

**Caution:**

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

This consultation draft regulation was prepared to support consultation on the proposal [Moving to a Project List Approach under the Environmental Assessment Act](#) that was originally published to the Environmental Registry of Ontario on November 26, 2021.

This consultation draft regulation has not been updated to reflect the revised proposal of March 10, 2023 which can be found in the updated posting.

Cette publication hautement spécialisée “Moving to a Project List Approach under the Environmental Assessment Act” n'est disponible qu'en anglais conformément au Règlement 671/92, selon lequel il n'est pas obligatoire de la traduire en vertu de la Loi sur les services en français. Pour obtenir des renseignements en français, veuillez communiquer avec le ministère de l'Environnement, de la Protection de la nature et des Parcs au [eamodernization.mecp@ontario.ca](mailto:eamodernization.mecp@ontario.ca).

**CONSULTATION DRAFT**

**ONTARIO REGULATION**

to be made under the

**ENVIRONMENTAL ASSESSMENT ACT**

Amending O. Reg. 231/08

(TRANSIT PROJECTS AND METROLINX UNDERTAKINGS)

**1. The title of Ontario Regulation 231/08 is amended by striking out “PROJECTS AND METROLINX UNDERTAKINGS” and substituting “AND ONTARIO NORTHLAND TRANSPORTATION COMMISSION PROJECT ASSESSMENT PROCESS”.**

**2. (1) Subsection 1 (1) of the Regulation is amended by adding the following definition:**

“project assessment process” means the process set out in sections 6 to 17 of this Regulation;

**(2) The definition of “power supply infrastructure” in subsection 1 (1) of the Regulation is revoked.**

**(3) Subsection 1 (1) of the Regulation is amended by adding the following definitions:**

“Part II.3 transit project ” means a project that is,

- (a) designated as a Part II.3 project under Part III (Transit projects) of Ontario Regulation [\*\*insert O. Reg. #] (Part II.3 Projects — Designations and Exemptions), or
- (b) deemed to be a Part II.3 project under subsection 9 (2) of Ontario Regulation [\*\*insert O. Reg. #] (General and Transitional Matters);

“Part II.3 ONTC project” means a project that is designated as a Part II.3 project under section 30 of Ontario Regulation [\*\*insert O. Reg. #] (Part II.3 Projects — Designations and Exemptions);

**(4) The definition of “project commencement date” in subsection 1 (1) of the Regulation is amended by striking out “transit project” and substituting “Part II.3 transit project or a Part II.3 ONTC project”.**

**(5) The definitions of “transit project” and “transit project assessment process” in subsection 1 (1) of the Regulation are revoked.**

**(6) Subsections 1 (2) to (4) of the Regulation are revoked and the following substituted:**

(2) In this regulation, a reference to a “transit or ONTC project” is a reference to a Part II.3 transit project or a Part II.3 ONTC project, as the case may be.

(3) For the purposes of this Regulation, the site of a transit or ONTC project is,

- (a) the site of the thing being established or constructed; and
- (b) the site of a change to the thing.

**3. Sections 1.1 to 5 of the Regulation are revoked and the following substituted:**

**Application**

2. This regulation applies in respect of,

- (a) a Part II.3 transit project, if the proponent seeks to rely on section 19 or 20 of Ontario Regulation [\*\*insert O. Reg. #] (Part II.3 Projects — Designations and Exemptions) in respect of the project; and
- (b) a Part II.3 ONTC project, if the proponent seeks to rely on section 31 of Ontario Regulation [\*\*insert O. Reg. #] (Part II.3 Projects — Designations and Exemptions) in respect of the project.

**4. Subsection 6 (2) of the Regulation is revoked and the following substituted:**

(2) Subject to section 10, the notice of completion of the environmental project report referred to in paragraph 4 of subsection (1) shall be prepared and distributed within 120 days after the first day on which the notice of commencement of the project assessment process is published under clause 7 (3) (b).

**5. (1) Clause 7 (3) (b) of the Regulation is revoked and the following substituted:**

- (b) publishing the notice in a manner that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons in the area of the site of the transit or ONTC project.

**(2) Subsection 7 (6) of the Regulation is revoked.**

**6. (1) Clause 11 (1) (b) of the Regulation is revoked and the following substituted:**

- (b) cause the notice to be published in a manner that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons in the area of the site of the transit or ONTC project.

**(2) Paragraph 3 of subsection 11 (3) is amended by striking out “or subsection (4)” at the end.**

**(3) Subsection 11 (4) of the Regulation is revoked.**

**7. (1) Subsections 12 (1) and (2) of the Regulation are amended by striking out “or subsection 11 (4)” wherever it appears.**

**(2) Section 12 of the Regulation is amended by adding the following subsection:**

(1.1) The Minister may give the proponent a notice amending or revoking a condition in a notice given under clause (1) (c) whether the notice was given under that clause before or after this subsection comes into force and the notice may set out any transitional requirements related to the amendment or revocation of the condition.

**(3) Section 12 of the Regulation is amended by adding the following subsection:**

(7) The Minister may give notice under subsection (1.1) only if the Minister is of the opinion that,

- (a) if the notice amends a condition, the amendment will result in the condition appropriately addressing the negative impact that it was imposed to address; or
- (b) if the notice revokes a condition, the condition is not necessary to appropriately address the negative impact that it was imposed to address.

**8. Section 14 is amended by adding the following subsection:**

(5) For the purposes of clause (4) (b), if a notice has been given under subsection 12 (1.1), the proponent shall proceed with the transit or ONTC project in accordance with,

- (a) the environmental project report, subject to conditions as amended by the Minister under subsection 12 (1.1); and
- (b) any transitional requirements set out by the Minister in the notice under subsection 12 (1.1).

**9. (1) Clause 15 (5) (b) of the Regulation is revoked and the following substituted:**

- (b) causing the notice to be published in a manner that, in the opinion of proponent, will promptly bring the notice to the attention of interested persons in the area of the site of the transit or ONTC project.

**(2) Subsection 15 (8) of the Regulation is revoked.**

**(3) Subsections 15 (11) and (12) of the Regulation are amended by striking out “or subsection (8)” wherever it appears.**

**(4) Section 15 of the Regulation is amended by adding the following subsection:**

(11.1) The Minister may give the proponent a notice amending or revoking a condition in a notice given under clause (11) (c) whether the notice was given under that clause before or after this subsection comes into force and the notice may set out any transitional requirements related to the amendment or revocation of the condition.

**(5) Section 15 of the Regulation is amended by adding the following subsection:**

(16.1) The Minister may give notice under subsection (11.1) only if the Minister is of the opinion that,

- (a) if the notice amends a condition, the amendment will result in the condition appropriately addressing the negative impact that it was imposed to address; or
- (b) if the notice revokes a condition, the condition is not necessary to appropriately address the negative impact that it was imposed to address.

**10. Schedule 1 of the Regulation is revoked.**

**11. The following provisions are amended by striking out “Part II” wherever it appears and substituting in each case “Part II.3”:**

1. **Clause 6 (4) (b).**
2. **Clause 13 (4) (b).**
3. **Clause 15 (20) (b).**
4. **Clause 15 (22) (a).**

**12. The Regulation is amended by striking out “transit project assessment process” wherever it appears and substituting in each case “project assessment process”.**

**13. The Regulation is amended by striking out “transit project” wherever it appears and substituting in each case “transit or ONTC project”.**

**14. The Regulation is amended by striking out “transit projects” wherever it appears and substituting in each case “transit or ONTC projects”.**

**Commencement**

**15. [Commencement]**