

From: [EA Modernization \(MECP\)](#)
To: [EA Modernization \(MECP\)](#)
Cc: [EA Modernization \(MECP\)](#); [Cross, Annamaria \(MECP\)](#)
Subject: Environmental Assessment Modernization Proposals – Moving to a project list approach and Extending Environmental Assessment Act approvals for certain projects
Date: November 26, 2021 6:44:45 PM
Attachments: [Moving to a Project List Approach under the Environmental Assessment Act.pdf](#)
[EA Modernization Proposal – Moving to A Project List Approach under the Environmental Assessment Act.pdf](#)
[Extending the expiry date for Environmental Assessment Act approvals for certain projects Environmental Registry of Ontario.pdf](#)

Hello,

I am writing to provide you with information about the Ministry of the Environment, Conservation and Parks' ongoing efforts to modernize the environmental assessment program. As you may be aware, the ministry has been consulting on various aspects of environmental assessment modernization since 2019 including proposed amendments to eight class environmental assessments, some exemption regulations, and in September 2020, we began consultations on a proposed list of projects that would be subject to a comprehensive environmental assessment. On that note, I am writing to you today to let you know that we are now seeking input on the proposal for Moving to a project list approach under the Environmental Assessment Act that is attached and can be found here: <https://ero.ontario.ca/notice/019-4219> and the proposal to extend the expiry date of Environmental Assessment Act approvals for certain projects through Minister's Notices that is also attached and can be found here: <https://ero.ontario.ca/notice/019-4428>.

Proposed Comprehensive Environmental Assessment Projects Regulation (Designations – Part II.3 Projects)

Following the amendments to the *Environmental Assessment Act* made in July 2020, the ministry began work on the development of a number of regulations, including a regulation that will, if made, identify the projects that are subject to comprehensive environmental assessment requirements. We initially consulted on the proposed list of projects for comprehensive environmental assessments in fall 2020 and we are now consulting on the proposed comprehensive environmental assessment projects regulation and related actions, including posting on the Environmental Registry of Ontario for a 60-day public review and comment period. The notice for this proposal may be viewed here: <https://ero.ontario.ca/notice/019-4219>.

How can I learn more or comment on the proposed Comprehensive Environmental Assessment Projects regulation (Designations – Part II.3 Projects)?

In order to provide an opportunity for dialogue on the proposal, the ministry will be hosting webinars to provide an overview of the proposal, an opportunity to ask questions to the ministry and provide any comments or feedback for the ministry's consideration. You may register for an information webinar on December 17, 2021 by clicking on the following Eventbrite link: <https://www.eventbrite.ca/e/modernizing-ontarios-environmental-assessment-program-tickets-201142882777>. Once you have registered, you will receive an email with further details, including login information. We are seeking your feedback on the proposal for the comprehensive environmental assessment projects regulation by January 25, 2022.

Comments can be shared directly with the ministry through the environmental registry or by

e-mail at: EAModernization.mecp@ontario.ca.

-

-

Proposal to extend the expiry date of Environmental Assessment Act approvals for certain projects

The ministry is consulting on a proposal to extend the expiry date of *Environmental Assessment Act* approvals for certain projects. The amendments that were made to the *Environmental Assessment Act* in July 2020 included an unproclaimed provision imposing a 10-year expiry date for projects that are approved but do not have an expiry date and have not substantially commenced. Such an approval would expire on the later of the date the provision comes into force and 10 years from the date of approval. For example, for a project that was approved in 2009, if the approval has no expiry date and has not substantially commenced, it would expire on the date the new section of the *Environmental Assessment Act* comes into force.

The new section of the *Environmental Assessment Act* also allows the Minister to, by notice, extend the period within which the project is to be substantially commenced, extending the date of expiry. The Minister is proposing to issue Notices to extend the environmental assessment approval for nine projects by 10 years and is looking for feedback. Taking the example described above of a project approved in 2009, the proposal would extend the expiry date of the approval to 10 years from the date the notice is issued. This proposal would ensure that old approvals would not remain valid indefinitely, unless the Minister exempts the project from the requirement or issues a notice to extend the expiry. The approvals for these projects would only expire when the expiry provisions under the *Environmental Assessment Act* come into effect.

Based on the ministry's detailed review of the conditions of the approval for these projects, we are satisfied that steps will be taken before a project proceeds to ensure environmental protection and oversight are in place.

The proposed extensions will ensure that the commitments made by proponents during consultation on these projects will be carried out. However, if at any time new information or a change in circumstance comes to the attention of the ministry, the Minister may consider this information and, where appropriate, may reconsider the approval and revoke or amend it.

If the proposed notices extending the expiry of the approval is given in respect of the nine projects, the approvals will not expire when the expiry date provisions in the *Environmental Assessment Act* are proclaimed into force.

In general, the conditions of approval for these projects are triggered prior to and during construction and during operation of the project. The conditions of approvals for these projects may be found in the "related files and links" sections of the environmental registry posting at <https://ero.ontario.ca/notice/019-4428>.

Below are the projects proposed for extension to their approval.

Projects proposed for the 10-year extension

Project	Proponent	Project Name	EAA	EA requirement if approval
---------	-----------	--------------	-----	----------------------------

Type	Name		Approval Date	expires
Landfill	The Corporation of H. Dodge Haulage Limited	H. Dodge Haulage Landfill Expansion	February 11, 2009	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made would be subject to a comprehensive EA (Refer to https://ero.ontario.ca/notice/019-4219 for additional information)
Transit	The Regional Municipality of York	Markham North South Link Corridor Public Transit Improvements EA (Region of York proponent)	November 29, 2006	Regardless of whether the proposed designating regulation is made or not this project would be subject to the Transit Project Assessment Process (TPAP) or Municipal Class EA (MCEA)
Highway	Regional Municipality of York	Transportation Improvements: Donald Cousens Parkway (Markham) to Morningside Avenue (Toronto)	January 23, 2013	Regardless of whether the proposed designating regulation is made or not this project would be subject to the MCEA
Transit	Toronto Transit Commission	TTC Bloor Danforth Westerly Extension of Subway	October 27, 1994	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP
Transit	City of Niagara Falls and Niagara Parks Commission	Niagara Falls People Mover System	August 8, 2001	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP
Transit	Regional Municipality of Ottawa-Carleton	Ottawa-Carleton Cumberland Transit Way (Now City of Ottawa)	May 17, 2000	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP or MCEA
Marina	City of Windsor	City of Windsor Downtown Marina	November 27, 1996	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made no environmental assessment requirements would apply based on the proposed

				comprehensive EA threshold of establishing a works (e.g., marina) that alters at least 1 kilometre of shoreline and filling of 4 or more hectares of a lakebed or riverbed. Refer to https://ero.ontario.ca/notice/019-4219 for additional information.
Highway	Ministry of Transportation	MTO Highway 17 (Haley Station to Meath Hill)	August 25, 2004	Regardless of whether the proposed designating regulation is made or not this project would be subject to the Ministry of Transportation Class EA for Provincial Transportation Facilities
Electricity	Ontario Hydro (OH)	OH Eastern Ontario Transmission Route (East)	January 29, 1986	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made would be subject to a comprehensive EA (Refer to https://ero.ontario.ca/notice/019-4219 for additional information)

How can I learn more or comment on the expiry date proposal?

We are seeking your feedback on the proposal to extend the expiry date for the approval of the above listed projects. Comments can be shared directly with the ministry by e-mail at EAmmodernization.mecp@ontario.ca by January 25, 2022 and the proposal may be viewed on the Environmental Registry of Ontario at: <https://ero.ontario.ca/notice/019-4428>.

We are committed to keeping you apprised about the environmental assessment modernization initiative as it moves forward, including opportunities to provide input as we continue to build a strong environmental assessment program. We value your perspectives on the environmental assessment program and look forward to your feedback.

Sincerely,



Annamaria Cross
 Director, Environmental Assessment Modernization
 Environmental Assessment and Permissions Division
 Ministry of the Environment, Conservation and Parks

Attachments;

1. Proposal for Moving to a project list approach under the Environmental Assessment Act (ERO 019-4219)
2. Environmental Assessment Modernization – Moving to a Project List Approach under the Environmental Assessment Act
3. Bulletin on Extending the expiry date of Environmental Assessment Act approvals for certain projects (ERO 019-4428)