

J. D. Allan
Executive Vice-President

The Steel Company
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July 7, 1975

TO: All Members of the Standing Committee on Resources Development

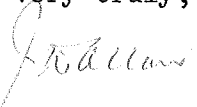
Dear Sirs:

In connection with your Committee's deliberations on Bill 14, The Environmental Assessment Act, 1975, we are attaching for your information and, we hope, your support, a copy of this Company's submission to the Honourable W. C. Newman dated May 7, 1975.

From our review of the second reading of Bill 14, it is apparent that few of the changes which Stelco recommended have been adopted. What gives us further specific concern, however, is the fact that on second reading, new provisions have been introduced permitting any member of the public to make submissions and to automatically require a hearing of the board by giving notice thereof. We do not quarrel with the right to make submissions. In our view, however, the automatic right to require a hearing by the board is a provision which can only serve to create further delays in an already lengthy procedure. As mentioned in our previous submission, such additional delays will have, we believe, a substantially negative impact on economic growth within the province.

We would very much appreciate your careful consideration and support of the above position and the various comments set forth in this Company's previous submission.

Yours very truly,


J. D. Allan
Executive Vice-President

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Enc:

J. P. Gordon
President & Chief Executive Officer

The Steel Company
of Canada, Limited

DELIVERED

May 7, 1975

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The Honourable W. C. Newman
Minister of the Environment
14th Floor
135 St. Clair Avenue West
Toronto, Ontario
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Dear Mr. Minister:

We commend you for the timely introduction of Bill 14, The Environmental Assessment Act. This Company has always been, and continues to be, vitally concerned with environmental matters and, as stated to your predecessor in our submission on the Green Paper on Environmental Assessment, there is no question whatsoever as to the need for environmental assessment.

While Stelco has no fundamental objection to many of the concepts contained in Bill 14, we are substantially concerned that the legislation as currently drafted will have a largely negative impact on economic growth within the Province. By way of general observation, a review of the various provisions of Bill 14 leads us to the reluctant conclusion that the additional delay and increased expenditure to which industry will be exposed to insure compliance with the legislation will outweigh the overall advantages to be derived therefrom.

More specifically, we would draw your attention to the following provisions which, in our view, require amendment:

Section 5 (3)

We are concerned that this section as currently drafted, places an altogether unwarranted onus on the proponent of an undertaking to conduct an environmental assessment of several different sites and of several different methods

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of producing its product on the selected site. The implications of such requirements are staggering in terms of delay and expense and will, we submit, effectively preclude submissions under the Act from all but the most affluent of companies. It is recommended, therefore, that those provisions in Section 5.3 requiring a proponent to provide a description and evaluation of alternatives to the proposed undertaking be reworded to recognize that the evaluation of alternatives will be limited in scope and detail, as compared to the more complete evaluation required for the final site and method of production. Additionally it is submitted that the requirement to evaluate alternatives must be confined to viable or acceptable alternatives as measured in economical, geographical, physical or technological terms of reference as determined by the proponent.

Sections 7. (1) and 18 (14)

We are further concerned about the potentiality for delay resulting from the application of these provisions. We fully recognize the inherent difficulty in stipulating time limitations but in our view, amendments to these specific sections would substantially alleviate some of our basic concerns.

We would submit that under Section 7 (1), that the Minister ought fairly to be required within 60 days to cause a review of the assessment to be prepared and to give the various notices therein required. The effect of such an amendment would be to insure that the initial stage in the assessment process be accomplished without undue delay.

In connection with Section 18 (14) of the draft legislation, it is in our view totally unrealistic that a two-stage Board procedure be adopted whereby those members conducting a hearing are required to submit a draft report to the full Board which in turn may adopt that report with or without changes or reject the draft report as it sees fit. In this connection, it is further observed that subclause (c) of subsection 14 empowers the full Board to require the holding of additional hearings in the event that it shall reject the draft report. This protracted procedure is, in our view, entirely unnecessary and unwarranted and is a substantial deviation from, say, the procedure governing such other administrative tribunals as the Ontario Municipal Board. In summary, it is recommended that subsection 14 of Section 18 of the draft legislation be deleted and that the report of the members of the Board conducting the hearing should constitute the Board's report.

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Section 7 (2)

We are distressed by the provisions of Section 7 (2) that empower "any person" to make submissions to the Minister with respect to the environmental assessment of an undertaking and the review thereof. Stelco fully recognizes the necessity, and in fact, desirability of permitting representations from properly constituted conservationist and environmental bodies. We are seriously concerned, however, that to permit "any person" to make submissions simply provides a ready outlet for frivolous representations and thereby fosters an additional delay in an already lengthy process.

Section 14

It is our respectful submission that consideration be given to a conceptual change to this section. It is our view that the preamble to this section should be amended to limit the discretionary power conferred therein and should stipulate that in situations where the Minister has accepted an environmental assessment of an undertaking, he shall be required to give his approval thereto unless such undertaking would have an unduly detrimental effect upon the environment.

Section 17

We would draw your specific attention to the provisions of Section 17 which, we submit, require substantial amendment. As the section is currently drafted, even a very minor "change" not in accordance with the Minister's approval would require a further assessment. We cannot believe that this is the Ministry's intention and we would submit, therefore, that the section be amended to stipulate that a further assessment be required only in those instances where there has been a significant change in scope or concept. We fully appreciate the difficulty of definition inherent in our recommendation but it is our view that the vast majority of "changes" that would be made by a proponent subsequent to the Minister's approval are not the sort of "changes" which should require a new assessment.

In conclusion, it is our considered view that the foregoing amendments to Bill 14 are assential in order that the legislation give proper balance to the legitimate concerns and aspirations of all of the people of this Province.

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All of which is respectfully submitted.

Most sincerely,

J. PETER GORDON
President and Chief Executive Officer

JPG:ss

Copy to:

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Minister of Treasury, Economics and
Intergovernmental Affairs

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The Honourable A. Grossman
Provincial Secretary for Resources Development

Room 180
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The Honourable D. Timbrell
Minister of Energy

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The Honourable C. F. Bennett
Minister of Industry and Tourism

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The Honourable L. Bernier
Minister of Natural Resources

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