

Administrative Amendments to the EAA

Other amendments to the EAA are proposed to ensure a seamless transition to a modern EA program, and to address matters that have impacted the effectiveness of the program.

Deficiency statements:

- Currently, the EAA requires a proponent to address deficiencies within 7 days if a Deficiency Statement is issued by the Director.
- **Proposed amendment:** Provide flexibility to address deficiencies within 7 days or such other period as may be provided, given that it often takes more than 7 days to fully address deficiencies.

Project changes:

- Currently, the EAA states that a change to an undertaking is a new undertaking, and current practice has been to allow some changes through amending procedures in approved EAs.
- **Proposed amendment:** Clarify that the Notice of Approval of an EA can outline amending procedures to address changes to a project. This will provide clarity to proponents on when and how changes to a project can be made post-approval.

Ministry Review deadlines:

- Currently, the EAA states that the Director can extend the deadline for the completion of the Ministry Review (a public document which provides the ministry's assessment of whether the EA meets the requirements of the Act) in certain circumstances.
- **Proposed amendments:** Provide that the circumstances in which the deadline can be extended can be further outlined in regulation, to better reflect the procedural/administrative nature of these matters.

Liability provisions:

- Update liability provisions to reflect more modern provisions in other legislation.

Regulation making authority:

- Update regulation making authority to be consistent with and enable other proposed amendments and to provide for transition.

Consequential amendments

If amendments to the EAA to modernize Ontario's EA process are passed and proclaimed, amendments to other statutes would be required. MECP has worked with affected ministries to develop amendments to other statutes as needed to implement the proposal.

The following is a list of the affected statutes and the consequential amendments proposed. The Acts requiring amendments fall within one of three groups. These amendments do not make other changes to these Acts or alter any other environmental protections they may provide.

Group 1: Acts with unneeded provisions

The following Acts all include a provision that state or clarify that the plans, guidelines, strategies, policy statements, etc. made under these Acts are not subject to the current EAA. Under the modernized EA framework, these provisions will no longer be necessary, as everything that does need an EA will be specified in a Project List regulation. These amendments would come into force upon proclamation.

- Resource Recovery and Circular Economy Act, 2016
- Clean Water Act, 2006
- Cap and Trade Cancellation Act, 2018
- Endangered Species Act, 2007
- Far North Act, 2010
- Great Lakes Protection Act, 2015
- Lake Simcoe Protection Act, 2008
- Places to Grow Act, 2005
- Public Lands Act
- Housing Services Act, 2011
- Electricity Act, 1998

Group 2: Acts making proponents/activities subject to the EAA

The following Acts include provisions that make certain corporations subject to the EAA.

- Capital Investment Plan Act, 1993
- Metrolinx Act, 2006
- Highway 407 Act, 1998

Group 3: Acts needing numbering adjustments to align with numbering in the proposed EAA amendments

The following Acts require amendments to ensure that references to the EAA are aligned with the numbering in the proposed EAA amendments.

Administrative amendments to the *Environmental Assessment Act* and Consequential amendments

- Environmental Protection Act
- Safe Drinking Water Act, 2002

Group 4: Acts requiring amendments to align with modernized EAA policy decisions

The **City of Toronto Act, 2006** currently exempts the North York Performing Arts Centre Corporation from the EAA. A modernized EA program would maintain the exemption.

The **Environmental Bill of Rights, 1993 (EBR)** will be amended to ensure that proponents are not required to undertake duplicative processes through the EAA and the EBR under a modernized EA program. The amendments would also address EAA exemptions that were created by Bill 108 (More Homes, More Choice Act, 2019). The amendments would also provide that Part II of the EBR did not apply to the proposal for the amendments in the ministry's Schedule to the Bill. This provision will be repealed 30 days after Royal Assent by another provision in the amendments.

The **Planning Act** currently states that energy projects by Hydro One and Ontario Power Generation that are approved under the EAA are exempt from the Planning Act. Consequential amendments are necessary to bring language in line with updated terminology in the new EAA. The policy of this exemption is under review and future changes may be proposed.

Kawartha Highlands Signature Site Park Act, 2003 states that the EAA applies to any undertaking proceeding in the park. This provision will be repealed on proclamation. If an exempting regulation for parks is made, we anticipate this repeal would be proclaimed at that time. Refer to ERO <https://ero.ontario.ca/notice/019-1804> for details on this posting.

Amendments to the More Home, More Choice Act, 2019

The More Homes, More Choice Act, 2019 was the first step in the EA modernization process. As the ministry has been moving forward on EA modernization there are now unproclaimed EAA amendments made under the More Homes, More Choice Act 2019 that no longer fit current policy, including the amendments to section 16 of the EAA and related provisions. The More Homes, More Choice Act, 2019 would be amended to repeal these provisions.

Some of the proposed amendments to the EAA will come into force upon Royal Assent whereas others will be implemented in phases and will involve further consultation.

Administrative amendments to the *Environmental Assessment Act* and Consequential amendments

Regulation making authority is proposed to provide for transition matters. Transition provisions would provide for how EAs of undertakings/projects will proceed as the modernized framework is rolled out. For example, the transition provisions could specify whether undertakings undergoing an EA at the same time that streamlined assessment regulations are passed would complete the old class EA processes, or switch to the new regulatory process.

If the proposed amendments to the EAA are made, the ministry will continue to consult province-wide on all subsequent regulations to be developed as a result of amendments to the EAA.