

Ministry
of the
Environment

2 St. Clair Ave. West
Toronto ON M4V 1L5

Ministère
de
l'Environnement

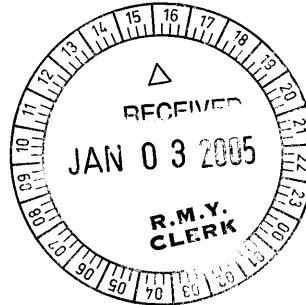
2, avenue St. Clair Ouest
Toronto ON M4V 1L5



ENV1283MC-2004-7333

December 22, 2004

Mr. Denis Kelly
Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1



REGION OF YORK
CLERK'S OFFICE

FILE No. -

PO7
J. chair
J. CAO
B. Tuckey
J. Hulton

Dear Mr. Kelly:

Thank you for your December 17, 2004, letter in which you convey the Regional Municipality of York's (York Region) Council Resolution to request that Hydro One Networks Inc. (Hydro One) be required to prepare an individual environmental assessment (EA) under the *Environmental Assessment Act* (EAA) for the proposed Hydro One Electrical Supply to York Region (Project). I also understand that York Region supports the Town of Markham's request for mediation. I am pleased to respond on behalf of the Minister.

It is the understanding of this ministry that the Project is being planned under the *Class Environmental Assessment for Minor Transmission Facilities* (Class EA). The Class EA is an approved planning process that proponents must follow for projects of this type in order to obtain authorization to proceed with the project under the EAA. Despite this process, the Minister may, in response to requests from the public such as yours, require proponents to prepare an individual EA. This is referred to in the Class EA as a bump-up request. If an individual EA is required, it is subject to a government review, following which the Minister and Cabinet must decide whether or not to approve the proposed project.

Given the degree of public interest in the Project, Hydro One provided an extended public and agency comment period, which ended December 20, 2004. I understand that Hydro One has committed to exercising its best efforts to resolve the issues raised in the bump-up requests submitted by yourself and other members of the public during this comment period. Hydro One has also committed to not seeking final approval to construct the Project from the Ontario Energy Board until requested to do so by the Regional Municipality of York and all affected local utilities.

In the event that Hydro One is successful at resolving some or all of the issues and concerns you have raised, you are asked to advise the Minister, by letter, that you are revising or withdrawing your request. If you withdraw your request and if there are no other outstanding requests, the Project can proceed under the Class EA process to completion.

If Hydro One is unable to resolve your issues and concerns, staff at this ministry will review the issues and concerns you have cited as reasons for which an individual EA should be prepared. Your request will be forwarded to Hydro One. Hydro One will be directed to review your request

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Mr. Denis Kelly
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and to provide any Project documentation and other information necessary to assist the ministry in its review of your request. This information will be considered by the Minister when making a decision about the request. Where required, ministry technical staff and staff at other agencies may also review the matter.

At such time as the ministry has all the required information about the Project, on the basis of the ministry's review and other matters required to be considered by the Minister under the EAA, the Minister will make a final decision whether or not to require that an individual EA be prepared by Hydro One. York Region will be notified in writing of the Minister's decision once it has been made.

If the Minister requires that an individual EA be prepared, Hydro One must proceed in accordance with the requirements of the EAA governing the preparation of individual EAs. If the Minister declines to order that an individual EA be prepared, Hydro One may, upon completion of the Class EA process, proceed with the Project subject to any other permits and approvals required.

The Minister has the option, if she decides not to require an individual EA be prepared, to impose conditions on the Project. This allows the proponent to proceed with the Project, but subject to the fulfilment of conditions she imposes. Conditions may be imposed, for example, to require additional public consultation at later stages of the Project or requiring the proponent to conduct additional work to address environmental issues that do not warrant an individual EA be prepared but which need to be addressed in order to ensure the environment is protected.

Please note that personal and other information in your letter such as your name, address, and telephone number and your concerns with this Project will form a part of the public record on this matter. If you wish this information to be excluded from the public file, this Branch must be advised. Notwithstanding the above, this information may still be obtained by members of the public if the ministry is required to disclose it under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions regarding the ministry's review of your request, please call Ms. Debbie Scanlon of this Branch at (416) 314-8259. Thank you for taking the time to share your concerns regarding this Project.

Yours sincerely,



 Catherine Doherty
Manager, Client Services Section
Environmental Assessment & Approvals Branch

c: Mr. Brian McCormick, Manager Environmental Services and Approval Department, Hydro One
EA File No. EA03-12-03

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November 10, 2004

Mr. Brian J. McCormick
Manager Environmental Services and Approvals Department
Hydro One Networks Inc.
483 Bay Street, 14th Floor
Toronto ON M5G 2P5

Dear Mr. McCormick:

RE: Bump-up Requests - Hydro One Electrical Supply to York Region

The Minister of the Environment (Minister) has received requests that Hydro One Networks Inc. (Hydro One) be required to prepare an individual environmental assessment for the proposed Hydro One Electrical Supply to York Region (Project).

It is the understanding of this ministry that the Project is being planned under the *Class Environmental Assessment for Minor Transmission Facilities* (Class EA). The Class EA is an approved planning process which proponents follow for projects of this type in order to be authorized to proceed with a project under the *Environmental Assessment Act* (EAA) without having to obtain separate approval from the Minister and Cabinet for each individual project. Despite this process, the Class EA and the *Environmental Assessment Act* includes a provision whereby any member of the public who has unresolved concerns with a proposed project can request that the Minister require the proponent of the project to prepare an individual environmental assessment (referred to in the Class EA as a bump-up request).

Unless the requests are withdrawn, this Branch will review the requests. At such time as the ministry has all the required information about the Project, on the basis of the ministry's review and other matters required to be considered by the Minister under the EAA, the Minister will make a final decision whether or not to require that an individual EA be prepared by Hydro One.

You may ask that this ministry defer its review should you anticipate that the issues and concerns raised in the bump-up requests can be resolved through discussions with the requesters. This ministry's minimum expectations for such discussions are:

- an agreement is made with the requester(s) to enter into discussions prior to the Minister making a decision;
- a time line for discussions is arranged with the requester(s), if possible;
- the proponent advises this Branch in writing of the agreement to enter into discussions, the time line for the discussions and requests that the ministry's review of the request(s) be deferred;
- the proponent advises all other requesters and, where appropriate, other concerned parties in writing that the review is deferred;
- the proponent prepares a detailed written account of the discussions and the results of the discussions; and,
- in the event that issues and concerns have been resolved, a letter from the requester(s) to the Minister should be made indicating that the request(s) is/are being withdrawn.

Hydro One must advise this ministry of the completion of the discussions, at which point the review of the requests will resume.

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In accordance with the Class EA, if concerns are raised directly with Hydro One during the public comment period, Hydro One should attempt to resolve the concerns.

I understand that Hydro One, in response to the public interest in the Project, has extended the public and agency comment period to December 20, 2004. I understand that Hydro One has committed to exercising its best efforts to resolve the issues raised in the bump-up requests submitted during this comment period. Hydro One has also committed to not seeking final approval to construct the Project from the Ontario Energy Board until requested to do so by the Regional Municipality of York and all affected local utilities.

In order to evaluate the reasons cited in the requests, this Branch requires that you submit the following:

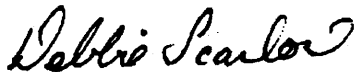
- a copy of the Draft Environmental Study Report, if you have not already done so;
- a summary of the issues and concerns that are raised in the bump-up requests;
- a description of Hydro One's actions in following the Class EA process for the Project as it relates to the requesters' issues and concerns (including the written account of discussions referred to above, if applicable); and,
- a detailed description, with any supporting documentation, of how these issues and concerns:
 - ▶ have been addressed through the Class EA process;
 - ▶ will be addressed through the implementation of the Project;
 - ▶ will be addressed through additional commitments; and/or,
 - ▶ will be addressed through other legislation or approvals required for the Project.

Please direct the above-requested material within **15 days of the end of Hydro One's public comment period**, to Ms. Debbie Scanlon of this Branch. Ms. Scanlon is available to assist you with your submission or to discuss your Project and can be reached at (416) 314-8259. If this time line does not provide sufficient time, please contact Ms. Scanlon to discuss alternative time lines.

I must also remind you that, with the bump-up requests having been submitted, Hydro One is free to continue planning the Project but can not implement any part of it, including site preparation, until the Minister has made a decision about the requests. Any violation of this provision is an offence under the EAA and may result in prosecution.

Thank you for your co-operation.

Yours sincerely,



for
Catherine Doherty
Manager, Client Services Section
Environmental Assessment & Approvals Branch

c: Mr. Bryan Tuckey, Commissioner Planning & Development Services, Regional Municipality of York
[REDACTED]
EA File No. EA03-12-03