service, clients should initiate species at risk screenings and seek information from all applicable information sources identified in this guide prior to contacting Government of Ontario ministry offices for further information or advice.

Step 1: Client seeks information regarding species at risk or their habitat that exist, or are likely to exist, at or near their proposed activity by referring to all applicable information sources identified in this guide.

Step 2: Client reviews and consider guidance on whether their proposed activity is likely to contravene the ESA (see section 3.4 of this guide for guidance on what to consider).

Step 3: Client gathers information identified in the checklist in section 4 of this guide.

Step 4: Client contacts the ministry at SAROntario@ontario.ca to discuss their preliminary screening. Ministry staff will ask the client questions about the main purpose, general methods, timing and location of their proposed activity as well as information obtained about species at risk and their habitat at, or near, the site. Ministry staff will also ask the client for their interpretation of the impacts of their activity on species at risk or their habitat as well as measures the client has considered to avoid any adverse impacts.

Step 5: Ministry staff will provide advice on next steps.

Option A: Ministry staff may advise the client they can proceed with their activity without an authorization under the ESA where the ministry is confident that:

- no protected species at risk or habitats are likely to be present at or near the proposed location of the activity; or
- protected species at risk or habitats are known to be present but the activity is not likely to contravene the ESA; or
- through the adoption of avoidance measures, the modified activity is not likely to contravene the ESA.

Option B: Ministry staff may advise the client to proceed to Phase 1 of the overall benefit permitting process (i.e. Information Gathering in the previous diagram), where:

- there is uncertainty as to whether any protected species at risk or habitats are present at or near the proposed location of the activity; or
- the potential impacts of the proposed activity are uncertain; or
- ministry staff anticipate the proposed activity is likely to contravene the ESA.

3.0 Information Sources

Land Information Ontario (LIO) and the Natural Heritage Information Centre (NHIC) maintain and provide information about species at risk, as well as related information about fisheries, wildlife, crown lands, protected lands and more. This information is made available to organizations, private individuals, consultants, and developers through online sources and is often considered under various pieces of legislation or as part of regulatory approvals and planning processes.

The information available from LIO or NHIC and the sources listed in this guide should not be considered as a substitute for site visits and appropriate field surveys. Generally, this information can be regarded as a starting point from which to conduct further field surveys, if needed. While this data represents best available current information, it is important to note that a lack of information for a site does not mean that species at risk or their habitat are not present. There are many areas where the Government of Ontario does not currently have information, especially in more remote parts of the province. The absence of species at risk location data at or near your site does not necessarily mean no species at risk are present at that location. On-site assessments can better verify site conditions, identify and confirm presence of species at risk and/or their habitats.

Information on the location (i.e. observations and occurrences) of species at risk is considered sensitive and therefore publicly available only on a 1km square grid as opposed to as a detailed point on a map. This generalized information can help you understand which species at risk are in the general vicinity of your proposed activity and can help inform field level studies you may want to undertake to confirm the presence, or absence of species at risk at or near your site.

Should you require specific and detailed information pertaining to species at risk observations and occurrences at or near your site on a finer geographic scale; you will be required to demonstrate your need to access this information, to complete data sensitivity training and to obtain a Sensitive Data Use License from the NHIC. Information on how to obtain a license can be found online at <https://www.ontario.ca/page/get-natural-heritage-information>.

Many organizations (e.g. other Ontario ministries, municipalities, conservation authorities) have ongoing licensing to access this data so be sure to check if your organization has this access and consult this data as part of your preliminary screening if your organization already has a license.

3.1 Make a Map: Natural Heritage Areas

The Make a Natural Heritage Area Map (available online at http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US) provides public access to natural heritage information, including species at risk, without the user needing to have Geographic Information System (GIS) capability. It allows users to view and identify generalized species at risk information, mark areas of interest, and create and print a custom map directly from the web application. The tool also shows topographic information such as roads, rivers, contours and municipal boundaries.

Users are advised that sensitive information has been removed from the natural areas dataset and the occurrences of species at risk has been generalized to a 1-kilometre grid to mitigate the risks to the species (e.g. illegal harvest, habitat disturbance, poaching).

The web-based mapping tool displays natural heritage data, including:

- Generalized Species at risk occurrence data (based on a 1-km square grid),
- Natural Heritage Information Centre data.

Data cannot be downloaded directly from this web map; however, information included in this application is available digitally through Land Information Ontario (LIO) at <https://www.ontario.ca/page/land-information-ontario>.

3.2 Land Information Ontario (LIO)

Most natural heritage data is publicly available. This data is managed in a large provincial corporate database called the LIO Warehouse and can be accessed online through the LIO Metadata Management Tool at <https://www.javacoeapp.lrc.gov.on.ca/geonetwork/srv/en/main.home>. This tool provides descriptive information about the characteristics, quality and context of the data. Publicly available geospatial data can be downloaded directly from this site.

While most data are publicly available, some data may be considered highly sensitive (i.e. nursery areas for fish, species at risk observations) and as such, access to some data maybe restricted.

3.3 Additional Species at Risk Information Sources

- The Breeding Bird Atlas can be accessed online at <http://www.birdsontario.org/atlas/index.jsp?lang=en>
- eBird can be accessed online at <https://ebird.org/home>
- iNaturalist can be accessed online at <https://www.inaturalist.org/>
- The Ontario Reptile and Amphibian Atlas can be accessed online at <https://ontarionature.org/programs/citizen-science/reptile-amphibian-atlas>
- Your local Conservation Authority. Information to help you find your local Conservation Authority can be accessed online at <https://conservationontario.ca/conservation-authorities/find-a-conservation-authority/>

Local naturalist groups or other similar community-based organizations

- Local Indigenous communities
- Local land trusts or other similar Environmental Non-Government Organizations
- Field level studies to identify if species at risk, or their habitat, are likely present or absent at or near the site.
- When an activity is proposed within one of the continuous caribou ranges, please be sure to consider the caribou Range Management Policy. This policy includes figures and maps of the continuous caribou range, can be found online at <https://www.ontario.ca/page/range-management-policy-support-woodland-caribou-conservation-and-recovery>

3.4 Information Sources to Support Impact Assessments

- Guidance to help you understand if your activity is likely to adversely impact species at risk or their habitat can be found online at <https://www.ontario.ca/page/policy-guidance-harm-and-harass-under-endangered-species-act> and <https://www.ontario.ca/page/categorizing-and-protecting-habitat-under-endangered-species-act>
- A list of species at risk in Ontario is available online at <https://www.ontario.ca/page/species-risk-ontario>. On this webpage, you can find out more about each species, including where it lives, what threatens it and any specific habitat protections that apply to it by clicking on the photo of the species.

4.0 Check-List

Please feel free to use the check list below to help you confirm you have explored all applicable information sources and to support your discussion with Ministry staff at the preliminary screening stage.

- ✓ Land Information Ontario (LIO)
- ✓ Natural Heritage Information Centre (NHIC)
- ✓ The Breeding Bird Atlas
- ✓ eBird
- ✓ iNaturalist
- ✓ Ontario Reptile and Amphibian Atlas
- ✓ List Conservation Authorities you contacted: _____

- ✓ List local naturalist groups you contacted: _____

- ✓ List local Indigenous communities you contacted: _____

- ✓ List any other local land trusts or Environmental Non-Government Organizations you contacted: _____

- ✓ List and field studies that were conducted to identify species at risk, or their habitat, likely to be present or absent at or near the site: _____

- ✓ List what you think the likely impacts of your activity are on species at risk and their habitat (e.g. damage or destruction of habitat, killing, harming or harassing species at risk): _____

A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

Aboriginal communities – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

Consultation – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

Crown – the Ontario Crown, acting through a particular ministry or ministries.

Procedural aspects of consultation – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

Proponent – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers

issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;
- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

a) What might a proponent be required to do in carrying out the procedural aspects of consultation?

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;

- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

b) What documentation and reporting does the Crown need from the proponent?

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;
- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;

- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant documentation;

- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.

From: Kevin Mills <[REDACTED]>
Sent: December 20, 2022 3:41 PM
To: info@stclaireenergycentre.com
Subject: Proposed expansion of St. Clair Energy Centre Upgrade and Expansion Environmental Assessment

Hello I attended your virtual meeting and viewed the video. Are you able to email me the presentation that was in the video.

That would be greatly appreciated.

Kevin

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StClairEnergyCentre Info <info@stclaireenergycentre.com>

Proposed expansion of St. Clair Energy Centre Upgrade and Expansion Environmental Assessment

StClairEnergyCentre Info <info@stclaireenergycentre.com>

Wed, Dec 21, 2022 at 3:10 PM

To: Kevin Mills <[REDACTED]>

Bcc: Mike Enright <menright@invenenergy.com>, gmuraca@dillon.ca

Hello Kevin,

Thank you for your interest in the St. Clair Energy Upgrade and Expansion Environmental Assessment.

Please see the following links to download the presentation:

To download the audio/video file of the presentation, [click here](#).

To download the presentation slides, [click here](#).

To download the transcript of the presentation, [click here](#).

Please let us know if you have any difficulty downloading the files or if you have any questions regarding the content of the virtual meeting.

Thank you.

[Quoted text hidden]



Swyers, Laura <lswyers@dillon.ca>

Site Meeting to Discuss Overland Drainage

2 messages

Enright, Mike <MEnright@invenenergy.com>

Wed, Feb 8, 2023 at 2:37 PM

To: Wilson Farms <[REDACTED]>

Tom,

Thanks for taking my call this afternoon. I can be available Monday February 20 or Thursday February 23rd to meet onsite. Meeting sometime between 10 AM and 2 PM at site is preferable but I can be flexible to work with your schedule. If those dates do not work, I can review other times.

Thanks

Michael Enright | Manager, Renewable Development | He, Him, His

Invenenergy | 67 Mowat Avenue, Suite 335, Toronto, ON M6K 3E3

menright@invenenergy.com | W 416-901-9463 | C 416-453-0975

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Enright, Mike <MEnright@invenenergy.com>

Wed, Jul 12, 2023 at 2:45 PM

To: "Swyers, Laura" <lswyers@dillon.ca>, Avid Banihashemi <abanihashemi@dillon.ca>

Cc: "Nunley, Bryce" <BNunley@invenenergy.com>

Laura and Avid,

FYI, I met Tom Wilson onsite June 13, 2023 to discuss his concern regarding overland water flows should an expansion of the facility be developed. He does not have any issue with the current facility since overland flow in fields has been addressed through drain improvements over the years.

Generally, overland flow moves to the north, northeast in the area where the expansion is planned. He wants to ensure if the expansion is constructed that an appropriate hydrology study is completed and necessary drainage is provided to ensure overland flow does not shift water onto his property to the east. I committed Invenenergy to undertaking appropriate hydrology modeling to define drainage requirements during detailed design should the facility be selected in the next procurement. I also committed to Invenenergy keeping him informed of progress on the expansion as well as drainage.

Tom communicated that the above approach was satisfactory and addressed his concern.

Thanks

Michael Enright | Manager, Renewable Development | He, Him, His
Invenergy | 67 Mowat Avenue, Suite 335, Toronto, ON M6K 3E3
menright@invenergy.com | W 416-901-9463 | C 416-453-0975

From: Wilson Farms <[REDACTED]>
Sent: Monday, June 12, 2023 5:08 PM
To: Enright, Mike <MEwright@invenergy.com>
Subject: [EXTERNAL] Re: Site Meeting to Discuss Overland Drainage

I will see you there at 3

Sent from my iPhone

On Jun 12, 2023, at 5:04 PM, Enright, Mike <MEwright@invenergy.com> wrote:

Yes. I will need to leave the site around 4pm to make a meeting. Should we plan to meet up at 3 PM toward the rear of the fields immediately to the east of the existing facility?

Thanks

Michael Enright | Manager, Renewable Development | He, Him, His
Invenergy | 67 Mowat Avenue, Suite 335, Toronto, ON M6K 3E3
menright@invenergy.com | W 416-901-9463 | C 416-453-0975

From: Wilson Farms <[REDACTED]>
Sent: Monday, June 12, 2023 5:01 PM
To: Enright, Mike <MEwright@invenergy.com>
Subject: [EXTERNAL] Re: Site Meeting to Discuss Overland Drainage

Will you still be there after 3. If so I can be back there then. Thanks. Tom

Sent from my iPhone

On Jun 12, 2023, at 4:36 PM, Enright, Mike <MEwright@invenergy.com> wrote:

Tom,

Sorry for the late notice but I will be at the St. Clair site tomorrow afternoon if you have sometime to meet up and discuss the expansion project. I would appreciate you showing me the area of concern to better understand the overland drainage issue.

Thanks

Michael Enright | Manager, Renewable Development | He, Him, His

Invenergy | 67 Mowat Avenue, Suite 335, Toronto, ON M6K 3E3

menright@invenergy.com | W 416-901-9463 | C 416-453-0975

From: Enright, Mike

Sent: Thursday, February 9, 2023 2:11 PM

To: Wilson Farms <[REDACTED]>

Subject: RE: Site Meeting to Discuss Overland Drainage

Thanks for catching that Tom. That is why my Monday looked so free. Are you available for the Thursday February 23rd?

Michael Enright | Manager, Renewable Development | He, Him, His

Invenergy | 67 Mowat Avenue, Suite 335, Toronto, ON M6K 3E3

menright@invenergy.com | W 416-901-9463 | C 416-453-0975

From: Wilson Farms <[REDACTED]>

Sent: February 8, 2023 4:20 PM

To: Enright, Mike <MEwright@invenergy.com>

Subject: [EXTERNAL] Re: Site Meeting to Discuss Overland Drainage

Just went to put it in my calendar and it's a holiday that Monday. If you still want to meet then I could still do it in the morning. Thanks again. Tom

[Quoted text hidden]



StClairEnergyCentre Info <info@stclaireenergycentre.com>

Automatic reply: Notice of Project Update for the St. Clair Energy Centre Environmental Assessment

1 message

Don Anderson <Don@slbdc.com>

Tue, Apr 11, 2023 at 4:29 PM

To: StClairEnergyCentre Info <info@stclaireenergycentre.com>

I have retired from my role as General Manager at Sarnia-Lambton Business Development Corporation effective March 31, 2023. Please reach out to the SLBDC team members; Ashley, Jennifer, Nicole or Sarah by way of info@slbdc.com . All will be pleased to assist with your query. Stay well.



StClairEnergyCentre Info <info@stclaireenergycentre.com>

Automatic reply: Notice of Project Update for the St. Clair Energy Centre Environmental Assessment

1 message

EA Notices to SWRegion (MECP) <eanotification.swregion@ontario.ca>
To: StClairEnergyCentre Info <info@stclaireenergycentre.com>

Tue, Apr 11, 2023 at 4:28 PM

This is to acknowledge your email has been delivered to the Regional email account. A Regional EA Coordinator will contact you if additional information is needed. To speak directly to a Regional EA Coordinator, go to the INFO-GO website and under our ministry, select: 1) Drinking Water and Environmental Compliance Division 2) applicable Regional Office 3) Technical Support Section 4) Air, Pesticides, and Environmental Planning 5) Environmental Planner and EA Coordinator



StClairEnergyCentre Info <info@stclaireenergycentre.com>

Automatic reply: Notice of Project Update for the St. Clair Energy Centre Environmental Assessment

1 message

Drew Erickson <derickson@lambtonbases.ca>
To: StClairEnergyCentre Info <info@stclaireenergycentre.com>

Tue, Apr 11, 2023 at 4:27 PM

Hello and thanks for your email.

I am no longer working at BASES please forward any questions to Jason Vaillant <jvaillant@lambtonbases.ca>.

Kind Regards,

Drew Erickson

Notice of Project Update for the St. Clair Energy Centre Environmental Assessment

2 messages

StClairEnergyCentre Info <info@stclaireenergycentre.com>

Tue, Apr 11, 2023 at 4:27 PM

To: marilyn.gladu@parl.gc.ca

Bcc: gmuraca@dillon.ca, Mike Enright <menright@invenergyllc.com>

Dear Marilyn Gladu,

Please find attached a notice regarding the St. Clair Energy Centre Environmental Assessment.

If you have any questions do not hesitate to contact us.

Thank you,
Laura Swyers.

Dillon Consulting

2 attachments**St. Clair Energy Centre Notice of Project Update.pdf**

171K

**St. Clair Energy Centre MP Cover Letter_Invenergy.pdf**

731K

Gladu, Marilyn - M.P. <Marilyn.Gladu@parl.gc.ca>

Tue, Apr 11, 2023 at 4:28 PM

To: StClairEnergyCentre Info <info@stclaireenergycentre.com>

Thank you for contacting the Office of M.P. Marilyn Gladu. This is an acknowledgement of the receipt of your e-mail.

Notice of Project Update for the St. Clair Energy Centre Environmental Assessment

1 message

Cook, Karen (MNRF) <Karen.Cook2@ontario.ca>
To: "info@stclairenergycentre.com" <info@stclairenergycentre.com>

Wed, Apr 26, 2023 at 9:43 AM

Hello Joe & Michael,

I hope you are well.

Thank you for circulating the Ministry of Natural Resources and Forestry on the Notice of Project Update for the St. Clair Energy Centre EA. Please consider the following comments.

Petroleum Wells & Oil, Gas and Salt Resources Act

There may be petroleum wells within the proposed project area. Please consult the Ontario Oil, Gas and Salt Resources Library website (www.ogsrlibrary.com) or [GeoHub](#) for the best-known data on any wells recorded by MNRF. Please reference the 'Definitions and Terminology Guide' listed in the publications on the library website to better understand the well information available. Any oil and gas wells in your project area are regulated by the *Oil, Gas and Salt Resource Act*, and the supporting regulations and operating standards. If any unanticipated wells are encountered during development of the project, or if the proponent has questions regarding petroleum operations, the proponent should contact the Petroleum Operations Section at POSRecords@ontario.ca or 519-873-4634.

Lakes and Rivers Improvement Act

Some projects may be subject to the provisions of the *Lakes and River Improvement Act*. Please review the information on MNRF's web pages provided below regarding when an approval is, or is not, required. Please note that many of the authorizations under the *Lakes and Rivers Improvement Act* are administered by the local Conservation Authority.

- For more information about the *Lakes and Rivers Improvement Act*: <https://www.ontario.ca/page/lakes-and-rivers-improvement-act-administrative-guide>

After reviewing the information provided, if you have not identified any of MNRF's interests stated above, there is no need to circulate any subsequent notices to our office. If you have identified any of MNRF's interests and/or may require permit(s) or further technical advice, please feel free to contact me.

Thank you,

Karen Cook

Regional Planner

Ministry of Natural Resources and Forestry (MNRF)

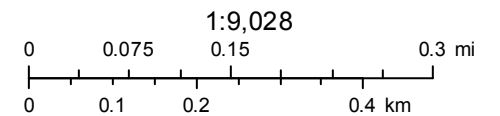
(705) 772 3096

Karen.cook2@ontario.ca

Landscape PDF



April 27, 2023



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Hydro One Response: 20230427-NoticeOfCommence-THE PROPOSED UPGRADE AND EXPANSION OF THE ST CLAIR ENERGY CENTRE

SECONDARY LAND USE Department <Department.SecondaryLandUse@hydroone.com>

Thu, Apr 27, 2023 at
10:32 AM

To: "info@stclaireenergycentre.com" <info@stclaireenergycentre.com>

Cc: SECONDARY LAND USE Department <Department.SecondaryLandUse@hydroone.com>


Please see the attached for Hydro One's Response.

Hydro One Networks Inc
SecondaryLandUse@HydroOne.com

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2 attachments

 **20230427-NoticeOfCommence-THE PROPOSED UPGRADE AND EXPANSION OF THE ST CLAIR ENERGY CENTRE.pdf**
37K

 **19610.pdf**
231K

April 27, 2023

Re: THE PROPOSED UPGRADE AND EXPANSION OF THE ST. CLAIR ENERGY CENTRE

Attention:
Joe Muraca,
EA Project Manager,
Dillon Consulting Limited

Thank you for sending us notification regarding (THE PROPOSED UPGRADE AND EXPANSION OF THE ST. CLAIR ENERGY CENTRE). In our preliminary assessment, we have confirmed that Hydro One has existing high voltage Transmission facilities within your study area. At this time we do not have sufficient information to comment on the potential resulting impacts that your project may have on our infrastructure. As such, we must stay informed as more information becomes available so that we can advise if any of the alternative solutions present actual conflicts with our assets, and if so; what resulting measures and costs could be incurred by the proponent. Note that this response does not constitute approval for your plans and is being sent to you as a courtesy to inform you that we must continue to be consulted on your project.

In addition to the existing infrastructure mentioned above, the applicable transmission corridor may have provisions for future lines or already contain secondary land uses (e.g., pipelines, watermains, parking). Please take this into consideration in your planning.

Also, we would like to bring to your attention that should (THE PROPOSED UPGRADE AND EXPANSION OF THE ST. CLAIR ENERGY CENTRE) result in a Hydro One station expansion or transmission line replacement and/or relocation, an Environmental Assessment (EA) will be required as described under the Class Environmental Assessment for Minor Transmission Facilities (Hydro One, 2016). This EA process would require a minimum of 6 months for a Class EA Screening Process (or up to 18 months if a Full Class EA were to be required) to be completed. Associated costs will be allocated and recovered from proponents in accordance with the Transmission System Code. If triggered, Hydro One will rely on studies completed as part of the EA you are current undertaking.

Consulting with Hydro One on such matters during your project's EA process is critical to avoiding conflicts where possible or, where not possible, to streamlining processes (e.g., ensuring study coverage of expansion/relocation areas within the current EA). Once in receipt of more specific project information regarding the potential for conflicts (e.g., siting, routing), Hydro One will be in a better position to communicate objections or not objections to alternatives proposed.

If possible at this stage, please formally confirm that Hydro One infrastructure and associated rights-of-way will be completely avoided, or if not possible, allocate appropriate lead-time in your project schedule to collaboratively work through potential conflicts with Hydro One, which ultimately could result in timelines identified above.

In planning, note that developments should not reduce line clearances or limit access to our infrastructure at any time. Any construction activities must maintain the electrical clearance from the transmission line conductors as specified in the Ontario Health and Safety Act for the respective line voltage.

Be advised that any changes to lot grading or drainage within, or in proximity to Hydro One transmission corridor lands must be controlled and directed away from the transmission corridor.

Please note that the proponent will be held responsible for all costs associated with modifications or relocations of Hydro One infrastructure that result from your project, as well as any added costs that may be incurred due to increased efforts to maintain said infrastructure.

We reiterate that this message does not constitute any form of approval for your project. Hydro One must be consulted during all stages of your project. Please ensure that all future communications about this and future project(s) are sent to us electronically to secondarylanduse@hydroone.com

Sent on behalf of,

***Secondary Land Use
Asset Optimization
Strategy & Integrated Planning
Hydro One Networks Inc.***

Abbosbek Suvonov

Email: asuvonov@lmsac.com



StClairEnergyCentre Info <info@stclairenergycentre.com>

St. Clair Energy Centre upgrade and expansion

2 messages

[REDACTED] <[REDACTED]>
To: "info@stclairenergycentre.com" <info@stclairenergycentre.com>

Tue, Jun 27, 2023 at 9:07 AM

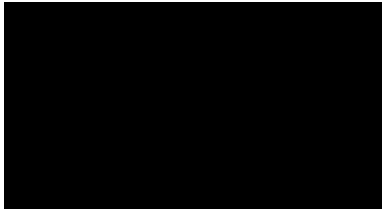
Hello,

A couple questions regarding the upcoming St. Clair Energy Centre upgrade and expansion projects:

1. For the upgrade, I see the total additional capacity is expected to total around 60 MW. How much of this additional capacity is expected to come from the combustion turbines vs the steam turbines?
2. For the expansion, has it been decided whether the new generation will come from gas turbines or from reciprocating engines?

Thanks,

Jack Wagoner



The information contained in this message is intended only for the recipient, and may be a confidential attorney-client communication or may otherwise be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, please be aware that any dissemination or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by replying to the message and deleting it from your computer. S&P Global Inc. reserves the right, subject to applicable local law, to monitor, review and process the content of any electronic message or information sent to or from S&P Global Inc. e-mail addresses without informing the sender or recipient of the message. By sending electronic message or information to S&P Global Inc. e-mail addresses you, as the sender, are consenting to S&P Global Inc. processing any of your personal data therein.

StClairEnergyCentre Info <info@stclairenergycentre.com>

Tue, Jul 11, 2023 at 1:18 PM

To: "[REDACTED]" <[REDACTED]>

Dear Jack Wagoner,

Thank you for your interest in the Proposed Upgrade to the St. Clair Energy Centre project. We appreciate your engagement and would like to address your inquiries below:

1. Regarding the upgrade, the total additional capacity is estimated to be around 60 MW. Out of this incremental capacity, approximately 70% is expected to be derived from the combustion turbines.

2. As for the expansion phase, the decision regarding the source of new generation has not been finalized yet. This will be addressed through the Proposed Expansion of the St. Clair Energy Centre Environmental Review Report process.

If you have any further questions or require additional information, please don't hesitate to reach out. Thank you again for your continued support and involvement.

Best regards,

Laura Swyers.



Laura Swyers (she/her)
Environmental Planner
Dillon Consulting Limited
130 Dufferin Avenue Suite 1400
London, Ontario, N6A 5R2
[REDACTED]
info@stclaireenergycentre.com
www.dillon.ca

[Quoted text hidden]



Swyers, Laura <lswyers@dillon.ca>

St. Clair Energy Centre upgrade and expansion

[REDACTED] <[REDACTED]>
To: StClairEnergyCentre Info <info@stclaireenergycentre.com>

Thu, Jul 13, 2023 at 12:30 PM

Thank you!

From: StClairEnergyCentre Info <info@stclaireenergycentre.com>
Sent: Tuesday, July 11, 2023 11:19 AM
To: Wagoner, Jack <[REDACTED]>
Subject: Re: St. Clair Energy Centre upgrade and expansion

EXTERNAL MESSAGE

Dear Jack Wagoner,

Thank you for your interest in the Proposed Upgrade to the St. Clair Energy Centre project. We appreciate your engagement and would like to address your inquiries below:

1. Regarding the upgrade, the total additional capacity is estimated to be around 60 MW. Out of this incremental capacity, approximately 70% is expected to be derived from the combustion turbines.
2. As for the expansion phase, the decision regarding the source of new generation has not been finalized yet. This will be addressed through the Proposed Expansion of the St. Clair Energy Centre Environmental Review Report process.

If you have any further questions or require additional information, please don't hesitate to reach out. Thank you again for your continued support and involvement.

Best regards,

Laura Swyers.



Laura Swyers (she/her)

Environmental Planner
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