



Appendix B Areas of Interest Table

Environmental Review Report

East Windsor Generation Facility Expansion Project

Capital Power Corporation

SLR Project No.: 241.030524.00024

July 2024

B.1 Ministry of the Environment, Conservation and Parks (MECP) Areas of Interest (v. August 2022)

MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
Planning and Policy	
<p>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.</p> <ul style="list-style-type: none"> 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). <p>The PPS (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.</p> <p>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.</p>	<p>Relevant report section: Appendix A (Screening Checklist), Table A-2 and Appendix D.1 (Land Use Planning Memo)</p> <p>The Planning Justification Screening Response Memo (MHBC 2024) reviewed the following relevant plans and policies and confirmed no conflicts with the proposed Project:</p> <ul style="list-style-type: none"> <i>Environmental Assessment Act</i>; <i>Planning Act</i>; Provincial Policy Statement; City of Windsor Official Plan; and City of Windsor Zoning By-law. <p>The land use planning review did not identify any inconsistencies with policies described within any of the above, including the Provincial Policy Statement. Further, the review discusses the municipal planning context, including the City of Windsor Official Plan. Federal planning policies are not applicable.</p>
Source Water Protection	
<p>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 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.</p> <p>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.</p>	<p>Relevant report sections: Section 5.1.2 (Existing Conditions: Surface Water), Section 2.6.3 (Environmental Management: Spill Prevention, Containment and Response) and Appendix A (Screening Checklist), Table A-1 and Table A-6</p> <p>The Project’s source water protection area is the Essex Region Source Protection Area. On April 3, 2024, the Essex Region Conservation Authority (ERCA)’s Risk Management Official (RMO) confirmed that the Project Site is located within an EBA and IPZ-2 for the A.H. Weeks Water Treatment Plant, where activities such as the handling and storage of liquid fuel in volumes greater than 15,000 L is identified as a Significant Drinking Water Threat. ERCA noted that as part of Site Plan Approval, the project would be screened by the City of Windsor Planners to determine a Notice to Proceed is required from the RMO office.</p> <p>Should it be determined that fuel of this volume will be necessary during or result from the Project, a Risk Management Plan will be required as well as further consultation with the RMO as part of the Site Plan Approval process. As the Project will not interact with surface water features, and a Risk Management Plan will be implemented if required, impacts to sources of drinking water and delineated vulnerable areas are not anticipated. Proper containment and spill prevention and contingency planning measures will also be put in place.</p> <p>There are no other vulnerable areas (e.g., WHPAs, HVAs, SGRAs, ICAs) located within the General Study Area (GSA).</p>



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
<p>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.</p>	<p>See above.</p>
<p>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.</p>	
<p>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.</p>	
<p>In order to determine if this Project is occurring within a vulnerable area, proponents can use this mapping tool: http://www.applications.ene.gov.on.ca/swp/en/index.php. 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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	<p>Relevant report sections: Section 4.5.4 (Agency Engagement: Essex Region Conservation Authority) and Appendix C (Record of Engagement) ERCA's April 3, 2024 correspondence is included in the report sections noted above. Capital Power will continue to engage with the RMO as part of the Site Plan Approval process.</p>



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
Climate Change	
<p>The MECP expects proponents of Projects under a Class EA or EA Act Regulation to:</p> <ol style="list-style-type: none"> 1. Consider during the assessment of alternative solutions and alternative designs, the following: <ol style="list-style-type: none"> 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). <p>Include a discrete section in the report detailing how climate change was considered in the EA.</p>	<p>Relevant report sections: Section 6.4 (Effects Assessment: Greenhouse Gas Emissions), Section 6.10 (Effects Assessment: Climate Change Risk), Appendix A (Screening Checklist), Table A-3 and Table A-9, Appendix D.8 (Greenhouse Gas Assessment), and Appendix D.10 (Climate Change Resilience Assessment)</p> <p>Climate change considerations have been assessed against the MECP guideline "Considering Climate Change in the EA Process" (2017). An assessment of greenhouse gas (GHG) emissions and impacts followed Ontario Regulation (O. Reg.) 390/18, Greenhouse Gas Emissions - Quantification, Reporting and Verification (MECP 2022) and Canada's Greenhouse Gas Quantification Requirements (ECCC 2022), which aligns with the GHG Protocol developed by the World Resources Institute (WRI), the World Business Council for Sustainable Development (WRI 2015), and ISO-14064-1 and 14064-2.</p> <p>A GHG Assessment was completed for the Project (Appendix D.8). The findings of the GHG Assessment conclude that the Project is predicted to contribute ≤0.04% annually to the IESO's GHG projections for the Ontario electricity sector. No significant net adverse effects are predicted as a result of GHG emissions during Project construction and operation.</p> <p>A Climate Change Resilience Assessment (CCRA) was completed for the Project (Appendix D.1). The findings of the CCRA conclude that the Project is considered to be resilient to current and future climate events that may interact with the Project elements during its lifespan (25+ years). Overall, the design of the Project and its respective components are expected to limit the negative effects of climate events on the Project. Additionally, normal operation and maintenance procedures, health, and safety practices, as well as emergency risk management, are expected to adequately limit the current and future effects of climate change before high to very high consequences occur at the Project site.</p>
<p>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</p>	
<p>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.</p>	<p>The "Community Emissions Reduction Planning: A Guide for Municipalities" was reviewed for information purposes.</p>
Air Quality, Dust and Noise	
<p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description), Section 6.4 (Effects Assessment: Air Quality), Appendix A (Screening Checklist), Table A-3, and Appendix D.2 (Air Quality Assessment)</p> <p>Normal operation of the Project will generate air emissions. An Environmental Compliance Approval (ECA) (Air & Noise) application will be submitted for MECP approval for the Project. Project design and equipment selection is being undertaken in consideration of air emissions.</p> <p>An Air Quality Assessment (Appendix D.2) has been completed demonstrating that the Project will comply with provincial air emissions limits. The Emissions Summary and Dispersion Modelling (ESDM) report being completed for the ECA (Air & Noise) application will be completed in accordance with MECP guidelines.</p> <p>The Project is not anticipated to emit odours during any phase.</p> <p>This is not a road project. Existing access roads and parking will be used.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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. 	
<p>As a common practice, "air quality" should be used an evaluation criterion for all road projects.</p>	



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
<p>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.</p> <p>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 <i>Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities</i> report prepared for Environment Canada. March 2005.</p> <p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description), Section 6.6 (Effects Assessment: Noise), Appendix A (Screening Table), Table A-3, and Appendix D.3 (Noise Assessment)</p> <p>During construction, physical earthworks/soil disturbance will be required for the Project, and noise and dust emissions will be generated from the delivery of equipment and construction traffic. Standard management practices for dust suppression and control and preventing unnecessary equipment idling will be implemented to mitigate impacts to local air quality and noise emissions during construction-related activities.</p> <p>Normal operation of the Project will generate noise. An ECA (Air & Noise) application will be submitted for MECP approval for the Project. Project design and equipment selection is being undertaken in consideration of noise emissions.</p> <p>A Noise Assessment (Appendix D.3) has been completed demonstrating that the Project will comply with provincial noise limits at nearby sensitive receptors. The Acoustic Assessment Report (AAR) being completed for the ECA (Air & Noise) application will be completed in accordance with MECP guidelines.</p> <p>Project construction will be completed in accordance with local noise by-laws.</p>
Ecosystem Protection and Restoration	
<p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description), Section 5.6 (Existing Conditions: Natural Environment), Appendix A (Screening Checklist), Table A-4, and Appendix D.4 (Ecological Field Program Report)</p>
<p>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:</p> <ul style="list-style-type: none"> • 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; SWH (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. 	<p>An ecological site reconnaissance was undertaken for the Project (Appendix D.4) and the report documents existing conditions and potential Project impacts and mitigation measures. Potential Project interactions with the natural environment have been evaluated including natural heritage and hydrologic features.</p> <p>The Project will be setback a minimum of approximately 135 m from the Detroit River, the nearest waterbody. Potential impacts to natural heritage and hydrologic features will be avoided or mitigated through implementation of standard management practices (e.g., implementation of erosion and sediment control (ESC) measures, avoidance timing windows). The Project design also includes landscaping with native species to further mitigate visual effects.</p> <p>Section 2.0 describes how the Project has been designed entirely within the fenceline of the existing EWCC facility over manicured lawn. A Project Environmental Management Plan (PEMP) will be developed and will identify the standard construction management practices to be implemented. These measures will include those identified in the ERR and supporting documents prepared to date, and any mitigation commitments or conditions of approval associated with future permitting and approval processes. Implementation of the PEMP will be a requirement of the selected construction contractor.</p> <p>Both the ERCA and the MNRF were consulted. No MNRF interests were identified, and there are no ERCA permit requirements given the Project is sited outside ERCA regulation limits. Fisheries and Oceans Canada (DFO) was not contacted given there are no in-water or near-water works proposed.</p>
<p>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.</p>	
Species at Risk	
<p>The Ministry of the Environment, Conservation and Parks has now assumed responsibility of the Ontario Species at Risk (SAR) program. Information, standards, guidelines, reference materials and technical resources to assist you are found at https://www.ontario.ca/page/species-risk.</p>	<p>Relevant report sections: Section 5.6 (Existing Conditions: Natural Environment), Appendix A (Screening Checklist), Table A-4, and Appendix D.4 (Ecological Field Program Report)</p> <p>The ecological site reconnaissance (Appendix D.4) focused on Chimney Swift, Barn Swallow, and bats given the highly developed and urbanized Project Site. No SAR or suitable SAR habitat was identified within the Project Site. Therefore, no effects on SAR or SAR habitat are anticipated.</p>
<p>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 the next steps.</p>	<p>Acknowledged, this documentation was reviewed as part of the Environmental Screening Process for Electricity Projects (ESP).</p>
<p>For any questions related to subsequent permit requirements, please contact: SAROntario@ontario.ca</p>	



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
Surface Water	
<p>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.</p>	<p>Relevant report section: Sections 2.0 (Project Description), Section 5.6 (Existing Conditions: Natural Environment), Appendix A (Screening Checklist), Table A-1, and Appendix D.4 (Ecological Field Program Report)</p>
<p>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 ESP that includes:</p> <ul style="list-style-type: none"> • 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. 	<p>An ecological site reconnaissance was undertaken for the Project (Appendix D.4) and the report documents existing conditions and potential Project impacts and mitigation measures. Potential Project interactions with the natural environment have been evaluated, including hydrologic features. In summary, the Project will be setback a minimum of approximately 135 m from the Detroit River, the nearest waterbody, and no impacts on surface water features are anticipated. Therefore, the need for surface water takings and/or discharge is also not anticipated. Future permitting and approvals, including the ECA (Industrial Sewage Works (ISW)) and the PEMP will outline protection and mitigation measures to be implemented and will consider ESC, spill prevention, contingency planning, and response measures.</p> <p>The Project will be undertaken within the requirements of an approved Stormwater Management (SWM) Plan, which will be designed to meet all applicable MECP requirements and the ECA (ISW). The SWM design will consider Infill Development Criteria as outlined in the MOE's Stormwater Management Planning and Design Manual (March 2003) and will be in accordance with the City of Windsor standards. The SWM system for the Project will be governed by the ECA (ISW).</p>
<p>Any potential approval requirements for surface water taking or discharge should be identified in the report. A Permit to Take Water (PTTW) under the <i>Ontario Water Resources Act</i> (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 Environmental Activity and Sector Registry (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 ECA under the OWRA is required for municipal stormwater management works.</p>	
Groundwater	
<p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description), Section 5.2 (Existing Conditions: Groundwater), Section 6.2 (Effects Assessment: Groundwater) and Appendix A (Screening Checklist), Table A-1</p> <p>No impacts to water well supplies are anticipated, and no construction or decommissioning of water wells is required for the Project. Should construction or decommissioning of water wells be required, the appropriate reporting will be completed and will include reference to O.Reg. 903, Wells, under the OWRA.</p>
<p>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.</p>	<p>Localized excavations will be required during construction that have the potential to require dewatering, and piling foundations have potential to be installed at depths that will interact with groundwater. However, substantial dewatering is not anticipated to be required during construction, and any groundwater inflow into excavation works will be managed in accordance with the requirements outlined in the PEMP, which may include conditions of Project approval such as the ECA (ISW). Dewatering volumes will be managed to stay below permitting thresholds of 50,000 litres per day. If the need for water-taking beyond this threshold is encountered, the EASR or Permit to Take Water (PTTW) process for construction dewatering will be undertaken in accordance with O. Reg. 63/16.</p>
<p>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.</p>	<p>Spill prevention and contingency planning for the construction phase will be incorporated in the PEMP. For operations, spill containment systems will be built into the Project design where applicable, and a Spill Prevention and Contingency Plan will also be developed prior to operation and will contain all required information as outlined in section 91.1 of the EPA and O. Reg. 224/07.</p>
<p>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.</p>	<p>No impacts to groundwater-dependent natural features are anticipated.</p>
<p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description), Section 5.2 (Existing Conditions: Groundwater), Section 6.2 (Effects Assessment: Groundwater), and Appendix A (Screening Checklist), Table A-1</p> <p>Dewatering excavation calculations indicate the radius of influence for any dewatering would be minimal and not expected to extend to distances outside of the Project Site. Therefore, no interaction with groundwater is anticipated within the vicinity of the CN railway line.</p>



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
Excess Materials Management	
<p>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.</p>	<p>Relevant report sections: Section 2.0 (Project Description) and Section 2.6 (Environment Management) Excavated soil will remain on-site where possible. Any excess soil required to be moved off-site will comply with O. Reg. 406/19 and current MECP guidelines. A PEMP will be developed to ensure all waste generated during construction is disposed of in accordance with ministry requirements. Licensed contractors will be retained for on-site treatment of wastes or hauling of waste to licenced private landfill(s).</p>
<p>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) and MECP’s current guidance.</p>	
<p>All waste generated during construction must be disposed of in accordance with ministry requirements</p>	
Contaminated Sites	
<p>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; ECA information for waste disposal sites on Access Environment.</p>	<p>Relevant report sections: Sections 2.0 (Project Description), Section 5.3.4 (Existing Conditions: Contaminated Sites) and Appendix A (Screening Checklist), Table A-2 A Phase I and II Environmental Site Assessment (ESA) was undertaken prior to construction of the existing EWCC for the Capital Power-leased portion of the Ford Powerhouse property (Dillon 2007a). Elevated levels of petroleum hydrocarbon fraction F4 was identified at one borehole location and elevated metals at a second borehole. At the time of the ESA, recommendations included further sampling and removal of impacted soil during construction of the EWCC. These borehole locations are within the existing facility footprint, in areas that were excavated to install the existing EWCC facility infrastructure. There are no known contaminated areas on the Capital Power-leased or owned land and no areas undergoing remediation. According to the Federal Contaminated sites inventory, there are no identified suspected, active, or closed contaminated sites within the GSA (Government of Canada 2023a). The existing EWCC SWM system utilizes an in-ground (underground) stormwater storage tank. This underground system is subject to the terms and conditions of the facility’s ECA (ISW), including ongoing monitoring requirements. The Project SWM will be integrated into the existing SWM. Spill prevention and contingency planning for the construction phase will be incorporated in the PEMP. For operations, spill containment systems will be built into the Project design where applicable, and a Spill Prevention and Contingency Plan will also be developed prior to operation and will contain all required information as outlined in section 91.1 of the EPA and O. Reg. 224/07. Any interactions with excess and/or potentially contaminated soils will follow all characterization and/or testing protocols and disposal requirements as per O. Reg. 406/19: Onsite and Excess Soil Management, MECP’s guideline “Management of Excess Soil – a Guide for Best Management Practices” and O. Reg. 153/04, Records of Site Condition.</p>
<p>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).</p>	
<p>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.</p>	
<p>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. Consideration of potential environmental contamination should be given following regulatory guidance where the Project involves decommissioning of facilities. Please contact the appropriate MECP District Office for further consultation if contaminated sites are present.</p>	
Servicing, Utilities and Facilities	
<p>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.</p>	<p>Relevant report section: Section 2.0 (Project Description) and Appendix A (Screening Checklist), Table A-1 The Project will make use of some existing infrastructure, including tying into the existing EWCC high-voltage Hydro One transmission (interconnection) line to avoid the need for a new connection to the provincial electricity grid. The Project will tie-in to existing infrastructure for natural gas supply. Applicable approval processes are underway. Temporary servicing during construction may include power and internet connection from local service providers if not available from the existing EWCC. No other interaction with utilities or services is anticipated. The Project is subject to Site Plan Approval by the City of Windsor, which will include addressing the requirements of all City departments, including emergency services. ECAs (ISW and Air & Noise) are in place for the existing EWCC and will be required for the Project. Consultation with the MECP is ongoing.</p>
<p>The report should identify any servicing infrastructure in the study area such as wastewater, water, stormwater that may potentially be impacted by the Project.</p>	
<p>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 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.</p>	



MECP Area of Interest	Consideration in the Environmental Screening Process for Electricity Projects
<p>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.</p>	<p>Relevant report section: Appendix A (Screening Checklist), Table A-2 and Appendix D.1 (Land Use Planning Memo) No land use conflicts have been identified related to wastewater, pipelines, landfills, or industrial uses.</p>
Mitigation and Monitoring	
<p>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.</p>	<p>Relevant report section: Section 2.5 (Project Activities), Section 2.6 (Environmental Management) and Section 7.0 (Summary and Conclusion) A PEMP will be developed and will identify the standard construction management practices to be implemented. These measures will include those identified in the ERR and supporting documents prepared to date, and any mitigation commitments or conditions of approval associated with future permitting and approval processes. Implementation of the PEMP will be a requirement of the selected construction contractor. Table 7.1 provides a summary of the Project commitments regarding mitigation and impact management.</p>
<p>Design and construction reports and plans should be based on a best management approach that centers on the prevention of impacts, protection of the existing environment, and opportunities for rehabilitation and enhancement of any impacted areas.</p>	
<p>The proponent's construction and post-construction effects monitoring strategies and programs must be documented in the report.</p>	
Consultation	
<p>The report must demonstrate how the consultation provisions of the ESP 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).</p>	<p>Relevant report section: Section 4.0 (Consultation and Engagement) and Appendix C (Record of Engagement) The engagement program results are summarized in Section 4.0 and the full Record of Engagement is available in Appendix C, including the Project mailing/distribution list.</p>
<p>Please include the full stakeholder distribution/consultation list in the documentation.</p>	
Environmental Screening Process	
<p>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.</p>	<p>Relevant report section: Section 3.0 (Assessment Methods and Scope) Section 3.0 describes the assessment methods and scope, including an overview of the planning process that was followed to complete the Environmental Review process.</p>
<p>The Environmental Screening Process requires the consideration of the effects of each alternative 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.</p>	<p>Relevant report sections: Section 1.2 (Purpose of the Project), Appendix A (Screening Checklist) and Appendix D (Technical Supporting Documents) Section 1.2 describes the consideration of Project alternatives in context of the Independent Electricity System Operation (IESO) procurement process. Appendix A identifies potential effects on all aspects of the environment and identifies where further studies were warranted. Technical supporting studies are summarized in the ERR and included as Appendix D.</p>
<p>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.</p> <ul style="list-style-type: none"> 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. 	<p>Relevant report section: Section 1.4 (Regulatory Framework) Capital Power voluntarily undertook the Environmental Review stage of the ESP for this Project. The ERR addresses the screening criteria under Appendix A, and further documents the findings of the detailed technical studies in Section 6.</p>



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<p>Please include in the report a list of all subsequent permits or approvals that may be required for the implementation of the preferred alternative, including but not limited to, MECP's PTTW, EASR Registrations and ECAs, conservation authority permits, SAR permits, MTO permits and approvals under the <i>Impact Assessment Act</i>, 2019.</p>	<p>Relevant report section: Section 1.4 (Regulatory Framework) and Section 7.3 (Summary of Commitments) Section 1.4 summarizes the regulatory framework for the Project under the EA Act. Table 7-1 summarizes requirements for mitigation and monitoring for the construction and operational phases of the Project, including listing subsequent permits and approvals that will be required</p>
<p>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.</p>	<p>Relevant report section: Section 4 (Engagement) A Draft ERR was provided to Indigenous communities and the MECP for review and comment prior to preparation of the final ERR issued for the formal review period.</p>
<p>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.</p>	<p>Relevant report section: All The MECP's guidelines and other related information have been reviewed and referenced throughout the ERR as applicable.</p>
<p>Once the 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.</p>	<p>Relevant report sections: Section 4.9 (Notice of Completion) and Appendix C (Record of Engagement) Section 4.9 summarizes the Notice of Completion process and Appendix C provides the associated Record of Engagement.</p>
<p>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 <i>Environmental Assessment Act</i> (an individual EA). If the Minister requires an individual EA, the proponent will be informed in writing, stating reasons for the decision.</p>	<p>Relevant report section: Section 1.4 (Regulatory Framework), Section 4.9 (Notice of Completion) and Appendix C (Record of Engagement) Section 1.4 outlines the process for the public to make an elevation request. Section 4.9 summarizes the Notice of Completion process and Appendix C provides the associated Record of Engagement. Additionally, the Notice of Completion summarizes the elevation request process as per the 2024 version of the MECP's Guide to Environmental Assessment Requirements for Electricity Projects, including providing the Minister and Director of the MECP contact information.</p>
<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Relevant report section: Appendix C (Record of Engagement) Noted. The Notice of Completion will be included in Appendix C of the Final ERR. The elevation request process will be followed in accordance with the 2024 version of the MECP's Guide to Environmental Assessment Requirements for Electricity Projects.</p>
<p>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:</p> <p style="text-align: center;"> Director, Environmental Assessment Branch Ministry of Environment, Conservation and Parks 135 St. Clair Ave. W, 1st Floor Toronto ON, M4V 1P5 EABDirector@ontario.ca </p>	
<p>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.</p>	

