



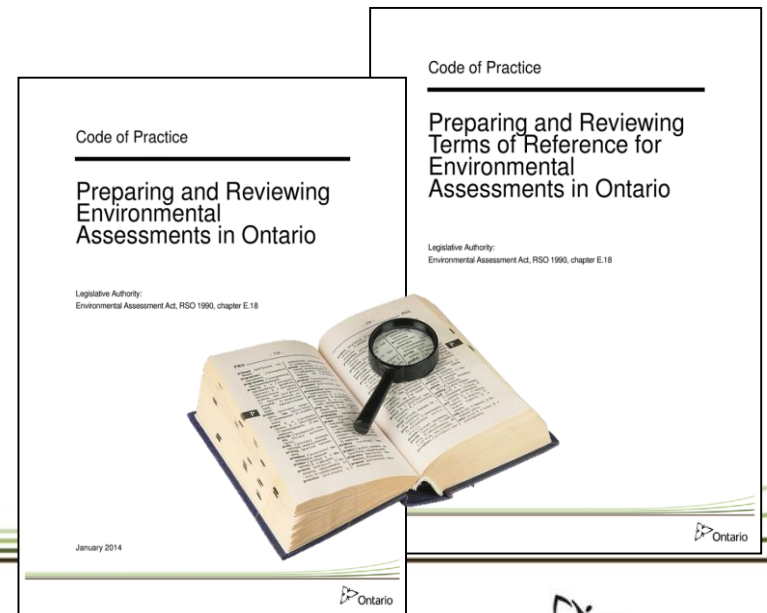
**The Codes of Practice for
Preparing and Reviewing Terms of Reference and
Environmental Assessments**

Ontario Association for Impact Assessment Annual Conference

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Purpose

- To provide environmental assessment (EA) practitioners with useful information to consider during the preparation of Terms of Reference (ToR) and individual EAs
- To provide clarification on requirements in the Codes of Practice



Key Requirements

- Problem or Opportunity
- Study Area
- Generic and Focused EAs
- Reasonable Range of Alternatives
- “Do Nothing”
- Systematic Evaluation of Alternatives
- EA Process Timelines

ToR Versus EA

- The ToR is a framework/work plan that outlines:
 - What will be studied in the EA
 - Consultation activities that will be carried out
 - A general snapshot of the baseline environment within a broad study area.
- The ToR is flexible and documents how EA decisions will be made.
 - Fewer predetermined decisions at the ToR stage facilitates ToR approval.
- **It is important to have a pre-consultation meeting with ministry staff to go over ToR requirements as this will define the path through the EA process.**

Problem or Opportunity

What (action) prompted the initiation of the EA process?

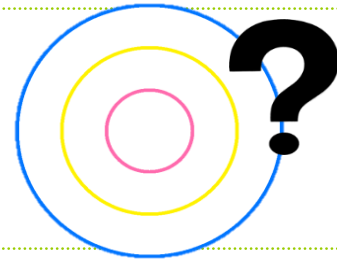
- Municipality - required to provide a service
 - Problem: Running out of landfill space
 - Need: Additional waste disposal capacity
- Private Proponent - business purpose/economic opportunity
 - Opportunity: To continue providing waste disposal services as a result of continued demand for this service



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Reference: Section 2, ToR Code of Practice; Section 4.2.1, EA Code of Practice

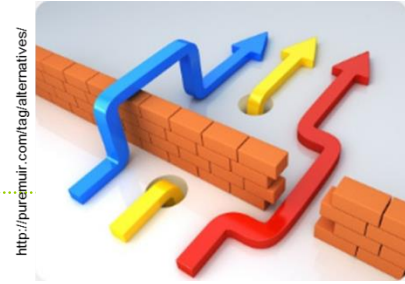
Study Area



- Study areas can be developed for each “alternative to” or “alternative method”, or for each component of the environment (e.g. technical discipline)
- Should cover all environmental direct and indirect effects
- Include a description of how and why the study areas were chosen
- **Define study areas in consultation with government agencies, Indigenous communities and interested members of the public.**

Reference: Section 5.2.6 ToR Code of Practice; Section 4.2.3 EA Code of Practice

Generic and Focused EAs



There are two options for preparing an individual EA:

- **Generic** – EA evaluates a reasonable range of both “alternatives to” and “alternative methods” (public sector proponents).
- **Focused** – A predetermined “alternative to” has been identified in the ToR and the EA evaluates a reasonable range of “alternative methods” (private sector proponents).

The approach to assessing alternatives should be discussed with the Project Officer prior to the submission of the ToR.

Reference: Sections 4.1.2, 5.2.2 & 5.2.5 ToR Code of Practice; Section 4.2.2, EA Code of Practice

Reasonable Range of Alternatives

- A reasonable range of “alternatives to” should be considered (i.e., address problem/opportunity; able to implement)
- There should be a clear rationale for scoping/limiting the “alternatives to” that will be examined during the EA – can be discussed with the Project Officer prior to submission of the ToR

Example: Waste Management

Alternatives to: thermal treatment; waste export; landfilling; diversion

Alternative methods:

- Thermal Treatment - mass-burn incineration, pyrolysis, gasification
- Waste Export - to another facility within the region, outside the province, out of the country
- Landfilling - expand existing site, develop a new site, multiple sites
- Diversion - Materials Recovery (recycling) Facility, at-source separation, organics/composting facility, education/outreach, on-site diversion

Reference: Sections 4.1.2 & 5.2.5, ToR Code of Practice; Section 4.2.2, EA Code of Practice

Do Nothing

- Should be considered as the benchmark against which the advantages and disadvantages of the alternatives being considered can be measured and compared throughout the EA.
- “Alternatives to”, “alternative methods”, and the preferred undertaking should be assessed against “Do Nothing”.

Reference: Section 5.2.5, ToR Code of Practice



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Systematic Evaluation of Alternatives

- The Codes of Practice provide an example of the assessment and evaluation process.
- **Consult early with key agencies to avoid issues during final EA review**
 - **Have discussions at the ToR stage to ensure that the proposed EA method is appropriate**
 - **During the development of the draft EA, proponents share the proposed method with MOECC and key agencies for review and to seek input**
 - **Suggest that during/after draft EA comment period, proponents proactively set up a meeting with MOECC and key agencies to provide an overview and walk-through presentation of the method**
- The method chosen should meet provincial EA requirements (e.g. comparison of advantages and disadvantages, consideration of all positive and negative net effects).

Reference: Section 5.2.7, ToR Code of Practice; Sections 3.1.4 & 4.2.4, EA Code of Practice

Advantages and Disadvantages

- Environmental effects can be both:
 - Positive and negative
 - Direct and indirect.
- Effects are determined by comparing alternatives with the “Do Nothing” benchmark.
- Distinguish trade-offs between “alternatives to” and “alternative methods” based on net effects (residual effects after mitigation).



Reference: Section 4.2.4, EA Code of Practice

EA Process Timelines

- The regulated review timelines are outlined in the Deadlines Regulation (O. Reg. 616/98).
- Discuss requirements and review times with the Project Officer; budget sufficient time in your project schedule.
- Resolve issues or concerns on the draft ToR/EA before submitting the final ToR/EA.
 - Allow sufficient time between the submission of the draft and final documents to avoid missing concerns and repeat comments from reviewers – concerns that are not addressed may result in delays (i.e., deficiency statement, amendments or withdrawal).
 - Prepare responses to draft EA comments and share them with commenters (especially government agencies and Indigenous groups); set up meetings with commenters to discuss how to best address comments – the Project Officer is available to facilitate.
 - Resolving issues outside of the regulated deadlines may avoid the need for amendments and extensions for the ministry Review.
 - Documenting decision-making in a clear, logical and traceable manner facilitates the review of ToRs and EAs – less back and forth between reviewers for clarification.
 - Provide a concordance table in the EA to demonstrate how the commitments in the ToR were addressed in the EA and where.

Reference: Sections 3.1, 7 & 8, ToR Code of Practice; Sections 2.1, 4.4 & 6, EA Code of Practice

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