

Environmental Assessment Modernization

Moving to a Project List Approach under the
Environmental Assessment Act

Comprehensive Environmental Assessment Projects Regulation
and Related Actions - Complementary Regulatory Changes and Orders

Supporting Document
February 2024

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Introduction

In July 2020, through the *COVID-19 Economic Recovery Act, 2020*, the *Environmental Assessment Act* (EAA) was amended to enable the move to the project list approach to the application of the EAA. The amendments enabled the making of regulations to support the EA modernization initiative, including identifying in a regulation (project list) certain project subject to EA requirements and the new Part II.3 of the Act (Comprehensive Environmental Assessment). The move to a project list approach is a shift from the current framework where projects are designated based on who is undertaking the project to a framework based on project type.

The provisions of the EAA that provide authority to make the regulations to designate projects as comprehensive EA projects came into effect February 22, 2024. Coincident with that, the ministry made the required regulations and other actions to implement and facilitate the move to a project list approach.

As noted in the Environmental Registry of Ontario (ERO) decision notice posting, a number of regulations and related changes have been undertaken. Information on the new regulations including links to e-Laws where these regulations is provided in the [ERO decision notice posting](#).

More information on other changes is provided below.

1. Regulations amending or revoking regulations made under the *Environmental Assessment Act*

We amended several regulations made under the EAA to align them with the provisions of the amended EAA and the new Comprehensive Environmental Assessment (EA) Projects Regulation (Part II.3 Projects – Designations and Exemptions Regulation). These amendments were required to maintain and align these regulations under the new framework (i.e., the project list approach) but do not change the requirements of these regulations.

The amended EAA regulations include regulations to amend:

1. [O. Reg. 697/21 - Bradford Bypass Project](#)
2. [O. Reg. 539/21 - Designation and Exemption: Reid Road Reservoir Quarry](#)
3. [O. Reg. 341/20 - Ontario Line Project](#)
4. [O. Reg. 616/98: Deadlines](#)

We also revoked 21 other regulations made under the EAA either because they are spent (i.e., the projects they apply to are either complete or abandoned) or they are not required under the project list approach). These regulations are:

1. [O. Reg. 71/93: Designation – Laidlaw Environmental Services Ltd.](#)
2. [O. Reg. 163/93: Designation – Unitec Disposals Inc.](#)
3. [O. Reg. 391/95: Designation – Taro Aggregates Ltd.](#)
4. [O. Reg. 29/97: Designation – Fibre Environmental and Ecology Limited](#)
5. [O. Reg. 220/97: Designations - St. Thomas Sanitary Collection Service Limited and Advance Container of Canada Limited, A Division of Green Lane Environmental Group Ltd.](#)
6. [O. Reg. 221/97: Designation - Notre Development Corporation](#)
7. [O. Reg. 222/97: Designation - Browning-Ferris Industries Limited](#)
8. [O. Reg. 369/97: Designations - Lafèche Environment Inc. \(1222024 Ontario Limited\)](#)
9. [O. Reg. 153/98: EWF Facility at 7656 Bramalea Road, Brampton](#)
10. [O. Reg. 367/99: Designation - Canadian Waste Services Inc.](#)
11. [O. Reg. 493/99: Designation - H. Dodge Haulage Ltd. Landfill Site](#)
12. [O. Reg. 151/00: Designation - Clarington Waste Processing Centre Ltd. Landfill Site](#)
13. [O. Reg. 491/00: Designation - Kirkland Lake Waste Disposal Site](#)
14. [O. Reg. 565/00: Designation - Mayer Landfill Site](#)
15. [O. Reg. 389/01: Designation - J. W. Sheldrick Sanitation Limited Smithville Site](#)
16. [O. Reg. 4/03: Designation - Recycling Specialties Inc. Landfill Site](#)
17. [O. Reg. 196/04: Designation of Synfuel Petroleum Coke Electricity General Facility as an Undertaking and Exemptions and Conditions that Apply to the Undertaking](#)
18. [O. Reg. 253/06: Designation and Exemption – Plasco Trail Road Inc.](#)
19. [O. Reg. 497/09: Exemption – Ipperwash Provincial Park](#)
20. [O. Reg. 444/11: Designation – Highland Companies \(3191574 Nova Scotia Company Limited\)](#)
21. [O. Reg. 230/12: Exemption - Ontario Northland Transportation Commission](#)

View the regulation which revokes these 21 regulations here: [O. Reg. 61/24: REVOKING VARIOUS REGULATIONS.](#)

We also revoked O. Reg. 254/06: Plasco Demonstration Project under the *Environmental Protection Act* as the project has ended [[O. Reg. 69/24: PLASCO DEMONSTRATION PROJECT](#)].

2. Regulations amending or revoking regulations made under legislation other than the *Environmental Assessment Act*

Consequential amendments were made to a number of other regulations made under legislation other than EAA. in order to:

- adjust numbering to align with the revised EAA adjust references to regulations under the EAA that were revoked, amended or made.

These amended regulations are the following:

1. O. Reg. 287/07 (General) under the *Clean Water Act, 2006*
2. O. Reg. 97/99 (Transfer Orders and Transfer By-Laws) under the *Electricity Act, 1998*
3. O. Reg. 73/94 (General) under the *Environmental Bill of Rights, 1993*
4. O. Reg. 1/17 (Registrations under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions) under the *Environmental Protection Act*
5. O. Reg. 63/16 (Registrations under Part II.2 of the Act – Water Taking) under the *Environmental Protection Act*
6. O. Reg. 359/09 (Renewable Energy Approvals under Part V.0.1 of the Act) under the *Environmental Protection Act*
7. O. Reg. 206/97 (Waste disposal sites, waste management systems and sewage works subject to approval under or exempt from the *Environmental Assessment Act*) under the *Environmental Protection Act*
8. O. Reg. 205/18 (Municipal Residential Drinking Water Systems in Source Protection Areas) under the *Safe Drinking Water Act, 2002*
9. O. Reg. 242/08 (General) under the *Endangered Species Act, 2007*
10. O. Reg. 79/15 (Alternative Low-Carbon Fuels Regulation) under the *Environmental Protection Act*

3. Proclamations, Revoking and Amending Declaration Orders

3.1. Proclamation of relevant sections of the amended *Environmental Assessment Act* and consequential amendments to other legislation

Various provisions of *Schedule 6 of the COVID-19 Economic Recovery Act, 2020* were proclaimed into force, including Part II.3 (comprehensive environmental assessments) of the EAA and provisions to repeal certain other provisions of the Act, and

consequential amendments to a number of other statutes to align provisions in those statutes with the proclamation of the amendments to the EAA and the making of the new regulations.

3.1.a. *Environmental Assessment Act* Amendments

The EAA amendments brought into force are primarily those related to the making of the Comprehensive EA Projects regulation, including:

- Replacing the existing application provision in section 3 of the *EAA* with an application section making the EAA apply to designated projects rather than automatically to all public sector projects.
 - The amendment provides authority to make the regulations to designate projects as comprehensive EA projects (Part II.3 projects)
 - Activities that are ancillary to a comprehensive EA project are deemed to be part of a comprehensive EA project.
 - The authority for the Government to designate projects or project types as comprehensive EA projects, which are not set out in this regulation and the option for the proponents to sign a voluntary agreement with the ministry to make a project subject to the comprehensive EA requirements. This authority to designate projects subject to the Act and for a proponent to volunteer to have the Act apply already existed. The amendments aligned the wording of this authority with the new Part II.3.
- Repealing Part II of the *Environmental Assessment Act* (individual environmental assessments) and adding Part II.3 (comprehensive environmental assessments)
 - Part II.3 includes the provisions that make approvals given before and after Part II.3 comes into force expire if they have not substantially commenced within 10-years of approval and if the approval does not provide for an expiry. The new provisions also provide authority for the minister to extend this 10-year statutory expiry date and the provisions also allow for a different expiry date to be specified in the approval (i.e., less or more than 10 years)
- A transition section providing that approvals which were given under Part II of the EAA (the part being repealed) are deemed to be approvals obtained under the new Part II.3 that replaces Part II.– In other words, the approvals will continue under the amended EAA (e.g., these could be amended or revoked under the new Part II.3)

At the same time as the amendments were proclaimed, the expiry date of certain projects was extended by the Minister. More information on these extensions can be found at: [Extending the expiry date for Environmental Assessment Act approvals for certain projects | Environmental Registry of Ontario.](#)

3.1.b. Consequential Amendment to Other Statutes

Consequential amendments to statutes other than the EAA were also proclaimed, and these amendments were made to align them with the provisions of the revised EAA and the new regulations. A list of the statutes amended and the explanation for the amendments is provided below.

Group 1 – Acts with provisions which are no longer necessary

- The following Acts include a provision that state or clarify that plans, guidelines, strategies, policy statements etc. related to matters under these Acts are not undertakings (projects) subject to the EAA. With the shift to a project list approach, these provisions are no longer necessary as the projects that require a comprehensive EA are identified in the Comprehensive EA Projects regulation, deemed to be Part II.3 projects or are ones to which an approved Class EA applies. As a result, there is now greater clarity that plans etc. are currently not subject to the EAA and as a result, amendments have been made to remove the provisions in these statutes related to plans, etc.,
 - *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, 2005*
 - *Lake Simcoe Protection Act, 2008*
 - *Places to Grow Act, 2005*
 - *Public Lands Act*
 - *Electricity Act, 1998*
 - *Metrolinx Act, 2006*

Group 2 – Acts needing numbering, terminology, etc. adjustments to align with revised *Environmental Assessment Act*

The following Acts were amended to align the references to the EAA with the current numbering, terminology etc., in the amended Act:

- *Environmental Protection Act*
- *Safe Drinking Water Act, 2002*
- *City of Toronto Act, 2006*
- *Environmental Bill of Rights, 1993*
- *Planning Act*
- *Ontario Energy Board Act, 1998*
- *Rebuilding Ontario Place Act, 2023*

The proclamation of these amendments are posted here: [Proclamations | Ontario.ca](https://www.ontario.ca/proclamations)

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3.2. Declaration Orders revoking or maintaining various exemptions made under the *Environmental Assessment Act*

We made a Declaration Order to revoke 104 exemption or declaration orders under the EAA that are spent or are not required under the project list framework as they are not projects that are subject to environmental assessment requirements under the amended Act.

You can find this Declaration Order and related OIC at:

- [Order in Council - Approving a declaration order under s. 3.2 of the *Environmental Assessment Act* revoking exemption and declaration orders made under the Act](#)

We also made an amending Declaration Order to maintain the relevant aspects of the original. The intent of the original order was to provide the exemption for the development and redevelopment of certain park areas on the Toronto waterfront. That order has now been amended to apply only to the Lake Ontario Park area, the only aspect covered by the original order that has not been implemented and that will continue to be exempt under the EAA.

This amending Declaration Order and related OIC can be found at:

- [Order in Council - Approving a declaration order under s. 3.2 of the *Environmental Assessment Act* amending the Toronto Waterfront Revitalization Corporation's Toronto Waterfront Parks Project Declaration Order](#)