

Clarington Oct. 25, 2021 Agenda Item 9.1.3. New Business -
Provincial Review of Ontario Regulation 79/15: Alternative Low-
Carbon Fuels of the Environmental Protection Act (**O. Reg 79/15**
proposed revisions found in ERO 019-3544)

Submitted by Linda Gasser

Councillor Zwart's motion

That the Municipality of Clarington respectfully requests the Provincial Government undertake a full review of O.Reg. 79/15 under the Environmental Protection Act with a view to:

- Providing greater control and monitoring of fuel content and on the emissions from approved facilities to ensure the advancement of GHG reduction is not being achieved at the cost of impacted air quality or community health;
- Ensuring the cumulative effects of proposals on communities is considered as part of a thorough and comprehensive assessment of applications for ALCF use; and
- Providing mechanisms to monitor and verify that cumulative effects are not occurring and a fulsome analysis to ensure GHG reductions are being achieved by fuel switching.

Please consider also addressing deficient public consultation requirements. I provide examples on following slides.









Challenge accessing project materials for both St. Marys 2020 and current 2021 ERO postings

- Current ECA was approved March 31, 2021
- July – August 2020 ERO 019-2055: posting and comment period. NO SUPPORTING DOCUMENTATION WHATSOEVER was provided with posting, not even St. Marys website shown in posting.
- Key document (Emissions Summary Dispersion Modelling Report) was not posted to St. Marys website and had to be requested via MECP and SMC consultants. Not all interested parties would be aware that this report was available and could be requested.
- St. Marys' consultant provided a **time limited non shareable link**, with document provided as large file which could be downloaded but not easily shared with others.


Less than 6 months after ECA approval, St. Marys filing new application **ERO 019-4320**




- Though SMC and their consultants know I am a long time interested party (since 2008), I was not notified by the proponent of new application
- Because I registered to get ERO notices on certain topics, I received a link to this latest current ERO notice.
- Initial ERO posting provided such limited information that a few days later it was revised to include a bit more detail –comment extended to October 29, 2021.
- Again, NO supporting documentation provided with ERO posting and the St. Marys website not shown.
- Again I had to request project documents via MECP and the Proponent. This time, MECP sent a secure message that would only be available for five days expiring on the Thanksgiving Sunday.
- Required me to open an account and download a large document compilation – all individual documents should have been available on St. Marys website.

MECP reply regarding request for application documents that should be publicly available and posted to the proponent's website

From: Environmental Permissions (MECP) <enviropemissions@ontario.ca>        

Subject: RE: Where can I find supporting documents for St. Marys ECA amendment ERO 019-4320 2021-10-04, 3:46 p.m.

To: Linda Gasser 

Cc: Environmental Permissions (MECP) <enviropemissions@ontario.ca> , Sean_Capstick@golder.com <Sean_Capstick@golder.com> , Ruben Plaza 

Hi Linda,

Thank you for your request. In order to proceed with your request, we must review the file prior to it being available for viewing.

Members of the public can view records submitted to the Ministry of the Environment Conservation and Parks as part of an application for an [insert Environmental Compliance Approval (ECA) or Permit to Take Water (PTTW)]. Some information in the file, however, may not be viewed through a public file viewing due to policy considerations and the application of the *Freedom of Information and Protection of Privacy Act*.

If there appears to be information in the file that the proponent (ECA/PTTW applicant) considers to be confidential we will notify the proponent that a third-party information request has been received and will ask the proponent to consent to the release of the information. If the proponent does not consent then the information cannot be viewed through a public file viewing. Any personal information in the file will also not be available for public viewing.

In summary, the following information will not be available through a public file viewing:

- a. Information marked "Confidential" by the proponent where the proponent has not consented to release the information
- b. MECP internal communications
- c. Personal information

If you are not satisfied with the information available in the public viewing file, you may wish to consider submitting a Freedom of Information (FOI) request to the MECP. You may contact the Freedom of Information and Privacy Office at 416-314-4075 or by email at foi.mecp@ontario.ca for more information. Information regarding the FOI process can be found here:

<https://www.ontario.ca/government/how-make-freedom-information-request#section-5>

For more information regarding the *Freedom of Information and Protection of Privacy Act* – *FIPPA*, you may visit the Ontario website at:

<https://www.ontario.ca/laws/statute/90f31>

Please do not hesitate to contact us if you have any further questions or concerns.

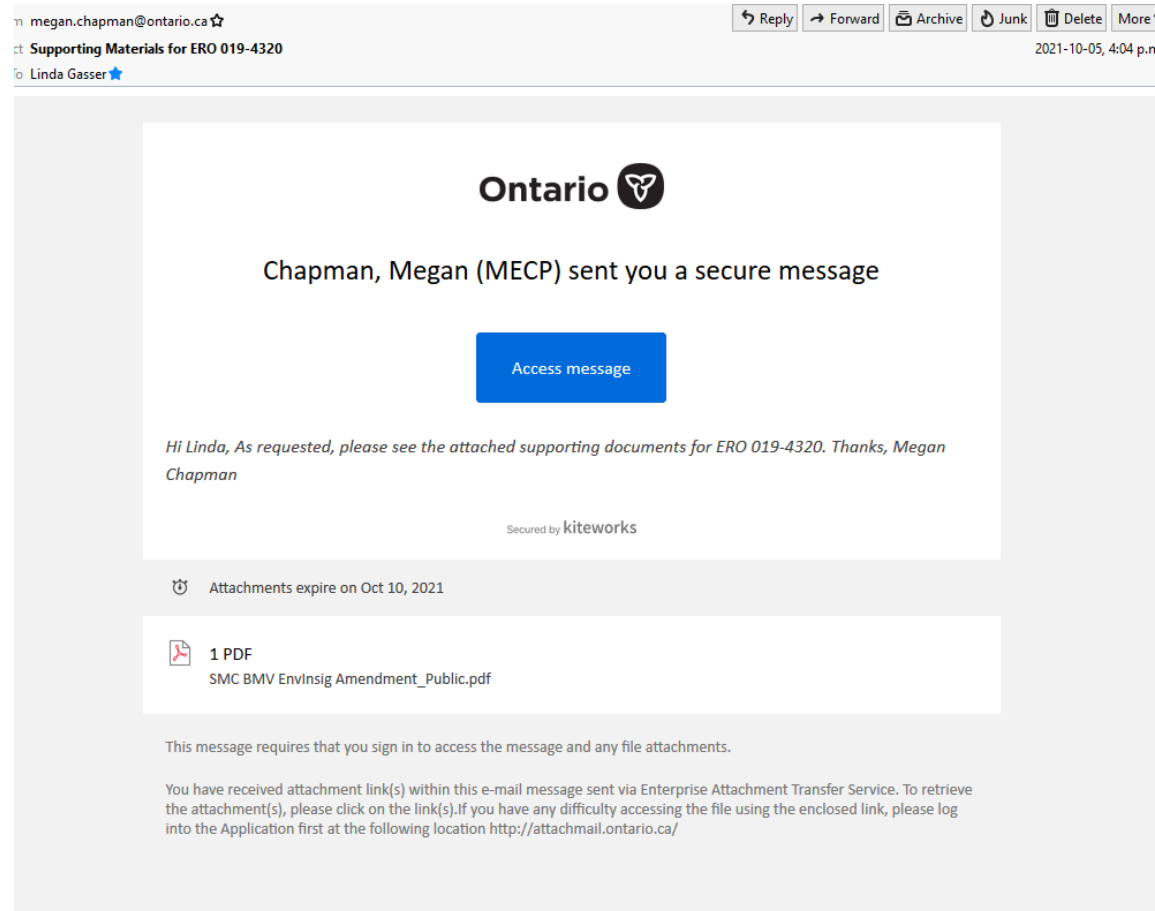
Regards,

Megan Chapman (on behalf of Enviropemissions)
Client Service Representative
Customer Services Unit | Client Services & Permissions Branch (CSPB)
Ontario Ministry of the Environment, Conservation and Parks (MECP)
135 St. Clair Ave. West 1st Floor, Toronto ON M4V 1P5
General Inquiries | E: enviropemissions@ontario.ca | T: 416-314-8001 | F: 416-314-8452

Please consider the environment before printing this email

Did you know? At this time, the ministry strongly encourages online submissions for some environmental permissions. You can submit your application and supporting documents, make payments, and track application progress online.
For more information, please visit the [ministry website](#) or you may contact the Client Services and Permissions Branch by phone at 416-314-8001 or 1-800-461-6290, or by email at

File accessible for only five days. Some documents have redacted sections



From St. Marys' Application dated Aug. 11/21 re Consultation (page 10 of 38) Previous page references Indigenous Consultation -none

Other Consultation/Notification:

Has the applicant had a ministry pre-application consultation in relation to the proposed project? *

☐ Yes ☒ No

If this application is for a waste disposal site, have the neighbour notification requirements been completed?

☐ Yes ☐ No

If yes, please attach a Public Consultation/Notification Report that includes the notice and list of recipients.

If no, please select the reason for not undertaking neighbour notification:

- ☐ Application is for an administrative amendment
- ☐ The proposal was subject to public consultation through an Environmental Assessment process
- ☐ other , please explain _____

Are there any other consultation/notification activities that have been undertaken to fulfill requirements by other legislation or through voluntary efforts? *

☐ Yes ☒ No

If yes, please:

1. describe the consultation/notification activities below; and
 2. attach documents describing each of these consultation/notification activities, any changes to the project as a result of these activities and any planned consultation/notification activities in the future.
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From SMC Application re Supporting Docs.

Application Status

Section	Completed?			
1. Application Information	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
2. Project Information	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
3. Regulatory Requirements	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
4. Site Information	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
5. Facility Information	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
6. Supporting Documentation	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
7. Payment Information	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
8. Authorization	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

Suggested additions to motion for your consideration

- That 79/15 retains the current public consultation requirements to hold at least two public meetings (may need to be virtual during the pandemic but should be live and recorded)
- Require proponents to advertise in print media e.g. in local newspaper(s) at commencement of project, so that the impacted community aware of proposed changes and/or applications and approval process, and clearly post such notice prominently on their website.
- Require proponent to post ALL project related documents, including application(s) and related studies on their website as they become available and before public meetings are held.

Thank you for your attention – Questions?