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Manitoba Clean Environment Commission

Hearing Process Generalized Timelines

2 weeks to review and prep. materials	Receive Mandate and Terms of Reference from the Minister of Conservation Receive Participant Assistance allocation
30 days	Call for Participants and announce Participant Assistance Program (PAP)
1-2 months	Select Panel and Participant Assistance Program Committee Assess applications PAP meetings and recommend funding
2-4 months	Panel reviews materials Engage Experts Identify and distribute materials to Participants Review materials <ul style="list-style-type: none">• 1 round of Interrogatories• 2nd round of Interrogatories if needed
30 days	Pre Hearing Conference, if required Once all materials are acceptable to all parties then hearing sitting is called 30 days notice to public
1-month	Hearing 2 -3 weeks. <ul style="list-style-type: none">• Depends upon the complexity of the issue and whether there are necessary adjournments, motions, requests for more information etc. Could be and is often longer.
90 days	Once the hearing concludes the Panel has 90 days to provide a report and recommendations to the Minister of Conservation.

Proponents' Guide

to the

Clean Environment
Commission

Hearing Process



The Hearing Process

After review of a licensing proposal by the Environmental Assessment and Licensing Branch (EAL) of Manitoba Conservation, the Director may recommend the Minister call a public environmental hearing.

Once a hearing is called, the Minister provides the Clean Environment Commission (CEC) with the Mandate, Scope and Terms of Reference for the hearing. It is at this time the official hearing process begins.

Participation

Once the hearing has been called and the Terms of Reference have been provided, the Commission then calls for "Participants" or interveners. If Participant funding is also available then this may be announced at the same time. Approximately 2 weeks are required to review the Terms of Reference, prepare materials for the media and update the Commission website. The public then has 30 days to respond with their applications.

The Commission forms a Participant Assistance Program (PAP) Committee to review applications for funding. The Committee, the Proponent and the Director of EAL Branch hear presentations from the potential funded Participants regarding their issue(s) of concern to be addressed at the hearing as well as, justification for the funds requested.

The PAP Committee deliberates on the information, based on the Participant Assistance Program Guidelines, and develops recommendations for Participant funding to the Minister. The Minister then initiates a Provisional Order for funding, whereby the Proponent provides funds for the Participants to prepare their representation.

Commission Contact

Contact with the CEC by the Proponent, or Participants will be through the Secretary to the Commission and will only relate to procedural matters. Substantive matters regarding the proposal must be discussed in a forum with all parties.

Hearing Panel-Proposal Review

A hearing Panel is selected from the roster of CEC Commissioners. The Panel begins its review of the proposal with the assistance of experts. These independent experts assist the Panel with the interpretation of the technical information. Often there are conflicting views/interpretations between materials provided by the Proponent and those provided by Participants. Experts engaged by the Commission help to ensure that the best science and complete information are being used and interpreted appropriately.

A round of interrogatories may be arranged whereby the Participants and the CEC Panel ask questions of clarification from the Proponent. These interrogatories are vetted through the Panel to minimize repetition and to ensure the issue addressed is relevant to the hearing. The Proponent then provides responses to all Participants, the Panel and any others that the Panel deems appropriate.

Depending on the nature and depth of the information, further interrogatory sessions may be required. Pre-Hearing conferences or meetings may also be required to facilitate the exchange of information and/or to address procedural and scheduling matters.

Once all materials are acceptable to all parties; this does not mean that all have to agree to the conclusions but that all submitted materials are relevant and supportive of the differing positions, then the hearing sitting is called.

The Hearing

The hearing dates and times are usually provided to the public 30 days prior to the start of the hearing. During this time, citizens who wish to speak at the hearing are asked to register.

A minimum of two weeks prior to the beginning of the hearing, final submissions by all parties are circulated. This information is the basis of the presentations to be heard at the hearing and cannot be substantially altered before the hearing. If new information comes to light that will substantially alter the course of the hearing, the Panel should be advised as soon as possible as a delay or adjournment may be required.

The length of the hearing is dependent upon the complexity of the issue or the magnitude of the proposal being reviewed. In general, 2-4 weeks are required for smaller projects and 5 or more weeks may be required for larger projects.

The Report

Once the hearing concludes the panel has 90 days to complete a report and provide recommendations to the Minister.

Timeline

In general, a Clean Environment Commission Hearing, from start to finish, will take upward of 6 months. Actual length will depend upon the complexity of the project, the level of public interest and geographical scope. Representation of a generalized timeline and required activities is provided on the back of this brochure.