

APPLICATION FOR REVIEW
Filed pursuant to Section 61 of the *Environmental Bill of Rights*
RE: ONTARIO REGULATION 276/06
DESIGNATION AND EXEMPTION OF INTEGRATED POWER SYSTEM PLAN

APPLICANT NUMBER ONE

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Declaration of Ontario Residency:

I, Michelle Swenarchuk, hereby certify that I am an Ontario resident.

June 19, 2006

DATE



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Declaration of Ontario Residency:

I, Richard D. Lindgren, hereby certify that I am an Ontario resident.

June 19, 2006

DATE



RICHARD D. LINDGREN

SUBJECT-MATTER OF REQUESTED REVIEW

The applicants request a review of an **existing** regulation, namely:

Ontario Regulation 276/06: Designation and Exemption of Integrated Power System Plan

This regulation was made under the *Environmental Assessment Act* (EA Act), which is prescribed for the purposes of Parts II and IV of the *Environmental Bill of Rights* (EBR); see sections 3, 6 and 7 of O.Reg.73/94.

REASONS FOR REQUESTED REVIEW

The applicants submit that O.Reg. 276/06 should be immediately reviewed and revoked on the grounds that:

1. The regulation was not subject to public notice and comment prior to its passage, and was therefore made in direct contravention of the mandatory duties under Part II of the EBR in relation to public participation;
2. The regulation's wholesale exemption of the IPSP (and all Crown enterprises and activities related to it) from the EA Act does not represent sound environmental planning and is contrary to the public interest, especially given the significant scale, duration, costs, and risks associated with the IPSP as proposed; and
3. The regulation is deficient because it fails to impose any terms and conditions upon the proponent to ensure that the IPSP:
 - (a) is developed in a manner that involves meaningful public participation; and
 - (b) adequately identifies, analyzes and mitigates the significant environmental, public health, and socio-economic impacts of the IPSP, particularly the nuclear component.

These three grounds are explained in more detail below.

(a) Background

In December 2005, the Ontario Power Authority ("OPA") released the *Supply Mix Advice Report* which recommended, among other things, that Ontario should spend billions to overhaul or replace its nuclear reactors to ensure that half of the province's energy supply is met by nuclear energy by 2025. The Minister of Energy subsequently claimed that there had been "significant consultation around the OPA report" prior to its release (see attached letter to CELA dated January 9, 2006). To the contrary, however, the applicants

contend that the OPA report was essentially drafted behind closed doors, and was not subjected to EA planning principles or meaningful public participation.

In any event, the OPA report was posted on the EBR Registry for a public comment period that expired at the end of February 2006. The Ontario government then broadly distributed a short brochure entitled *Our Energy, Our Future*, and convened a small number of open houses and meetings in select cities, in order to solicit public feedback on the OPA report. This abbreviated round of “consultation” was widely criticized by most participants as being completely inadequate for the purposes of commenting upon multi-billion dollar infrastructure proposals with significant environmental, public health and socio-economic implications (see attached joint letter to Premier McGuinty dated February 14, 2006).

On June 13, 2006, the Ontario government announced its long-awaited response to the OPA report. Among other things, the proposed provincial energy plan sets specific mega-watt (MW) objectives for nuclear and renewable sources, establishes MW targets for electricity demand reduction, and delays the closure of certain coal-fired plants. Statutory directives were issued by the Minister of Energy to the OPA pursuant to the *Electricity Act, 1998* to draft the IPSP in accordance with these plan parameters. The OPA was also directed to “consult” the public and to “consider” the environment when developing the IPSP (see O.Reg. 277/06), as discussed below. It is anticipated that upon completion, the IPSP will be reviewed by the Ontario Energy Board under the *Electricity Act, 1998*, rather than the Environmental Review Tribunal (ERT) under the EA Act.

Interestingly, when the Ontario government released its long-term energy proposals on June 13th, provincial officials failed to disclose the fact that on the previous day, O.Reg. 276/06 had been passed by Cabinet so as to wholly exempt the IPSP from the EA Act. This regulation was quietly posted on the Ontario government’s e-laws website one day after the June 13th energy announcements were made. Thereafter, an “information notice” regarding O.Reg. 276/06 was posted on the EBR Registry three days after the regulation was passed by the Ontario Cabinet.

(b) Public Requests for EA Act Coverage of the IPSP

Upon the release of the OPA report in December 2005, the applicants and other stakeholders have consistently requested the Ontario government to ensure that the IPSP was developed under the auspices of the EA Act (see attached letters to the Environment Minister dated December 15, 2005, and to Premier McGuinty dated February 27, 2006).

In addition, a generic legal opinion (co-authored by one of the applicants herein) was provided in February 2006 to the Ontario government to explain why the IPSP was caught by the EA Act since it is a public sector plan or program that is intended to be carried out by or for Her Majesty the Queen in right of Ontario (see attached opinion dated February 27, 2006). Among other things, this opinion concluded that EA Act coverage of the IPSP was environmentally appropriate and legally required. The generic opinion further noted that there was clear precedent for EA Act coverage of the IPSP,

given that the provincial 1989 Demand-Supply Plan had been subject to the EA Act, including a public hearing before the EA Board (now the ERT).

In response to public requests for EA Act coverage of the IPSP, Premier McGuinty initially appeared to provide assurances that such coverage would occur. For example, Premier McGuinty announced in the Ontario Legislature that while the OPA report itself would not be subject to the EA Act, the specific proposal that emerges after consultation on the OPA report would be subject to the EA Act:

Premier McGuinty: I think what we need to do now, building on that advice, is work with Ontarians to come up with a specific proposal that would be worthy of sending off to an environmental assessment process. So I'm not going to take the advice we've just received... and send it off to an environmental assessment process. Let's talk to Ontarians, then develop a specific proposal and make that the subject of an environmental assessment (*Hansard*, Dec.15, 2006, emphasis added).

The applicants note that at no time in these remarks did the Premier raise any statutory or constitutional reasons why the EA Act did not apply to IPSP. Indeed, it is reasonable to interpret these remarks as reflecting an intention to ensure that the IPSP was subject to the EA Act. Accordingly, some stakeholders at the time commended the Premier for his apparent commitment to an EA process for the IPSP (see attached CELA media release dated December 16, 2006).

In January 2006, the Director of MOE's EA and Approvals Branch advised that the Ministry is "considering" the request made by stakeholders to subject the IPSP to the requirements of the EA Act (see attached letter to CELA dated January 5, 2006). In particular, the Director stated:

The Ministry is considering your request to make the OPA Integrated Power System Plan subject to the requirements of the *Environmental Assessment Act* (EAA) and to a Joint Board hearing of the Ontario Energy Board and Environmental Review Tribunal. Among several factors, the previous decision by the Government to subject the Ontario Hydro Demand/Supply Plan in 1989 to the requirements of the EAA and to a hearing process will be considered as part of our decision-making process.

Again, the applicants note that the Director's letter did not raise any statutory or constitutional reasons why the EA Act did not apply to the IPSP.

In June 2006, however, representatives of the Ontario government began to make the new (and unmeritorious) claim that the IPSP was never subject to EA at all, and that O.Reg. 276/06 was passed to merely "clarify" the province's position on the matter.

For example, the Environment Minister made the following argument in the Ontario Legislature:

Mr. Tabuns: You have a responsibility as Minister of the Environment. You can read the act. You can do what's right. When are you going to announce that there will be a full provincial environmental assessment of this plan?

Hon. Ms. Broten: If the member did read the act and he did take a look at the opinion, he would understand that broad government policy, abstract in nature, is not subject to the *Environmental Assessment Act*. What is subject is project-specific. Let's not bring an omnibus package that's abstract in nature and examine it... Broad government policy has never been the subject of the *Environmental Assessment Act*... The demand-supply plan that my friend is speaking about specifically looked at projects. It did not look at an omnibus package, it was project-specific wrapped in one (*Hansard*, June 14, 2006).

On the following day, the Environment Minister repeated these comments, and raised new claims about the status of OPA and the nature of O.Reg. 276/06:

Hon. Ms. Broten: [B]road government policy direction is not the appropriate subject matter of the *Environmental Assessment Act*. The IPSP will be a reflection of that broad policy direction. The IPSP is being developed by the OPA, and Ontario's *Environmental Assessment Act* does not designate the OPA as a public body...

[O.Reg. 276/06 is] an administrative regulation that is confirming what I have said and decided all along... The administrative regulation that has been put in place is to provide certainty and clarity so we can move forward in this province (*Hansard*, June 15, 2006).

Subsequent to these comments in the Ontario Legislature, the applicants received a letter from the Environment Minister, who again claimed that the IPSP was designated by O.Reg. 276/06 because it was not subject to the EA Act, and that it was simultaneously exempted from the EA Act in order to "reflect" the "legislative framework for electricity in Ontario" (see attached letter to CELA dated June 16, 2006). The Minister's letter further claims that Crown enterprises and activities related to the IPSP were exempted by O.Reg. 276/06 to "confirm" the ministry's position that "government policy making is not subject to the EAA."

In the applicants' view, the passage of the exempting regulation does not "reflect", "confirm" or "clarify" anything, nor does it substantiate the validity of the government's revisionist claim that the EA Act was never applicable to the IPSP. Contrary to the claims by the Environment Minister, the IPSP is more than "abstract policy" – it is intended to be a prescriptive, integrated provincial plan for managing and meeting Ontario's long-term energy needs, and thus is a "proposal, plan or program" within the meaning of the term "undertaking" under the EA Act. In addition, the applicants

respectfully submit that the Minister has misunderstood or misdescribed the 1989 Demand-Supply Plan, as that undertaking was clearly a provincial “plan” or “program”, and was not a detailed, site-specific examination of individual projects or locations, as suggested by the Minister.

For the purposes of this EBR Application for Review, it is unnecessary to respond in detail to the Minister’s unpersuasive argument that the IPSP is not subject to the EA Act because the OPA is not designated as a public body under the Act. The applicants simply note that under a functional analysis, the OPA’s institutional status under the *Electricity Act, 1998*, is essentially irrelevant to the question of the EA Act’s applicability to the IPSP, which, after all, is being developed for – and will ultimately be adopted by – Her Majesty the Queen in right of Ontario, as represented by the Minister of Energy (not the OPA *per se*).

In summary, the applicants submit that the Ontario government’s position regarding the IPSP is unsupportable and premised upon a serious misinterpretation of the EA Act. In any event, this misinterpretation does not adequately excuse or explain the province’s abject failure to seek public comment on O.Reg.276/06 before it was passed, contrary to the EBR. Furthermore, aside from the vague propositions made in the Environment Minister’s letter and the *Hansard* debates, the Ontario government has not publicly disclosed its own legal analysis on the applicability of the EA Act to the IPSP. In short, although stakeholders have released the CELA opinion as part of this important debate, the Ontario government has not released any legal opinion that substantiates the Minister’s interpretation of the EA Act.

(c) Passage of O.Reg.276/06

The applicants do not dispute that legislative authority generally exists under the EA Act for the passage of exempting regulations. However, the fundamental issue raised by this EBR Application for Review is whether that authority was properly exercised in this case, and the applicants submit that it was not, as described below.

The EA Act and regulations thereunder are administered by the Minister of the Environment. Exemption regulations are made under the EA Act by the Lieutenant Governor in Council (see section 39(f) of the EA Act), but the Minister remains responsible for ensuring compliance with EBR requirements regarding public notice and comment for such regulations.

Pursuant to section 16 of the EBR and section 3 of O.Reg. 73/94, regulations under the EA Act are generally subject to the mandatory public notice and comment requirements under Part II of the EBR.

However, the Ontario government, as represented by the Minister of the Environment, did not post notice on the EBR Registry of its intention to pass the exempting regulation. Therefore, the applicants, other interested stakeholders, and the public at large have been

deprived of their statutory right to review and comment on this environmentally significant regulation before it was passed.

In the applicants' view, there are no persuasive grounds to justify the Ontario government's failure or refusal to comply with Part II of the EBR in this case. Clearly, the regulation is not merely financial or administrative in nature, and no "emergency" exists to excuse the Ministry's non-compliance with Part II of the EBR. Moreover, taking the IPSP (and all Crown enterprises and activities related to it) wholly out of the protective provisions and procedural safeguards under the EA Act is, without a doubt, an environmentally significant decision that clearly warranted public review and comment before it was made.

The applicants are also concerned about the apparent failure of the Ontario Cabinet to utilize its powers under section 39(f) of the EA Act to impose terms and conditions upon the exemption. In this regard, we note that where environmentally significant undertakings have been exempted in the past, terms and conditions were typically included in the exemption in order to impose substantive directions or detailed procedural obligations upon the proponent to ensure the undertaking is planned and implemented in an environmentally sound manner. This has been the practice both in relation to specific facilities and to large-scale provincial plans, programs or management initiatives (i.e. timber management on Crown lands, provincial park program, etc.).

The applicants note that since no regulatory impact statement accompanied O.Reg. 276/06, it is impossible to tell on the record whether the Ontario Cabinet considered the imposition of terms and conditions, or, if so, why they were rejected in this case. As discussed below, the "companion" regulation (O.Reg. 277/06) does not remedy the absence of conditions in O.Reg. 276/06.

In our view, the IPSP (and virtually everything related to it) should not have been wholly exempted from the EA Act, and Ontarians were entitled in law to have proper notice and comment opportunities before this decision was made. If such opportunities were provided, then interested parties could have made submissions not only on whether the exemption should be granted, but also on whether substantive or procedural conditions should be attached to the exemption if granted.

(d) The EBR Registry Notice

The applicants have reviewed the MOE's *ex post facto* "information notice" (EBR Registry No. XA06E006) that was posted on the EBR Registry three days after the regulation was passed by Cabinet.

The applicants strongly disagree with the Ministry's self-serving and erroneous claims in the EBR Registry notice that the regulation is merely "administrative" in nature, and that the Ministry was not required to post prior notice of this proposal on the EBR Registry for public review/comment purposes.

The applicants also remain puzzled by the Ministry's circular argument in the Registry notice that the exempting regulation was not even necessary, according to the Ministry's questionable interpretation of the EA Act. If the EA Act was inapplicable to the IPSP as claimed, then why was the regulation even passed in the first place?

In addition, the applicants note that the Ministry's position is completely undermined by the Ministry's own practice regarding the posting of proposed exemptions under the EA Act. In particular, a comprehensive search of the EBR Registry reveals that aside from O.Reg. 276/06, EA Act exemptions have never been posted as "information notices" on the EBR Registry.

More importantly, it appears that virtually all exemptions granted under the EA Act since the EBR came into effect were originally posted as proposals (with public comment periods usually ranging from 30 to 45 days) before final decisions were made regarding the exemptions. Appendix A to this Application for Review contains an illustrative list of proposed exemptions for various undertakings (i.e. municipal waste management planning, waste disposal facilities, provincial park development, energy facilities, electricity supply arrangements, rabies programs, Crown land/resource dispositions, etc.) that were subject to public notice and comment before exempting regulations (or declaration orders) were made under the EA Act.

In these circumstances, the applicants conclude that the Ministry's failure to post O.Reg. 276/06 for public review and comment is unprecedented, unjustified and unacceptable.

In summary, it is disturbing to see the Ministry persist in its misinterpretation of the EA Act, and then attempt to use this misinterpretation as the basis for rationalizing the MOE's non-compliance with the EBR when passing O.Reg. 276/06. Clearly, the unsupportable claims in the EBR Registry notice provide further reasons why O.Reg.276/06 should be reviewed and revoked.

It should be further noted that on the date that the EBR Registry notice was posted, one of the applicants herein immediately telephoned the MOE contact person and requested an explanation of the claims within the notice. To date, however, this telephone call has not been returned by the MOE contact person.

(e) MOE Statement of Environmental Values

In determining whether the public interest warrants the requested review of O.Reg. 276/06, subsection 67(2)(a) of the EBR directs the Minister to consider the relevant Statement of Environmental Values (SEV).

In this case, the MOE's SEV clearly states that the Ministry's mandate "is to protect the quality of the natural environment so as to safeguard the ecosystem and human health". In carrying out this mandate, the SEV commits the MOE to a number of important environmental principles, such as the "ecosystem approach" and "precautionary principle."

In the energy context, the MOE's SEV specifically states that:

The Ministry will seek to ensure a safe, secure and reasonably priced supply of energy in an environmentally sustainable manner, and will place emphasis on improving energy efficiency. It will also promote energy and water conservation...

In addition, the MOE's SEV clearly guarantees public participation in environmental decision-making:

The Ministry is committed to public participation and will foster an open and consultative process in the implementation of the SEV.

Taken together, these SEV commitments represent a provincial promise to all Ontarians that the MOE will: (a) take all necessary steps to safeguard the environment and public health and safety (b) ensure environmentally sustainable and fiscally sound energy supply and demand strategies; and (c) involve the public in environmentally significant decision-making.

However, the applicants submit that the wholesale exemption of the IPSP from EA Act coverage – and the passage of O.Reg. 276/06 without any public notice and comment -- is completely inconsistent with these SEV commitments.

Accordingly, the applicants submit the requested review of O.Reg. 276/06 must be undertaken to ensure compliance with the MOE's SEV.

(f) Absence of Periodic Review

In determining whether the public interest warrants the requested review of O.Reg. 276/06, subsection 67(2)(c) of the EBR directs the Minister to consider whether “the matters sought to be reviewed are otherwise subject to periodic review”.

At the present time, aside from using Part IV of the EBR, there is no other statutory mechanism for the formal public review of O.Reg. 276/06. It should be further noted that the regulation has no expiry date, deadlines, or terms and conditions, which, in effect, establishes an open-ended exemption that will remain intact until the Ontario Cabinet decides, in its discretion, to revoke it at some unknown date in the future.

Accordingly, the applicants submit that the requested review of O.Reg. 276/06 should be undertaken because there is no other formal mechanism in place to review or revise the exemption.

(g) Other Relevant Considerations

In determining whether the public interest warrants the requested review of O.Reg. 276/06, subsection 67(2)(g) of the EBR permits the Minister to take into account “any other matter that the Minister considers relevant.”

In the applicants’ view, the following additional considerations should be taken into account regarding the need to review and revoke O.Reg. 276/06.

First, the applicants are aware that the “companion” regulation to O.Reg. 276/06 uses the words “consult” and “environment” in the directions provided to the OPA for developing the IPSP (see O.Reg. 277/06 under the *Electricity Act, 1998*). It is clear, however, that the mere existence of these words does not transform the forthcoming OPA consultations into an EA-like exercise. This is particularly true since no details have yet been released on the nature, scope and extent of the consultations to be undertaken by the OPA when it is developing the IPSP. Indeed, given the profound inadequacy of the “consultation” that occurred before and after the release of the OPA advice report, the applicants have no confidence that the next round of consultation will be effective, efficient or equitable, or, more importantly, that it will be equivalent to what would have been available under the EA Act. Moreover, given that the Energy Minister, among other things, has already prescribed the precise percentages to be achieved by nuclear, renewables and conservation, it is questionable whether further consultation by OPA will lead to fundamental re-consideration or revision of Ontario’s perceived “optimum” supply mix.

Second, the anticipated shortcomings in the forthcoming OPA consultations will not be cured by having the IPSP reviewed and approved by the Ontario Energy Board. Simply put, the *Electricity Act, 1998* and the *Ontario Energy Board Act* are not the legal equivalent of the EA Act. While these other statutes focus on protecting consumer interests and ensuring the continued supply of electricity, they do not contain the EA Act’s environmental planning policies and procedures (i.e. assessing “need”; considering “alternatives to” and “alternative methods”; assessing direct, indirect and cumulative impacts over the short- and long-term; achieving the “betterment” of Ontarians by providing for the protection, conservation, and wise management of the biophysical, social, economic, cultural and built environments, etc.).

Third, the development of the IPSP by the OPA in an expedited and ill-defined process stands in stark contrast to the recent history of long-term energy supply planning in this province. In the late 1970’s, for example, Ontario established the Royal Commission on Electric Power Planning (also known as the Porter Commission), which held extensive public hearings (rather than open houses or public information centres), prepared various studies, and released interim reports on key electricity matters (including the ongoing absence of a solution for the long-term disposal of nuclear waste). Significantly, the Royal Commission’s final report in 1980 recommended against nuclear expansion, emphasized the importance of demand management, and highlighted the need to develop alternative energy sources. The Royal Commission also stressed the need for enhanced public participation in long-term energy planning initiatives.

Similarly, Ontario Hydro's 1989 Demand-Supply Plan was subject to the EA Act and referred by the province to the EA Board, as noted above. At the quasi-judicial hearing, stakeholders were granted party status, expert witnesses were examined and cross-examined, and the proponent's energy assumptions, predictions and conclusions were tested, all within the broad public interest parameters of the EA Act. Ultimately, however, the proponent withdrew the Demand-Supply Plan from the EA hearing, thereby saving Ontarians the billions of dollars that would have been needlessly spent (and the risks needlessly incurred) in developing the nuclear component of the proposed plan.

The Environment Minister's attached June 16, 2006 letter advises that "specific projects which result from the IPSP... will be subject to all applicable EA requirements." The applicants draw no comfort from this vague claim because meeting "applicable EA requirements" for electricity projects does not necessarily mean that individual EA's under the EA Act will be prepared. Instead, depending on the project type, electricity infrastructure intended to implement the IPSP will likely be subject to either: (a) environmental screening procedures under O.Reg.116/01; (b) Class EA procedures; or (c) narrow federal EA procedures.

More importantly, project-specific EA's will not address the larger policy questions concerning Ontario's electricity needs, nor would project-specific EA's require comprehensive analysis of alternative energy strategies for meeting provincial needs, or revisit provincial targets for various supply options. Similarly, project-specific EA's will not adequately address the overall public health risks posed by a provincial energy plan that calls for the continued use or expansion of nuclear reactors in Ontario (see attached joint letter to the Premier dated June 15, 2006).

(h) Presumption Against Reviewing Recent Decisions

Subsection 68(1) of the EBR provides a general presumption against reviewing prescribed regulatory decisions made within the past five years. However, this presumption specifically provides that it is only applicable where the impugned decision was made in a manner that is "consistent with the intent and purpose of Part II" of the EBR.

In this case, there was a fundamental failure to comply with Part II of the EBR, as the MOE did not provide public notice and comment opportunities on the regulation, and otherwise failed to live up to its SEV commitments to public participation.

Accordingly, the applicants submit that the subsection 68(1) presumption is not applicable in this case. In short, the presumption cannot be used or relied by the MOE as a "shield" or statutory bar to the requested review of O.Reg. 276/06.

EVIDENCE SUPPORTING THE REQUESTED REVIEW

The documentary evidence supporting the requested review of O.Reg. 276/06 is attached hereto as follows:

1. O.Reg. 276/06 and 277/06;
2. EBR Registry No. XA06E0006;
3. Correspondence to and from provincial officials regarding the IPSP and EA Act coverage;
4. CELA's generic legal opinion regarding EA Act coverage of the IPSP;
5. Provincial announcements and media releases regarding the IPSP; and
6. Such further or other evidence as the applicants may advise.

APPENDIX A: EXAMPLES OF EBR POSTINGS FOR PROPOSED EXEMPTIONS UNDER THE EA ACT

Exemption Regulations:

- 1) Proposed regulations designating Plasco Energy Group's (Plasco) proposal subject to the requirements of the Environmental Assessment Act (EAA), and exempting the demonstration project from the EAA and from the hearing requirements of section 30 and 32 of the Environmental Protection Act (EPA). Posted as a regulation with a 45 day comment period. <http://www.ene.gov.on.ca/envregistry/026845er.htm>
- 2) Exemption from Environmental Assessment Act - District Energy Project at Windsor Casino. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005421er.htm>
- 3) Lake Gibson Small Hydro Generating Station Approval, Exemption request under the Environmental Assessment Act (EA Act). Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005427er.htm>
- 4) Township of Edwardsburgh Waste Disposal Site Interim Expansion - Request for Exemption under the Environmental Assessment Act (EA Act). Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005401er.htm>
- 5) Township of Chappleau Landfill Site, Interim Expansion - Exemption Request under the Environmental Assessment Act (EA Act). Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005408er.htm>
- 6) Seneca College at York University - Exemption request under the Environmental Assessment Act. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005425er.htm>
- 7) City of Toronto Western Beaches Storage Tunnel Exemption request under the Environmental Assessment Act. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005453er.htm>
- 8) Environmental assessment requirements for electricity sector projects in the new competitive electricity market - proposed regulation and guideline. Posted as a regulation with a 32 day comment period. <http://www.ene.gov.on.ca/envregistry/012935er.htm>

Declaration Orders for Exemptions

- 1) Exemption Order for waste Management Planning By Municipalities, Was posted as a regulation under type of notice (not Information) with a 45 day comment period. <http://www.ene.gov.on.ca/envregistry/005450er.htm>

- 2) City of Brockville, Amendments to Exemption Order BROCC-3 (Order in Council #3382/92); Declaration Request under the Environmental Assessment Act (EA Act). Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/010451er.htm>
- 3) Town of Kincardine, Valentine Landfill Site Interim Expansion - Declaration Order under the Environmental Assessment Act for exemption. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005500er.htm>
- 4) Ministry of Natural Resources: Construction of the Canadian Ecology Centre in Samuel de Champlain Provincial Park; Declaration Request under the Environmental Assessment Act for exemption. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/009716er.htm>
- 5) Ministry of Natural Resources, Northern Development and Mines, Health, and Agriculture, Food and Rural Affairs' Exemption Order for the Wildlife Rabies Control Program under the Environmental Assessment Act, MNR-62. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/005409er.htm>
- 6) Order to declare that the disposition of Crown resources and activities related to the administration, enforcement and carrying out of the Mining Act, by the Ministry of Northern Development and Mines, are not subject to the Environmental Assessment Act. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/020314er.htm>
- 7) Order to declare that the provision of between 200 MW and 400 MW of short term, temporary electricity capacity to meet peak demand periods, as arranged by the Ontario Electricity Financial Corporation, be not subject to the Environmental Assessment Act. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/020437er.htm>
- 8) Ontario Parks, Ministry of Natural Resources (MNR); Campground development in Inverhuron Provincial Park; Declaration Order request under the Environmental Assessment Act (EAA) for exemption. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/016390er.htm>
- 9) Ministry of Natural Resources (MNR), Disposition of Crown Land Cottage Lots; Declaration Request under the Environmental Assessment Act for exemption. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/008677er.htm>
- 10) Ministry of Natural Resources: Construction of Visitor Centres for the following provincial parks: Killbear, French River, Killarney and Lake Superior; Declaration Order request for exemption under the Environmental Assessment Act. Posted as a

regulation with a 30 day comment period.

<http://www.ene.gov.on.ca/envregistry/014956er.htm>

- 11) Township of Alice & Fraser, Landfill Site Interim Expansion - Declaration Order Request for exemption under the Environmental Assessment Act. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/010807er.htm>
- 12) Lambton County; Amendments to Exemption Order LAMB-CT-1 (Order in Council #1547/92); Declaration Request under the Environmental Assessment Act (EA Act). The Minister, with the concurrence of Cabinet, approved Order-in-Council 284/99 on February 24, 1999 declaring that the amendment to O.R. 291/92 with respect to the removal of the daily rate on the amount of waste that could be deposited at the landfill site was not subject to the requirements of the Environmental Assessment Act. A copy of the approved Order is available by contacting the Environmental Assessment and Approvals Branch EBR Coordinator identified in this notice. Posted as a regulation with a 30 day comment period:
<http://www.ene.gov.on.ca/envregistry/010228er.htm>
- 13) Declaration Order for the Toronto Waterfront Revitalization Corporations's (TWRC) proposed Toronto Waterfront Parks. Posted as a regulation with a 30 day comment period <http://www.ene.gov.on.ca/envregistry/025291er.htm>
- 14) Declaration Order for the Toronto Transit Commission's (TTC) Union Station Second Platform and Concourse Improvements Project. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/023214er.htm>
- 15) The Declaration Order was approved on June 14, 2000. The purpose of the Declaration Order is to exempt the proposed clean-up of the former Mid-Canada Radar site from the requirements of the Environmental Assessment Act. Posted as a regulation with a 30 day comment period.
<http://www.ene.gov.on.ca/envregistry/013112er.htm>
- 16) Town of Georgina Landfill (Interim Expansion) - Exemption Request under the Environmental Assessment Act (EA Act). Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005407er.htm>
- 17) Regional Municipality of Sudbury - Nickel Centre Landfill and interim Expansion - Application for an E.A.A. Exemption. Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/005463er.htm>
- 18) The Ontario Realty Corporation (ORC) on behalf of the Ministry of Community and Social Services (MCSS); Observation and Detention Home for Phase 1 Young Offenders in the City of Sault Ste. Marie; Declaration Order request under the Environmental Assessment Act (EAA). Posted as a regulation with a 30 day comment period. <http://www.ene.gov.on.ca/envregistry/014255er.htm>