

Environmental Law Presentation Ottawa – Environmental Approval Modernization And Renewable Energy-Practical Considerations

On Wednesday, May 11, 2011, the Ottawa Region held an OBA Professional Development Seminar that attempted to capture the full spectrum of environmental approvals for green energy and non green energy approvals. The non green energy approval program concentrated on the upcoming modernization of approvals that will have widespread and significant impact on the approval process. The green energy approvals program concentrated on user experience with green energy approvals, both under the Renewable Energy Approvals and the FIT and and MicroFIT programs with respect to green energy projects of differing scopes and sizes.

Marcia Wallace, MOE Director of the Modernization of Approvals Project presented the Ministry's broadreaching changes to environmental approvals, which will be underway as early as this Fall. She emphasized that the goals of the new streamlined approach are to make the approvals process simpler, more certain, more accessible and more transparent to the public while protecting the privacy of businesses. She indicated that a sizable amount of Freedom of Information requests pertain to environmental approvals, which will now be available online. The new Environmental Activity and Sector Registry (EASR), as well as some select other tools, are scheduled to come online in September, 2011, with more online tools being available in 2012.

Wesley Johnston, the Director of Policy and Research for the Canadian Solar Industry Association presented a user perspective on the green energy approvals. CANSIA is a trade organization which advocates for the solar industry and represents 700 businesses. Mr. Johnston indicated that as recently as 2008 most solar power was utilized for off grid activities, but the implementation of the Green Energy Act in 2009 changed the landscape dramatically. Since that Act, solar capacity in Ontario has more than tripled and over 30 companies have been founded in the province devoted to this activity. Ontario is now second in solar installations in North America, behind only California. Mr. Wesley highlighted a number of difficulties and bottlenecks in the REA process, which were a great interest to the Ministry.

Paul Fritz-Nemeth is the President of a local company, Qualium Corporation, which is involved in smaller scale MicroFIT and FIT programs of a scale that local businesses might be in a position to engage in. His helpful insights described a user's view of the approvals process and many of the false impressions that the public has of the green energy industry. Mr. Fritz-Nemeth recommended modest reforms including simplifying the overly technical language used in Government applications, improved communications pertained to wait times and ques, and a system to better identify established and reputable companies, as opposed to the growing number of fringe players without any real qualifications.

The audience consisted of the local Bar and engineering firms who gained valuable insight into approvals, as a result of these interesting presentations.