

ENV1283MC-2006-3922

October 3, 2006

Ms. Adriana Mugnatto-Hamu, Secretary
Toronto Energy Coalition
18 Victor Avenue
Toronto ON M4K 1A8

Dear Ms. Mugnatto-Hamu:

Thank you for your September 19, 2006 letter to the Minister of the Environment about the Portlands Energy Centre (PEC) environmental assessment approval process. I am pleased to reply on behalf of the Minister and provide the following information to clarify the elevation request provisions of the Environmental Screening Process. (ESP)

On November 15, 2003, at the completion of the ESP, the proponents published a Notice of Completion and there was a 30-day public and agency comment period, which ended on December 15, 2003. It is only during this comment period that requests to elevate the project to an individual environmental assessment were considered.

Under the ESP, the Director has the authority to decide whether or not to elevate a project. After the Director's decision there is a 15-day appeal period, in which elevation requests can be made to the Minister of the Environment. On July 14, 2004, the elevation requests were denied. Upon notification of that decision, requesters had 15 days to ask the Minister to review the decision. The Minister received 16 requests to review the decision to not require an individual environmental assessment. On November 30, 2004 the Minister confirmed the decision to not elevate the project. Both decisions were based on there being sufficient commitments in the ESP to protect the environment and human health. Once the decision was made by the Minister the project was authorized to proceed.

I would like to assure you that the ministry received and considered the information in your August 15, 2006 and September 19, 2006 letters; however, these letters cannot be considered in the context of the elevation provision of Ontario Region 116/01 and the associated appeal process. The 15-day appeal period was not triggered by your original letter or the ministry's response. Your request to elevate the project to an individual environmental assessment cannot be considered because there is no statutory authority to reconsider a decision to deny an elevation request or to require the proponents to complete an individual environmental assessment for this undertaking.


...2



Ms. Adriana Mugnatto-Hamu
Page 2.

Should you have any further questions about the environmental assessment process for the PEC please contact Hayley Berlin, Project Officer at the Environmental Assessment and Approvals Branch at 416-314-7106.

Yours sincerely,



James O'Mara
Director
Environmental Assessment & Approvals Branch