

Environmental Assessment Modernization

Moving to a Project List Approach Under the
Environmental Assessment Act

November 2021

Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks

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.

Contents

Purpose	3
Part 1: Introduction to the Comprehensive Environmental Assessment Projects Regulation	3
Part 2: Proposed List of Projects subject to a Comprehensive Environmental Assessment	5
Electricity projects	5
Proposed Amendments to Class EA for Minor Transmission Facilities	6
Waste management projects	7
Transit projects	9
Proposed Amendments to Ontario Regulation 231/08	10
Proposed Related Amendments to Class Environmental Assessments for Transit Projects	11
Highway Projects	11
Proposed Related Amendments to Class Environmental Assessment for Provincial Transportation Facilities	12
Proposed Related Amendments to Municipal Class Environmental Assessment	12
Railway projects	12
Waterfront Projects	13
Proposed Related Amendments to Class Environmental Assessments	14
Part 3: Proposed Revocation and Replacement of General Regulation 334	15
Related Proposal to Revoke the Algonquin Land Claim Declaration Order	16
Part 4: Proposed Related Amendments and Revocations – Regulations and Orders	17
Related Amendments to and Revocations of Regulations (including Exemption Orders) and Declaration Orders made Under <i>Environmental Assessment Act</i>	17
Related Amendments to Regulations made under Legislation other than <i>Environmental Assessment Act</i>	20
Part 5: Proposed Transition Regulation	21
APPENDICES	23
.....	23
Appendix 1: Proposed Revocation and Replacement of General Regulation 334	24
Appendix 2: Proposed Related Amendments and Revocations – Regulations and Orders made under the Environmental Assessment Act	31
Regulations	31
Orders	47

Purpose

The Ministry of the Environment, Conservation and Parks (ministry) is modernizing Ontario's almost 50-year-old environmental assessment (EA) program to support building safer and stronger communities.

Currently, we are consulting on a proposal to move to a project list approach for projects that will be subject to the highest level of environmental assessment (i.e. a comprehensive environmental assessment) under the *Environmental Assessment Act* (the Act). This document provides detailed information on the proposed regulations and related actions.

The proposal posting can be found at: <https://ero.ontario.ca/notice/019-4219>.

Part 1: Introduction to the Comprehensive Environmental Assessment Projects Regulation

The *Environmental Assessment Act* (EAA or the Act) was amended through the COVID-19 Economic Recovery Act, 2020 on July 21, 2020. The amendments enabled, among other things, the move to a project list approach. These amendments, once proclaimed, will provide the authority to designate projects or classes of projects and proponents as subject to comprehensive environmental assessment (under Part II.3) or streamlined environmental assessment (under Part II.4) of the Act through regulations.

Once proclaimed, the new parts of the Act will change the way the Act applies so it will only apply to designated projects. A designated project will also include enterprises or activities that are ancillary to the project, to ensure all aspects of a project are assessed at once, under one process.

The current proposal relates to the designation of projects that will be subject to the new comprehensive EA (Part II.3 of the Act). The ministry will be developing regulations and other actions related to the new streamlined EA (Part II.4 of the Act) and will be consulting on these in the future.

In the current proposal, we are proposing to designate the 'establishment' of certain things (like the establishment of a new, large landfill) and certain changes to those (such as a large expansion of a landfill) as comprehensive EA projects. The proposal includes a provision to clarify what 'establishing' does not include, such as planning. However, the ministry expects that an environmental assessment would still address the designing, constructing and operating of the thing being established. For some project types, the ministry will also expect that the closure/decommissioning of the facility be assessed as part of the environmental assessment, as is currently the case (e.g. landfills).

Once the [proposed comprehensive EA projects regulation](#) (Part II.3 designating regulation) has been finalized, those projects set out in the regulation will be required to complete a comprehensive EA to proceed, subject to certain proposed exemptions. All other projects that a proponent (public or private) is proposing to proceed with will not be subject to the Act unless:

- the project is subject to one of the existing class environmental assessment, subject to any exemptions;
- a proponent enters into a voluntary agreement to have its proposed project made subject to comprehensive EA requirements under the EAA;
- a regulation is made designating the specific project as a comprehensive EA project or a regulation is made amending the comprehensive EA projects regulation to add a class of projects.

We note that the authority to issue a section 16 Order to require a proponent to complete a comprehensive EA for a project which is going through a Class EA process will be maintained.

We are proposing complementary amendments to the Electricity Guide and the Waste Management Project Guide to reflect that the Minister is the only decision-making authority related to elevation requests, which are requests that a project following the screening process be elevated to an comprehensive EA, to provide consistency in the decision maker for such requests.

The waste, electricity and transit projects which are currently eligible to follow a streamlined EA process, and certain projects by Ontario Northland Transportation Company, are proposed to be able to continue to follow the applicable streamlined EA process until we are ready to move to and consult on a streamlined EA projects designating regulation and regulatory streamlined EA process for these types of projects. For the projects eligible to follow a streamlined process, the proposed comprehensive EA projects regulation will exempt these projects from comprehensive EA part of the Act, subject to the condition that they follow the applicable streamlined process, similar to how the existing regulations work today. Other than the proposal to update the EA requirements for landfill expansions (described further below), the waste, electricity and transit projects that are proposed to be exempted are generally those that are currently exempted under existing EAA regulations.

Under the Act, the government will continue to be able to consider and propose additional designations and additional exemptions in respect of specific projects or classes of projects where appropriate, subject to consultation.

Projects required to complete a comprehensive EA will be required to follow the process requirements set out in Part II.3 of the Act, which are not changed from the existing individual EA process under Part II. The following requirements have not been changed for those projects that will be subject to comprehensive EA:

- Consultation requirements during the environmental assessment process

- The requirements in the Act for proponents to assess and document the EA process, including the requirement to prepare a terms of reference and an environmental assessment that includes how any impacts will be mitigated
- The requirement to examine potential impacts of projects using the broad definition of the environment (natural, social, economic and cultural environment)
- The requirements for a project to obtain any other applicable permits or approvals (Environmental Compliance Approvals, etc.)

Part 2: Proposed List of Projects subject to a Comprehensive Environmental Assessment

Electricity projects

The ministry is proposing that electricity projects that currently require an individual EA would continue to require a full EA (comprehensive EA) under Part II.3 of the revised Act. We are proposing to update the list of activities for generation facilities, transmission lines and transmission stations which would be subject to EA requirements.

Currently, [Ontario Regulation 116/01 – Electricity projects \(O. Reg. 116/01\)](#) designates “establishing, constructing, operating, expanding or retiring” such facilities. We are proposing to designate “establishing” certain facilities in part to provide consistency between how we describe the activities associated with various project types that are designated in electricity, waste and other sectors. Changes to such facilities that are currently designated are generally proposed to continue to be designated.

The ministry also consulted on a proposal to change the thresholds that determine the type of EA process required for establishing a transmission line not associated with certain generation facilities. This notice can be found at: <https://ero.ontario.ca/notice/019-3937>.

O. Reg. 116/01 is proposed to be revoked as the provisions in it will be included in the proposed comprehensive EA projects regulation, with some updates.

The proposed comprehensive EA projects regulation will carry forward the designation of electricity projects that are currently designated by O. Reg. 116/01 as comprehensive EA projects, excluding those which are subject to a class EA (e.g. waterpower projects). Projects that are currently exempt subject to following the streamlined environmental assessment process (screening process incorporated by reference) would continue to be able to follow that streamlined process on the same basis.

Some of the electricity projects that would require a comprehensive EA include:

- Establishing a hydroelectric facility with a capacity greater than or equal to 200 megawatts;
- Establishing an electricity generating facility that uses coal for fuel or that uses oil for fuel with a capacity greater than or equal to 5 megawatts; and
- Establishing a transmission line 75 km or more in length and 345 kilovolts (kV) or greater in voltage and that is not associated with certain generation facilities.
 - These transmission lines are the projects that would be subject to a comprehensive EA if the ministry proceeds with the proposal that was recently posted concerning amendments to the Class EA for Minor Transmission Facilities. This proposal is further described below.

The electricity projects which are proposed to be subject to comprehensive EA requirements are set out in sections 7 and 8 of the proposed comprehensive EA projects regulation.

The electricity projects that are proposed to continue to be exempt subject to following the incorporated [Environmental Screening Process for Electricity Projects](#) (with complementary changes) are set out in sections 9 and 10 of the proposed comprehensive EA projects regulation.

These sections (7, 8, 9, 10) should be read in conjunction with the exceptions set out in section 11 of the [proposed comprehensive EA projects regulation](#).

Proposed Amendments to Class EA for Minor Transmission Facilities

We are also proposing to use terminology in the proposed comprehensive EA projects regulation that will better align with the Class EA for Minor Transmission Facilities, as well as making amendments to the Class EA to align it with other aspects of this regulatory proposal. For example, we are proposing to update the terminology to use the more general term *transmission station* rather than *transformer station* as a transformer station is a type of transmission station.

As noted, as part of a separate proposal, the ministry proposed to amend the Class EA for Minor Transmission Facilities so that it would apply to establishing transmission line projects that:

- have a voltage greater than or equal to 115 kilovolts but less than 345 kilovolts, greater than 2 kilometres in length; and
- have a voltage greater than or equal to 345 kilovolts and less than 75 kilometres in length.

This represents a change from the current requirements, which require an individual EA for the establishment of a transmission line that is:

- greater than 115 kV and less than 500 kV and greater than or equal to 50 km in length
- greater than or equal to 500 kV and greater than 2 km in length

For more information on [this proposal](#), please visit the environmental registry.

Waste management projects

We are proposing to require a comprehensive EA for waste management projects including:

Landfills:

- Establishing a landfill greater than 100,000 cubic metres.
- Changing a landfill to increase the total waste disposal volume by more than 375,000 cubic metres
- Changing a landfill to increase the total waste disposal volume by more than 100,000 cubic metres and less than or equal to 375,000 cubic metres if the change would increase the total waste disposal volume by more than 25%
- A change to a landfill that:
 - o involves the excavation of waste previously disposed of at the landfill; and
 - o the excavation would increase by more than 100,000 cubic metres the amount of waste that could be deposited at the site without any increase in the total waste disposal volume.

Hazardous or Liquid Industrial Waste Facilities:

- Establish a waste disposal site at which hazardous or liquid industrial waste is finally disposed of.
- A change to a landfill for hazardous waste or liquid industrial waste that:
 - o results in an increase in the total approved waste disposal volume of the site; or
 - o involves the excavation of previously disposed of waste.
- A change to a thermal treatment site at which hazardous waste or liquid industrial waste is subject to thermal treatment that increases the amount of waste that is authorized to be thermally treated at the site on any day.

We are also proposing corresponding updates to the thresholds for determining environmental assessment requirements for certain landfill expansions such that the following projects would be able to use the streamlined EA process for waste management projects:

- Changing a landfill to increase the total waste disposal volume by more than 100,000 cubic metres and less than or equal to 375,000 cubic metres if the change would increase the total waste disposal volume by less than or equal to 25%

Consistent with current requirements, changing a landfill to increase the total waste disposal volume by 40,000 cubic metres or more and less than or equal to 100,000 cubic metres would remain eligible to follow the streamlined EA process.

The proposed changes to environmental assessment requirements for landfill expansions are shown in the following table:

		Percentage increase in total waste volume	
		0 – 25 %	> 25%
Volumetric increase in total waste volume	40,000 to 100,000 cubic meters	Streamlined EA (no change)	Streamlined EA (no change)
	>100,000 to 375,000 cubic meters	Streamlined EA (Change from Comprehensive EA)	Comprehensive EA (no change)
	>375,000 cubic meters	Comprehensive EA (no change)	Comprehensive EA (no change)

Note: Expansion increases less than 40,000 cubic meters would continue to not be subject to the Act.

The proposed provisions will provide that proponents are not able to use the streamlined EA process to do a series of expansions over a defined period of time in order to avoid undertaking a comprehensive EA. The proposed updates to thresholds would not apply to hazardous or liquid industrial waste facilities.

Subject to the proposal relating to landfill expansions of certain sizes summarized above, the ministry is proposing to maintain the current EA requirements for waste projects. The projects which currently require an individual EA under [Ontario Regulation 101/07 - Waste Management Projects \(O. Reg. 101/07\)](#) would be designated as comprehensive EA projects, and the projects that are currently exempt subject to following the incorporated Environmental Screening Process for Waste Projects (with complementary changes) would continue to be able to follow that streamlined process on the same basis.

We are proposing to revoke O. Reg. 101/07 since its provisions will be included in the proposed comprehensive EA projects regulation, with some updates.

The waste management projects that would be subject to the comprehensive EA requirements are set out in sections 22 and 23 of the proposed comprehensive EA projects regulation.

The waste management projects that are proposed to continue to be exempt subject to following the incorporated [Environmental Screening Process for Waste Projects](#) are set out in sections 24 and 25 of the proposed comprehensive EA projects regulations.

These sections (22, 23, 24 and 25) should be read in conjunction with the exceptions in section 26 of the [proposed comprehensive EA projects regulation](#).

We are also proposing changes to the Guide for Waste Projects, including reflecting that the Minister will be the decision maker for ordering that a streamlined EA project be made subject to a comprehensive EA, for consistency with other streamlined processes.

Note: The proposed comprehensive EA projects regulation does not contain the draft regulatory language relating to landfill expansions detailed above. The ministry is proposing to include the provisions in the final regulation.

Transit projects

Public transit projects are able to follow a streamlined, time-limited proponent-driven, self-assessment process referred to as the transit projects assessment process (TPAP). The [Transit Projects and Metrolinx Undertakings regulation \(O. Reg. 231/08\)](#) exempts proponents of public transit projects from the requirements of the Environmental Assessment Act, and creates a process (the TPAP) that certain projects must follow in order to be exempt. Currently, the transit projects undertaken by municipalities, Ministry of Transportation and Metrolinx are subject to O. Reg. 231/08.

The ministry is proposing that the environmental assessment process set out under O. Reg. 231/08 continue to apply to those transit projects that the process currently applies to.

The proposal is to designate these projects, with appropriate changes, and continue to exempt them provided they follow the TPAP process (as amended and renamed). These projects are set out in sections 15 to 18 of the proposed comprehensive EA projects regulation. These sections (15, 16, 17 and 18) should be read in conjunction with the exceptions in section 19 and 20 of the [proposed comprehensive EA projects regulation](#).

For consistency purposes, we are proposing the following changes to the Metrolinx project designations:

- Adding the following criteria in the designations related to construction of a station, maintenance facility and storage yard if they are in or adjacent to a sensitive area, defined as:
 - i. an area of residential land use, or
 - ii. an environmentally-sensitive area such as an area that includes natural heritage features, cultural heritage or archaeological resources, recreational land uses or other sensitive land uses.

We are also proposing to remove the Metrolinx designation for “Construction of a new or extended Commuter Rail Line. Involves construction of a new rail corridor” since it is a duplication of the following designations:

- Construction of new Transit System i.e., involving construction of new infrastructure, which is proposed to be updated as constructing new linear components of a transit system and
- Reconstruction, widening or expansion of linear components of a transit system where the reconstructed facility will not be for the same purpose, use, and at the same location which is proposed to be updated

We are also proposing updates to transit project definitions including the definition of “linear components of a transit system” and the definition of “station.”

Until the class EAs which apply to transit projects (Class EA for Provincial Transportation Facilities and the Municipal Class EA) are replaced by a streamlined EA regulation for transit projects, we are proposing that proponents continue to have the choice to follow the amended and renamed TPAP or the applicable class EA process in respect of a designated project to which both processes applies.

We are also proposing to make it clear that establishing a new rail line of 50 km or more, will not be eligible to follow a streamlined process. Establishing a rail line (passenger or freight) that is 50 km or more in length is proposed to be subject to a comprehensive EA. The proposed railway project designations are summarized below.

The proposed changes will have no impact on the option for proponents to become co-proponents of a transit project that they are planning together.

Proposed Amendments to Ontario Regulation 231/08

We are proposing to amend O. Reg. 231/08 to revoke Schedule 1 that lists the projects to which the Act applies, as this will be replaced by the proposed comprehensive EA projects regulation.

We are also proposing to make a few small changes to the assessment process. Specifically, the notification requirements set out in O. Reg. 231/08 are proposed to be amended to provide flexibility to allow proponents to provide notices about a project using methods aside from specifically requiring them to be published in newspapers. In addition, the ministry is proposing to include the ability for the Minister to amend or revoke conditions imposed in a notice given by the Minister that allows the proponent to proceed with the transit project.

We are proposing that the amended assessment process set out in O. Reg. 231/08 would apply not only to transit projects but also to certain Ontario Northland Transportation Commission-led projects (i.e. establishing a rail line 50 kms or more in length and certain rail and bus projects such as construction of stations and maintenance facilities) (see below for the description of the proposed designations for these projects). Some further updates to O. Reg. 231/08, including replacing the title of the streamlined process and the regulation, are proposed to be made to better reflect the application of the process.

You can read the [proposed amending regulation](#).

Proposed Related Amendments to Class Environmental Assessments for Transit Projects

We are proposing amendments to the transit project descriptions in the Class EA for Provincial Transportation Facilities and Municipal Class EA to align the descriptions with what is being proposed in the proposed comprehensive EA projects regulation. We are also proposing to amend these class EAs to change terminology and make other adjustments to align the Class EA with the proposed comprehensive EA projects regulation.

The Class EA for GO Transit Facilities is proposed to be revoked in conjunction with the making of the comprehensive EA projects regulation. This class EA is rarely relied on by Metrolinx as Metrolinx utilizes the assessment process under O. Reg. 231/08 instead.

Highway Projects

Currently, the planning of all new 400-series projects, also known as freeway or expressway projects, irrespective of length, are subject to individual EA requirements. The proposed comprehensive EA thresholds for highway projects is based on the thresholds of the federal government.

The ministry is proposing that the establishment of a new highway or extension of an existing highway of 75 km or more in length be made subject to the comprehensive EA requirements where the highway meets all of the following criteria:

- is at least 2 lanes in each direction;
- where travel in each direction is divided by a physical median strip;
- where access to the highway is provided primarily by grade separated interchanges; and
- where the posted speed for the highway is at least 80 km/hour.

The ministry is also proposing that a highway project described in the proposed designation and that is below 75 km, and is undertaken by the Ministry of Transportation or a municipality, be made subject to the streamlined EA process set out in the Class EA for Provincial Transportation Facilities (MTO Class EA) until a streamlined EA regulation for transportation projects is made, following consultation.

In accordance with the revised EAA, a designated comprehensive EA project would include projects that are ancillary to it, should they be known and planned (part of) at the time as the comprehensive EA project. The ancillary projects for the type of highway projects that are designated as comprehensive EA project could be patrol yards, track inspection stations etc.

The highway projects that will be subject to the comprehensive EA requirements are set out in in section 28 of the [proposed comprehensive EA projects regulation](#).

Proposed Related Amendments to Class Environmental Assessment for Provincial Transportation Facilities

As noted above, currently the planning of all new 400-series highway projects are subject to an individual EA. If the threshold is adjusted, the MTO Class EA is proposed to be amended to align it with the proposed highway designation so that there is no gap in coverage for highway projects that meet all the designation criteria except for the length criteria of 75 km. The following amendments to the MTO Class EA are proposed in relation to the proposed designations in the comprehensive EA projects regulation:

- Include provisions so that the Class EA applies to a type of highway project that is described in the proposed designation, if it is less than 75 km and it is undertaken by the Ministry of Transportation or a municipality;
- Make the establishing of the type of highway that is described in the proposed designation (e.g., at least two lanes in each direction), other than length, and that is less than 75 km a Group A project; and
- Make changes in terminology and other adjustments to align with the proposed comprehensive EA projects regulation.

Those projects which do not meet the criteria for the proposed designation as set out in the proposed comprehensive EA projects regulation and are currently Group A projects under MTO Class EA will continue to be subject to Group A project requirements in this class EA.

Proposed Related Amendments to Municipal Class Environmental Assessment

The Municipal Class EA is also proposed to be amended to:

- Provide that the class EA will not apply to the highway projects that are proposed to be subject to the comprehensive EA requirements if undertaken by a municipality.
- Provide that the class EA will not apply to highway projects that are below 75 km and that meet the proposed comprehensive EA project criteria, if undertaken by a municipality, and instead the MTO Class EA will apply (see above).

We are also proposing to amend the Municipal Class EA to change terminology, and make other adjustments to align the class EA with the proposed comprehensive EA projects regulation.

Railway and certain other projects

Currently, regardless of length, a railway project that is intra-provincial, if it is undertaken by a public sector proponent would require an individual EA.

We are proposing to designate the establishment of a railway line (passenger or freight) of 50 km or more as a comprehensive EA project. This would include extensions of railway lines of 50 km or more, regardless of who the proponent is. The proposed comprehensive EA thresholds for railway projects is based on the thresholds of the federal government.

The establishment of a railway line by Ontario Northland Transportation Commission below 50 km in length is proposed to be subject to the project assessment process under the [proposed amendments to O. Reg. 231/08](#), rather than requiring an individual EA as is the case today. This will occur by designating and exempting these projects, subject to following the process set out in the proposed amendments to O. Reg. 231/08. Other ONTC-led railway or bus projects are also proposed to be designated and exempted, subject to the process, including the construction of a station, maintenance facility, or storage yard.

Railway line projects that would involve adding new tracks alongside and contiguous to an existing line (twinning projects), if undertaken by Metrolinx, ONTC, a municipality or MTO, irrespective of length, would also follow the process set out in the proposed amendments to O.Reg. 231/08.

For spur line and passing track (siding) projects, we are proposing that any of these projects below 1.5 km in length not to be subject to any EA requirements unless they are ancillary to the establishment of a line. A spur line is a type of secondary track that is used to allow customers at a location to load and unload railcars without interfering with other railroad operations. A passing track is a small stretch of railway track adjacent to the main line that is used to allow trains to pass through on the main line.

The proposed requirements for railway and certain other projects are set out in the sections 29 and 30 of the proposed comprehensive EA projects regulation. These sections (29, 30) should be read in conjunction with the exceptions set out in section 31 of the [proposed comprehensive EA projects regulation](#).

Waterfront Projects

Some waterfront projects can have significant effects and may be of high public interest involving substantial in-water works with the potential for significant environmental effects. An example of a large-scale project that completed an individual environmental assessment is the Don Mouth Naturalization and Port Lands Flood Protection Project.

The environmental assessment for the Don Mouth Naturalization and Port Lands Flood Protection Project was completed by the Toronto and Region Conservation Authority. This precedent-setting project is a key component of Waterfront Toronto and the City of Toronto's plans to renew and revitalize Toronto's waterfront and will allow development in the Lower Don Lands.

The ministry is proposing to require a comprehensive EA for projects in the Great Lakes-St Lawrence River System that involve certain lake or riverbed filling in combination with certain alterations to the shoreline.

The proposed designation would apply to establishing “works” or a combination of “works” that:

- alter at least one kilometer of shoreline in the *Great-Lakes-St. Lawrence River System*; and
- require at least four hectares of lakebed or riverbed in the Great Lakes-St. Lawrence River System to be filled.

The *Great Lakes-St. Lawrence River System* is proposed to be defined as the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and the St. Mary’s, Detroit, Niagara, St. Clair and St. Lawrence rivers, including the mouth of any tributary to one of these lakes or rivers.

The term “works” is proposed to be defined as anything that may be established on or near a waterfront and includes a berm, breakwall, marina, channel, island, beach, pier or riprap. A comprehensive EA would be triggered either by one or a combination of works proposed to be undertaken at the same time.

The waterfront projects that are proposed to be subject to the comprehensive EA requirements are set out in section 32 of the [proposed comprehensive EA projects regulation](#).

These types of waterfront projects were called conservation projects in our [policy proposal](#), but we have updated the terminology based on input received.

Proposed Related Amendments to Class Environmental Assessments

We note that there are some related amendments to relevant class EAs that will be needed to align with the proposed designation for waterfront projects. We are proposing to amend the Class EA for Remedial Flood and Erosion Control Projects, Municipal Class EA, Class EA for Resource Stewardship and Facility Development, and the Public Work (Government Property) Class EA, to make it clear that where an undertaking to which the class EA applies meets the criteria in the proposed designation, the undertaking would be subject to the comprehensive EA process rather than the Class EA.

Waterfront projects that are not proposed to be designated as comprehensive EA projects will only be subject to EA if the project is an undertaking to which one of the class EAs apply. The waterfront projects which are currently following a class EA will be considered in the future development of and consultation on a project list regulation for streamlined EAs that will replace the Class EAs.

Part 3: Proposed Revocation and Replacement of General Regulation 334

After the *Environmental Assessment Act* (the Act) was introduced in 1975, the General Regulation followed in 1976. Various amendments have been made to this regulation since then and it is now known as “Regulation 334 – General”. The regulation was amended over time to address the broad application of the Act (for example, to make certain entities subject to the Act such as the Ontario Northland Transportation Commission) and to exempt certain types of projects from the application of the EAA (for example, to ensure that small projects with a low potential for negative environmental impacts undertaken by municipalities and Conservation Authorities would not be subject to the Act).

The ministry is proposing to revoke Regulation 334 and replace it with a new regulation containing certain exemptions from the Act generally, or in some cases specifically from class EA requirements (Part II.1) of the Act. Certain exemptions are proposed to be carried forward in the new regulation, such as municipal waste pilot projects and projects undertaken by the Ministry of Northern Development, Mines, Natural Resources and Forestry that provide access to a renewable energy facility.

Some exemptions are proposed to be removed as a result of the change in the way the Act will apply, moving in this first phase to having the Act apply only to what is “designated” as a Part II.3 (comprehensive EA) project, “deemed” to be a Part II.3 (comprehensive EA) project, or an undertaking to which one of the class EA applies. Given the general focus on what the project is rather than on who is undertaking the project, the ministry is proposing that a number of exemptions in Regulation 334 not be recreated in the new regulation. For example, the \$3.5 million cost exemption for municipalities (s. 5(2)(a) of Regulation 334) is not proposed to be included in the new regulation as municipal projects subject to the Act are covered by a streamlined process or may be subject to the comprehensive EA regulation, nor are we proposing to include the development of campgrounds or conservation areas under \$1 million (s.8(2)(i) of Regulation 334). Developing campgrounds or conservation areas are not proposed to be subject to a comprehensive EA.

Other provisions in Regulation 334 are proposed to be included in the new regulation such as those which support innovation in the waste sector (municipal waste pilot projects).

References to Regulation 334 in class EAs, other regulations and guidance material are also proposed to be removed and where appropriate, reference to the new regulation will be included. Where a document refers to an exemption that the ministry is not proposing to continue, clarification amendments will be made.

You can read the proposed [Exemptions from the Act and Part II.1 of the Act Regulation](#). You can find more information on the key changes being proposed in the new regulation in Appendix 1.

Related Proposal to Revoke the Algonquin Land Claim Declaration Order

As part of environmental assessment (EA) modernization efforts, the ministry has exempted projects or activities related to land claim settlements, and other agreements with Indigenous communities dealing with land, from the requirements of the Act ([Land Claim Exemption](#)). That exemption excludes undertakings that are associated with the Algonquin Land Claim Settlement because they are the subject of a separate conditional exemption under the Act (Algonquin Land Claim Declaration Order). This Order provides that certain projects and activities related to the Algonquin Land Claim Settlement are not subject to the Environmental Assessment Act, subject to conditions (see link <https://www.ontario.ca/page/declaration-order-algonquin-land-claim>).

We are proposing to amend the Land Claim Exemption so that it will also apply to Crown undertakings related to any settlement of the Algonquin land claim, where consultation on particular undertakings has not yet commenced under the existing Algonquin Land Claim Declaration Order. The proposal is also to amend the Algonquin Land Claim Declaration Order so that it aligns with the proposed exemption. The Ministry of Indigenous Affairs (IAO) has a robust [Indigenous Land Claim Consultation Process](#) that provides a mechanism to address consultation with government agencies, Indigenous communities, and the public for these types of projects and activities. The process is proposed to be applied to projects and activities associated with any Algonquin land claim settlement where consultation has not commenced under the Algonquin Land Claim Declaration Order.

The proposal will align consultations regarding the proposed Algonquins of Ontario settlement with other land claims, reduce regulatory burden and eliminate duplication, consistent with environmental assessment modernization efforts.

The ministry is proposing that Crown undertakings being considered for inclusion in the Algonquin Land Claim Settlement continue to be eligible to use the process in the Declaration Order where consultation has commenced under the Algonquin Land Claim Declaration Order prior to the proposed amendment to the exemption referenced above. At this time, consultation has commenced under the Declaration Order for the review of potential environmental effects associated with:

- the proposed transfer of certain provincial lands to the Algonquins of Ontario including all Crown activities associated with the proposed transfer; and
- Provincial Park boundary amendments for:
 - The recommended addition to Lake St. Peter Provincial Park.
 - The recommended Whiteduck Provincial Park in the area of the Crotch Lake Conservation Reserve in Frontenac County.

If consultation begins under the Declaration Order for any other projects being considered for inclusion in the Algonquin Land Claim Settlement before the proposed exemption, if made, comes into effect, those projects would continue to be subject to the Declaration Order.

Background

An Indigenous land claim is a formal submission to Ontario from an Indigenous community stating that it has an outstanding legal entitlement in respect of land. The negotiations involving Ontario, Canada and the Algonquins of Ontario (AOO) are attempting to resolve the Algonquins of Ontario claim of Aboriginal title and rights over the Ottawa River and Mattawa River watersheds in Ontario, which is a 36,000 square kilometre area of eastern Ontario. For additional information, please visit Ontario.ca/algonquinlandclaim.

The Algonquin Land Claim Declaration Order was made in 2007 to enable proponent ministries subject to the EAA to follow a common process – similar in terms of consultation and assessment – thereby avoiding duplication. However, after 14 years, it now includes obsolete references and is no longer aligned with general land claims processes, and the ministry's modernization efforts.

Revisions to Ontario's broader approach, including the recent modernization of the *Environmental Assessment Act*, provide greater efficiencies than those that were provided under the Declaration Order. Crown activities related to the Algonquin land claim settlement for which consultation had not commenced under the Algonquin Declaration Order prior to the exemption coming into force are proposed to proceed under IAO's [Indigenous Land Claim Consultation Process](#) rather than under an environmental assessment process.

Part 4: Proposed Related Amendments and Revocations – Regulations and Orders

To facilitate the move to a project list approach under the *Environmental Assessment Act* (the Act), we are proposing related amendments to regulations and orders.

Related Amendments to and Revocations of Regulations (including Exemption Orders) and Declaration Orders made Under *Environmental Assessment Act*

The existing environmental assessment (EA) regulatory framework has applied broadly to the public sector, and to the private sector only where specifically made subject to the Act. This has led to the need for various site-specific and program-based declaration orders, and regulations (including exemption orders and designations under previous versions of the Act).

Declaration Orders, exemption regulations, and designating and exempting regulations set out the application of the Act to certain private sector activities and also provide various exemptions (conditional and unconditional) from the Act or parts of the Act for both private and public sector activities.

These tools are usually considered in situations including cases of emergency, when the proposal is in the public interest, where potential environmental effects are likely to be minimal, or where environmental impacts are already being adequately addressed.

Examples of these instruments include:

- Five-year emergency interim expansions for municipal waste management,
- Exemptions for ministries or public bodies in relation to the on-going operational maintenance and repair of certain facilities.
- Site-specific designations of certain developments to require an environmental assessment, for a variety of reasons.

Since 1976, several hundred Orders have been made. In 1998, Ontario Regulation 437/98 was made revoking 229 of the exemptions for reasons such as the projects had been completed, discontinued, retired or abandoned. The ministry has reviewed the remainder of the Orders in the context of EA Modernization. Our proposal in respect of each of the remaining Orders can be found in Appendix 2 including revocation and in some cases, a proposal to maintain an exemption.

There are several exemptions which we are proposing to revoke that may be of particular interest to some Indigenous communities or stakeholders. Several of these are highlighted below and the full list can be found in Appendix 2.

Wildlife Population and Habitat Management Activities (MNR-42) and Wildlife Rabies Control Program (MNR 62)

An EA process for wildlife management activities and the rabies control program has been provided under Declaration Orders MNR-42 and MNR-62 respectively. The Wildlife Population and Habitat Management Activities and the Wildlife Rabies Control Program subject to these Declaration Orders are not proposed to be designated as comprehensive EA projects and they are not subject to a class EA, therefore, the exemptions set out in the Declaration Orders are not necessary.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) has existing program structures designed to support implementation of these programs since the Declaration Orders were made in 1985 and 1995, respectively. Revocation of the Declaration Orders will not affect consultation with Indigenous communities nor the NDMNRF's execution of the programs in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario. The Resource Stewardship and Facility Development (RSFD) Class EA would be amended to clarify that it does not apply to the activities addressed by the MNR-42 and MNR-62 Declaration Orders which are proposed to be revoked.

The control of deer population, including a herd reduction, and the proposal, program and plans in respect of those activities to reduce the deer population in Rondeau Provincial Park (MNR-60)

Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to any existing approved class EA. Exemption will not be necessary if the proposed regulation is made.

The responsible ministry, Northern Development and Mines, Natural Resources and Forestry (NDMNRF), has existing program structures designed to support implementation of the program described in the Order. NDMNRF will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario. Revocation of the Declaration Orders will not affect consultation with Indigenous communities.

Forest Fire Protection and Extra Fire Fighting Operations (MNR-01)

These activities are not proposed to be designated as comprehensive EA projects and they are not subject to a class EA, therefore, the exemption set out in the Declaration Order will no longer be necessary if the proposed comprehensive EA projects regulation is made.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) has developed program structures designed to support implementation of this program since the Declaration Order was made. Revocation of the Declaration Order will not affect consultation with Indigenous communities nor the ministry's execution of the programs in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.

The planning and implementing of Forest Management Activities south of the Ministry of Natural Resources' Forest Management Units, on Agreement Forests, private land under the Woodlands Improvement Act, and Crown Land (MNR 41)

In 2020, as part of environmental assessment modernization efforts, MECP exempted, by regulation, forest management activities within an area that includes sections of central and Northern Ontario, between the Quebec and Manitoba borders, from the *Environmental Assessment Act*.

These amendments to Regulation 334 under the Environmental Assessment Act regarding forest management activities, together with the related revocation of forestry related Declaration Orders MNR-71, MNR-74, and MNR-75 made it clear that NDMNRF is the primary source of direction for forest management in Ontario. Revocation of MNR-41 is proposed to align with the intent set out by the 2020 amendments to Regulation 334. Further, none of the activities to which MNR-41 applies are proposed to be designated as comprehensive EA

projects and they are not subject to a class EA, therefore, the exemption set out in the Declaration Order will no longer be necessary.

Remote Northern Airport Program (MTC 54 and MTC 58)

The Ministry of Transportation's Remote Northern Airport Program has been the subject of a Declaration Order since as early as 1979. The program operates, maintains, reinvests, and manages 29 airports in Northern Ontario, providing the only year-round transportation to isolated Indigenous communities, including providing access to medical/medivac services, professional services (policing, social services, courts & legal services), general movement and emergency response.

To support the program and provide for transparency with Indigenous communities, the public, and other stakeholders, MTO has adopted environmental policies and procedures for construction of new airports, major expansions to existing airports, and improvement or relocation of airport access roads. These policies and procedures were most recently updated in December of 2016. These activities are not proposed to be designated as comprehensive EA projects and they are not subject to a Class EA, and as such the Declaration Order will no longer be necessary.

However, MTO will continue to apply the principles of the program described in the existing Declaration Order(s) and will consult with Indigenous communities about any proposed changes to the process for the Remote Northern Airport Program.

Related Amendments to Regulations made under Legislation other than Environmental Assessment Act

We are proposing to make complementary amendments to regulations that refer to the environmental assessment regulations proposed to be revoked or provisions of the EAA that have been amended (renumbered).

	Legislation	Regulation
1	<i>Building Code Act, 1992</i>	O. Reg. 332/12: Building Code
2	<i>Clean Water Act, 2006</i>	O. Reg. 287/07: General
3	<i>Electricity Act, 1998</i>	O. Reg. 97/99: Transfer Orders and Transfer By-Laws
4	<i>Environmental Bill of Rights, 1993</i>	O. Reg. 73/94: General
5	<i>Environmental Protection Act</i>	O. Reg. 1/17: Registrations under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions
6	<i>Environmental Protection Act</i>	O. Reg. 63/16: Registrations under Part II.2 of the Act – Water Taking

	Legislation	Regulation
7	<i>Environmental Protection Act</i>	O. Reg. 359/09: Renewable Energy Approvals under Part V.0.1 of the Act
8	<i>Environmental Protection Act</i>	O. Reg. 206/97: Waste Disposal Sites, Waste management Systems and Sewage Works subject to Approval under or exempt from the Environmental Assessment Act
9	<i>Ontario Water Resources Act</i>	O. Reg. 387/04: Water Taking and Transfer
10	<i>Safe Drinking Water Act, 2002</i>	O. Reg. 205/18: Municipal Residential Drinking Water Systems in Source Protection Areas

The Ministry of Economic Development, Job Creation and Trade is responsible for O. Reg. 556/20 (Exemptions made under *Modernizing Ontario for People and Businesses Act, 2020*) and has proposed [an amendment](#) to revoke the sections of O. Reg. 556/20 which are currently exempting the ministry from the requirement to accept electronic submission of documents required under three of the EAA regulations, namely documents under O. Reg. 116/01, O. Reg. 101/07 and O. Reg. 231/08. The exemption from electronic submission requirements is unnecessary.

We are also proposing to revoke O. Reg. 254/06 – Plasco Demonstration Project made under the *Environmental Protection Act*. This regulation is no longer necessary as the related O. Reg. 253/06 made under EAA is being proposed to be revoked and the Environmental Compliance Approval which was issued to the Plasco Demonstration Project was revoked on May 30, 2016.

Part 5: Proposed Transition Regulation

As a further component of our work to modernize the EA program, the ministry is proposing a new regulation that would set out various transition provisions that would support the shift to the comprehensive EA project list regulation and certain other related modernization activities. The proposed regulation is entitled [general and transitional matters](#). The proposed regulation sets out what happens to undertakings that are currently proceeding with an application for approval under Part II of the Act (individual EA) when Part II.3 of the Act (comprehensive EA) is proclaimed and the comprehensive EA project list regulation is made.

For projects that are currently undergoing an individual EA and have submitted a proposed terms of reference to the ministry, we are proposing that the EA process continue at the highest level of assessment, as a comprehensive EA. This would allow the proponents to benefit from the steps taken to date on their EA, including submitting the terms of reference. Furthermore, the current deadlines for the EA process under the Deadlines regulation (O. Reg. 616/98) are proposed to continue to apply.

This proposed transition rule would apply to all undertakings currently undergoing individual EAs, including those that have been made subject to the EAA through a designating regulation, those that are proceeding as a result of a Part II Order (bump-up), and those which volunteered to complete the EA process by entering into a “voluntary agreement” with the ministry.

The Waasigan Transmission Line project, a new double-circuit 230 kilovolt line in northwestern Ontario by Hydro One would be transitioned under this rule. The ministry has proposed changes to the threshold for the Minor Transmission Facilities Class EA and if the proposed changes are made, these changes would not apply to the Waasigan Transmission Line project. The ministry consulted on [updating the environmental assessment requirements for certain transmission line projects](#) through a separate proposal. The individual EA process for this undertaking has already commenced (the proponent has submitted a terms of reference to the ministry).

The [proposed general and transitional matters regulation](#) will also provide for other matters, including:

- new provisions that would make the relevant part of the Municipal Class EA apply to private sector developers engaging in certain projects
 - Ontario Regulation 345/93 (Designation and Exemption — Private Sector Developers) is proposed to be revoked and replaced by the provisions in the proposed general and transitional matters regulation.
- Providing that an undertaking, in respect of which an order was issued under s. 16(1) of the EAA requiring the proponent to comply with Part II, is a Part II.3 project (i.e., a project subject to the comprehensive EA provisions). In other words, a proponent which followed a Class EA process and for which a bump-up order was made to require the completion of an individual EA (making it subject to Part II of the Act), would continue to be required to complete the comprehensive EA process (the new Part II.3 of the Act).
- Record keeping requirements for class EA made under Part II.1 of the Act prior to the amendments made by the *COVID-19 Economic Recovery Act, 2020*.

The proposed general and transitional matters regulation will contain some general provisions that are proposed to be moved out of Regulation 334 – General into the new proposed regulation.

Environmental Assessment Modernization

Moving to a Project List Approach under the
Environmental Assessment Act

APPENDICES

Environmental Assessment Modernization Branch

Ministry of the Environment, Conservation and Parks

Appendix 1: Proposed Revocation and Replacement of General Regulation 334

Section and Description of Regulation 334 (made under EAA)	Proposed Action
1.1 A proponent who gives proposed terms of reference to the Ministry under section 6 of the Act shall do so on a form supplied by the Ministry.	The Act was amended to permit the Director to specify the form and manner of an application, which includes a proposed terms of reference. This provision is therefore no longer necessary.
2. An environmental assessment submitted to the Minister shall contain, in addition to the information required under subsection 6.1 (2) of the Act, a number of products including summaries, a list of studies, maps etc.	<p>This requirement is included in the proposed general and transitional matters regulation.</p> <p>Aspects of the requirement relevant to paper applications have been removed in the revised <i>Environmental Assessment Act</i> to facilitate the move to electronic submission of applications.</p>
3. Lists 12+ corporations/commissions etc. which are deemed to be “public bodies” such as Ontario Energy Board and OCWA.	<p>This provision is included in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 1) and includes updates to the names of the ‘public bodies’ and removal of references to those bodies which do not exist any longer including:</p> <ul style="list-style-type: none"> • Ontario Telephone Development Corporation. • Ontario Transportation Development Corporation. • Toronto Area Transit Operating Authority. • Ontario Transportation Capital Corporation.
4. Any project that did not, in the past, require approval under the Act can continue to operate and can be “retired” without the need for an EA.	<p>This provision is carried forward as an exemption from Part II.1 of the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 7)</p> <p>The proposed comprehensive EA projects regulation would not designate operation or retirement of things. However, the exemption is required as some class EAs (e.g. Resource Stewardship and Facility Development Class EA)</p>

Section and Description of Regulation 334 (made under EAA)	Proposed Action
	will continue to apply to operating and closure activities.
<p>5. (1) This section does not apply to an undertaking of a body listed in section 3 that may be found to be a local board as defined in the Municipal Affairs Act or to be a board, commission or other local authority exercising power in respect of municipal affairs.</p> <p>(1.1) Describes what can and cannot count towards the \$3.5 million in (2)(a) below</p> <p>(2) An undertaking by a municipality is exempt from section 5 of the Act where,</p> <p>(a) it has an estimated cost of not more than \$3,500,000;</p> <p>(b) it is an undertaking by a Board of Education</p> <p>(c) it is a Drainage Act works;</p> <p>(d) it is a small scale, temporary waste disposal site/transfer station.</p> <p>(e) it is a road or a water crossing that provides access to a REA project</p> <p>(f) it is a municipal non-profit housing project</p> <p>(g) REVOKED</p> <p>(h) it's a project provided for in a subdivision agreement between a municipality and a subdivider;</p> <p>(i) certain on-site and off-site stormwater management projects; or</p> <p>(j) it is a transfer of land initiated by the owner of the land in a hardship situation, or as part of an arrangement whereby the municipality is to provide a fence in return for a transfer of land.</p> <p>(6) The obtaining land, where the acquisition conditional on compliance with the Act, exempt from section 5 of the Act.</p>	<p>The exemptions in the following provisions of this section are proposed to be carried forward as exemptions from Part II.1 of the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation: (2)(b), (2)(c), (2)(e), (2)(h), 2(i) (see section 8)</p> <p>The exemptions in the following provisions are not proposed to be continued: (2)(a), (2)(d), (2)(f), (2)(j), and (6)</p> <p>With the move to a project list approach, the Act will apply to those projects that will be designated by regulation and designations will be based on activity rather than on proponency. A general exemption such as the \$3.5M cost trigger (regardless of the nature of the project) is not in keeping with the move to a project list approach.</p>
6. (1) All undertakings and classes of undertakings by or on behalf of Her Majesty	These exemptions are carried forward as exemptions from Part II.1 of the Act in the

Section and Description of Regulation 334 (made under EAA)	Proposed Action
<p>in right of Ontario and carried out by, certain ministries (11 +) are exempt from section 5 of the Act.</p> <p>(2) All undertakings and classes of undertakings by or on behalf of Her Majesty in right of Ontario and carried out by an agent of Her Majesty in right of Ontario who is not,</p> <ul style="list-style-type: none"> (a) a Minister of the Crown; (b) acting on behalf of a Minister of the Crown; or (c) defined as a public body, <p>are exempt from section 5 of the Act.</p>	<p>proposed Exemption from the Act and Part II.1 of the Act Regulation, and includes updates to ministry names (see section 9)</p>
<p>7. Despite section 6, an undertaking carried out that relates to Government property by the ministries listed above are not exempt from the Act.</p>	<p>This provision is carried forward in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 9(2))</p>
<p>7.1 (1) The following undertakings by or on behalf of the Ontario Infrastructure and Lands Corporation are exempt from the Act:</p> <ol style="list-style-type: none"> 1. Undertakings that are not in respect of Government property 2. Undertakings in respect of Government property that consist of a disposition of any interest in land or severance of land (e.g. sale or lease of land such as cottage lots belonging to Government) <p>(2) Undertakings in respect of forfeited property carried out by the Minister responsible for the <i>Forfeited Corporate Property Act, 2015</i> or by Ontario Infrastructure and Lands Corporation are exempt from the Act.</p>	<p>These exemptions are carried forward as exemptions from Part II.1 of the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see sections 11, 12)</p> <p>The exemptions respecting disposition of interest in land or severance of land and forfeited property will not need to be carried forward if the proposed July 2020 amendments to relevant class EAs are approved.</p>
<p>7.2 The following are exempt from the Act: Transactions regarding securities, debts, etc. associated with Hydro One</p>	<p>Undertakings covered by this exemption are implemented and, therefore, the exemption is spent (no longer required)</p> <p>Undertakings covered in this exemption are not proposed to be in the comprehensive EA projects regulation and no class EA applies.</p>

Section and Description of Regulation 334 (made under EAA)	Proposed Action
<p>8. Provides a series of exemptions from the Act that apply to conservation authorities in order to allow for them to undertake certain routine work such as flood proofing, municipal tree replacement, conservation services, development of conservation areas and campgrounds having a cost of \$1,000,000 or less, and other projects.</p>	<p>These exemptions are proposed to not be carried forward.</p> <p>Undertakings covered by this exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption would not be necessary if the proposed regulation is made.</p> <p>Cost trigger will not continue for the conservation services and the development of conservation areas and campgrounds.</p> <p>Reg 334 exemption provisions (s.8) were included prior to the approval of the Class EA for Remedial Flood and Erosion Control Projects.</p>
<p>8.1 Exemption for certain forestry activities.</p>	<p>These exemptions are proposed to not be carried forward.</p> <p>Forest management activities are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption would not be necessary if the proposed regulation is made.</p>
<p>9. Making a loan, giving a grant etc. is exempt from section 5 of the Act.</p>	<p>These exemptions are proposed to not be carried forward.</p> <p>Undertakings covered by the exemptions are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption would not be necessary if the proposed regulation is made.</p>
<p>10. Despite any exemption in Regulation 334, if terms of reference are submitted for the undertaking, the Act applies.</p>	<p>This provision is proposed to not be carried forward.</p> <p>The provision is no longer necessary.</p>
<p>11. Exemption for research undertakings</p>	<p>This exemption is proposed to be carried forward as an exemption from the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 2)</p>

Section and Description of Regulation 334 (made under EAA)	Proposed Action
	Maintaining the provision will ensure certain research undertakings continue to be exempt from EA requirements.
11.1 Exemption for municipal waste pilot project sites	<p>This exemption is proposed to be carried forward as an exemption from the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 5)</p> <p>Maintaining the provision will ensure municipal waste pilot projects continue to be exempt from EA requirements.</p>
12. Mobile PCB destruction facility on Crown lands Exemption	<p>This exemption is proposed to not be carried forward.</p> <p>Locating a mobile PCB destruction facility on particular lands is not proposed to be in the comprehensive EA projects regulation and is not subject to an existing approved class EA.</p> <p>Exemption would not be necessary if the proposed comprehensive EA projects regulation is made.</p>
13. Despite the repeal of Regulation 293 of the Revised Regulations of Ontario, 1980, any part of an undertaking for which an Environmental Assessment has not been submitted and that was exempt under clause 5 (5) (a) or 9 (2) (a) of that regulation on the 12th day of April, 1987, remains exempt.	<p>This exemption is proposed to not be carried forward.</p> <p>These are legacy provisions which are no longer necessary.</p>
14. Certain exemptions in Regulation 334 do not apply to undertakings designated by O. Reg. 116/01 (Electricity Projects)	<p>This provision is proposed to not be carried forward.</p> <p>This provision is addressed in the proposed comprehensive EA projects regulation.</p>
14.1 Exemption for undertakings related to land claim settlement agreements and other agreements with Indigenous communities about land	<p>This provision is proposed to be carried forward as an exemption from Part II.1 of the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 13)</p> <p>We are proposing to update the exemption so that it would also apply to Crown undertakings</p>

Section and Description of Regulation 334 (made under EAA)	Proposed Action
	related to any settlement of the Algonquin land claim where consultation has not yet commenced.
15. A renewable energy project undertaken by the Crown, municipality or public body in respect of a renewable energy project is exempt, unless it's a waterpower project.	<p>This provision is proposed to not be carried forward.</p> <p>Undertakings covered by this exemption are not proposed to be in the comprehensive EA projects regulation. Exemption is no longer necessary.</p>
15.0.1 Activities by the Crown that are only for the purposes of implementing a renewable energy project or a renewable energy testing project	<p>This provision is proposed to be carried forward as an exemption from the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 3)</p> <p>Maintaining this exemption will ensure the exemption for Crown projects being carried out only for the purposes of implementing a renewable energy project or renewable energy testing project can continue.</p> <p>Renewable energy projects are regulated under other legislation and regulations.</p>
<p>15.0.2 Undertakings by the Ministry of Natural Resources and Forestry related to a road or water crossing that provides access to a renewable energy project</p> <ol style="list-style-type: none"> 1. A King's Highway, a secondary highway or an industrial road designated under the Public Transportation and Highway Improvement Act or a road under the jurisdiction of a statute labour board or a local roads board. 2. Or if it is a renewable energy generation facility using waterpower as its primary power source 	<p>This provision is proposed to be carried forward as an exemption from the Act in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 4)</p> <p>Maintaining these exemptions will ensure that the undertakings in the provision can continue as those undertakings are related components of a renewable energy projects and those projects are regulated under other legislation and regulations.</p>
15.1 Names/identifies proponents in respect of two class EAs.	The provisions authorizing municipalities, private developers and MHSTCI to proceed in

Section and Description of Regulation 334 (made under EAA)	Proposed Action
<p>(Authorizes private sector developers engaging in certain kinds of undertakings in municipalities to proceed in accordance with the Municipal Class Environmental Assessment and authorizes all municipalities to proceed in accordance with that class EA as well. Also authorizes the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) to proceed in accordance with the Ministry of Infrastructure Class EA)</p>	<p>accordance with the named class EAs are proposed to be carried forward in the proposed general and transitional matters regulation.</p> <p>The updates to ministry and class EA names will also provide clarity.</p>
<p>15.2 The prohibitions in the EAA for issuing an authorization in advance of approval under the Act do not apply to the Minister of Municipal Affairs with respect to any order that he or she may make under section 47 (Minister's Zoning Orders) of the Planning Act.</p>	<p>This provision is proposed to be carried forward in the proposed Exemption from the Act and Part II.1 of the Act Regulation (see section 6)</p> <p>This will maintain provisions that will allow the orders to be issued in advance of approval or compliance with prescribed requirements.</p>
<p>16. Provides for public records of class EAs and their approvals to be maintained.</p>	<p>This provision is included in the proposed general and transitional matters regulation, after required amendments to align with recent amendments to EAA.</p> <p>Maintaining and updating the provision will ensure the public record keeping rules apply for class EA documents as well.</p>

Appendix 2: Proposed Related Amendments and Revocations – Regulations and Orders made under the Environmental Assessment Act

Regulations

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
1	O. Reg 697/21	Bradford Bypass Project	Maintain exemption The Bradford Bypass Project, other than early works, is exempt from the Act if the proponent complies with section 3 (of the regulation) and the Bradford Bypass Project assessment process. See Environmental Registry of Ontario posting # 019-1883
2	O. Reg 551/21	Thermal Treatment Site Exemption	Maintain exemption See Environmental Registry of Ontario posting # 019-3370
3	O. Reg. 539/21	Designation and Exemption: Reid Road Reservoir Quarry	Maintain designation and exemption Amend to designate project as a Part II.3 project and make consequential amendments. See Environmental Registry of Ontario posting # 019-2876
4	O. Reg. 341/20	Ontario Line Project Conditional exemption	Maintain exemption Requires complementary amendments to reflect revised EAA provisions/sections.
5	O. Reg. 230/12	Exemption - Ontario Northland Transportation Commission Divestment/Dissolution	Revoke Undertakings in the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA.

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
			Exemption will not be necessary if the proposed regulation is made.
6	O. Reg. 444/11	Designation - Highland Companies (3191574 Nova Scotia Limited) Melancthon Quarry	Revoke Designation was specific to Highland Companies, which has dissolved. If a future quarry application is made by anyone for the subject lands, Aggregate Resources Act would apply and if the potential environmental impacts were significant enough, the proposed project could be designated under the EA Act
7	O. Reg. 497/09	Exemption - Ipperwash Provincial Park	Revoke Spent – Undertaking implemented (park boundaries rescinded, and lands transferred)
8	O. Reg. 231/08	Transit Projects and Metrolinx Undertakings	Retain and Amend See description of proposed amendments and draft regulation
9	O. Reg. 101/07	Waste Management Projects	Revoke Proposed comprehensive EA projects regulation would replace this regulation.
10	O. Reg. 253/06	Designation and Exemption - Plasco Trail Road Inc. Thermal treatment undertaking	Revoke Plasco specific - Corporation dissolved. Activities no longer being engaged in at the site
11	O. Reg. 196/04	Designation of Activities of Synfuel Technologies, Inc. Relating to Generating and Transmitting Electricity Using Petroleum Coke as an Undertaking	Revoke Synfuel specific - Project abandoned and corporation dissolved.
12	O. Reg. 4/03	Designation - Recycling Specialities Inc. Landfill Site	Revoke

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
			Designations in proposed comprehensive EA projects regulation would govern.
13	O. Reg. 389/01	Designation - J. W. Sheldrick Sanitation Limited Smithville Site	Revoke Designations in proposed comprehensive EA projects regulation would govern
14	O. Reg. 116/01	Electricity Projects	Revoke Proposed comprehensive EA projects regulation would replace this regulation.
15	O. Reg. 565/00	Designation - Mayer Landfill Site	Revoke Designations in proposed comprehensive EA projects regulation would govern
16	O. Reg. 491/00	Designation - Kirkland Lake Waste Disposal Site	Revoke Designations in proposed comprehensive EA projects regulation would govern
17	O. Reg. 151/00	Designation - Clarington Waste Processing Centre Ltd. Landfill Site	Revoke Designations in proposed comprehensive EA projects regulation would govern
18	O. Reg. 493/99	Designation - H. Dodge Haulage Ltd. Landfill Site	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on February 11, 2009. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.
19	O. Reg. 367/99	Designation - Canadian Waste Services Inc. Richmond and Warwick landfill sites	Revoke Designations in proposed comprehensive EA projects regulation would govern
20	O. Reg. 616/98	Deadlines	Maintain

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
			Requires complementary amendments to reflect new EAA provisions
21	O. Reg. 437/98	Revocation Order Under Section 3.2 (revoking various orders)	Revoke Spent
22	O. Reg. 153/98	EFW Facility at 7656 Bramalea Road, Brampton	Revoke Designations in proposed comprehensive EA projects regulation would govern
23	O. Reg. 369/97	Designations - Laflèche Environment Inc. (1222024 Ontario Limited) Township of Roxborough, United Counties of Stormont, Dundas and Glengarry	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on February 24, 2019. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.
24	O. Reg. 222/97	Designation – Browning-Ferris Industries Limited Ridge Landfill; Parts of Lots 13 to 16, Concession 4, Township of Harwich in the County of Kent	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on June 24, 1998. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.
25	O. Reg. 221/97	Designation - Notre Development Corporation Adams Mine, Township of Boston in the District of Timiskaming	Revoke Regulation is unnecessary as the <i>Adams Mine Lake Act, 2004</i> prohibits the designated activity
26	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. Green Lane Landfill; Part of Lots 21, 22 and 23, Concession III, Township of Southwold in the County of Elgin	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on November 21, 1996. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
27	O. Reg. 29/97	Designation - Fibre Environmental and Ecology Limited Quinte Sanitation Landfill; Parts of Lots 17 and 18, Concession 1, Township of Sidney, in the County of Hastings	Revoke Designations in proposed comprehensive EA projects regulation would govern
28	O. Reg. 8/96	Exemption - The Corporation of The Township of Chapleau - CHAP-TP-1 Township of Chapleau landfill site; Part of Lot 1, Concession 5, Township of Chappise	Revoke Spent – Undertaking implemented (site closed)
29	O.Reg. 520/95	Exemption – Ministry of Natural Resources, Ministry of Health and Ministry of Agriculture, Food and Rural Affairs – MNR-62 Wildlife rabies control program exemption	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made. The responsible ministry, Northern Development and Mines, Natural Resources and Forestry, has existing program structures designed to support implementation of the program described in the Order. Northern Development and Mines, Natural Resources and Forestry will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.
30	O. Reg. 511/95	Exemption - Waste Management Planning - MOEE-46	Revoke Spent - time limited exemption

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		Exemption from the Act regarding proponents needing to consider incineration	
31	O. Reg. 498/95	Exemption - The Corporation of The Township of Edwardsburgh Edwardsburgh Township Waste disposal site; eastern part of Lot 18, Concession V, in the Township of Edwardsburgh	Revoke Spent – Undertaking implemented (site closed)
32	O. Reg. 391/95	Designation - Taro Aggregates Ltd. Disposing solid non-hazardous waste from industrial, commercial and institutional sources on Lots 25 and 26, Concession VI, City of Stoney Creek, Regional Municipality of Hamilton-Wentworth	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on July 15, 1996. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.
33	O. Reg. 290/95	Exemption - The Municipality of Metropolitan Toronto and Toronto Transit Commission The relocation of the Southern Terminus of the Bathurst Streetcar Route situated on the grounds of the Canadian National Exhibition	Revoke Spent – Undertaking implemented
34	O. Reg. 765/94	Exemption - The Metropolitan Toronto and Region Conservation Authority - MTRC-A-2 Creating public open space and public facilities including a stormwater management system and the waterfront drive right of way utilizing	Revoke Spent – Undertaking implemented

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		lakefill as required and shoreline stabilization with significant emphasis on environmental enhancement, in the area of the City of Etobicoke (Etobicoke) known as the "Motel Strip"	
35	O. Reg. 702/94	<p>Exemption - The Corporation of the Township of Stephen - STEP-TP-1</p> <p>The expansion, operation and closure of the existing Township of Stephen Landfill located on part of Lot 3, Concession 14, in the Township of Stephen, County of Huron</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (site closed)</p>
36	O. Reg. 701/94	<p>Exemption - The Corporation of The Townships of Rolph, Buchanan, Wylie, Mckay and The Village of Chalk River - BUCH-TP-1</p> <p>The expansion, operation and closure of the existing Township of Buchanan Landfill located on part of Lot 5, Concession VII, in the Township of Buchanan, County of Renfrew</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (site closed)</p>
37	O. Reg. 444/94	<p>Exemption - Ministry of Transportation - MTO-63</p> <p>Extraction of aggregate materials within the Puslinch Crown Resource Management Area approved under the Act in 1980</p>	<p>Revoke</p> <p>Spent – Undertaking implemented</p>

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
38	O. Reg. 350/94	Exemption – The Regional Municipality of Sudbury – SUDB-RG-2 Interim expansion, operation and closure of the Onaping Falls landfill site	Revoke Spent – Undertaking implemented
39	O. Reg. 235/94	Exemption – County of Victoria – VICT-CT-1 Victoria County landfill interim operation and closure	Revoke Spent – Undertaking implemented
40	O. Reg. 231/94	Exemption – City of Port Colborne and Town of Fort Erie – PC-M-2 Acquisition of land	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
41	O. Reg. 690/93	Exemption - Niagara College of Applied Arts and Technology - CU-AA-05 Establish and operate a permanent college of applied arts and technology on Part of Lot 2, Concession 10 (formerly in the Township of Grantham) in the Town of Niagara-on-the-Lake	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to any existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
42	O. Reg. 685/93	Exemption - Ministry of Natural Resources - MNR-60 The control of deer population, including a herd reduction, and the proposal, program and plans in respect of those activities to reduce	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to any existing approved class EA. Exemption will not be necessary if the proposed regulation is made.

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		the deer population in Rondeau Provincial Park	The responsible ministry, Northern Development and Mines, Natural Resources and Forestry, has existing program structures designed to support implementation of the program described in the Order. Northern Development and Mines, Natural Resources and Forestry will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario. Revocation of the Declaration Orders will not affect consultation with Indigenous communities.
43	O. Reg. 445/93	Exemption - Township of Asphodel - ASPH-T-1/1 Continued operation as an interim measure and closure of the existing and approved Township of Asphodel Landfill Site, situated on parts 1, 2, 3 and 4, lots 17 and 18, Concession IV and parts 5, 6, 7, 8, 9, 10 and 11, lots 17 and 18, Concession V, in the County of Peterborough	Revoke Spent – Undertaking implemented (site closed)
44	O. Reg. 414/93	Exemption - The Corporation of The City of Port Colborne - PC-M-1 The expansion, operation and closure of the existing landfill located on Part of Lot 29, Concession 3, in the City of Port Colborne	Revoke Spent – Undertaking implemented (site closed)
45	O. Reg. 393/93	Exemption - The Regional Municipality of Sudbury - SXUDB-RG-1	Revoke Designation is spent as proceeding with the undertaking was approved under

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		Operating and closing the Sudbury Landfill Site at lots 7, 8 and 9, Concession 4, Township of Neelon, City of Sudbury, Regional Municipality of Sudbury	Part II of the EAA March 10, 1999. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project
46	O. Reg. 345/93	Designation and Exemption - Private Sector Developers Relative to Schedule C projects of the Municipal Class Environmental Assessment	Revoke Provisions in the proposed new General and Transitional Matters regulation would replace this regulation.
47	O. Reg. 299/93	Exemption - The Town of Kincardine - KINC-T-1 Continued operation, as an interim measure, and closure of the existing and approved Town of Kincardine Valentine Avenue Landfill Site, situated on parts of lots "A" and "B", Concession "A", Plan 61, Town of Kincardine, County of Bruce.	Revoke Spent – Undertaking implemented
48	O. Reg. 191/93	Exemption - La Cité Collégiale - MCU-4 Establish and operate a permanent campus for college of applied arts and technology at 800 Carson Road in the City of Ottawa,	Revoke Activities are either implemented or not proposed to be in the comprehensive EA projects regulation and are not subject to any existing approved class EA.
49	O. Reg. 163/93	Designation - Unitec Disposals Inc. Disposing of waste or sewage on its site located on or adjacent to the west half of Lot 22, Concession XII, Township of Moore in the County of Lambton.	Revoke Spent – Undertaking implemented (site closed)

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
50	O. Reg. 144/93	Exemption – The Metropolitan Toronto and Region Conservation Authority – MTRCA-4 Modifications to Colonel Samuel Smith Master Plan	Revoke Spent – Undertaking implemented
51	O. Reg. 74/93	Exemption - The Corporation of the Township of Alice and Fraser, the Corporation of the City of Pembroke, the Corporation of the Township of Petawawa, the Corporation of the Township of Pembroke, the Corporation of the Township of Stafford, the Corporation of the Township of Wilberforce, the Corporation of the Village of Petawawa, the Corporation of the CFB PETAWAWA-ALIC - TP-1 Continue to operate the Alice & Fraser waste disposal site and extend the existing fill contours and operate as an interim measure, the existing approved Alice & Fraser Landfill Site located on parts of lots 23, 24, 25 and 26, Concession 1, Township of Alice and Fraser, County of Renfrew	Revoke Designation is spent as proceeding with the undertaking was approved under Part II of the EAA on March 19, 2008. Section 38 (3) of the EAA would deem the undertaking to be a Part II.3 project.
52	O. Reg. 71/93	Designation - Laidlaw Environmental Services Ltd. Constructing and operating a rotary kiln incinerator on Lot 9, Concession X, Township of Moore, County of Lambton	Revoke Designations in proposed comprehensive EA projects regulation would govern

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
53	O. Reg. 718/92	Exemption - The Corporation of the City of Brockville - BROCC-3 Continued operation and closure of the existing and approved City of Brockville Landfill site, situated on part of lots 16 and 17, Concession 11, City of Brockville	Revoke Spent – Undertaking implemented (site closed)
54	O. Reg. 717/92	Exemption - The Corporation of the Township of South Gower - GOW-TP-1 The interim expansion, operation and closure of the existing South Gower Township landfill located on Lot 6, Concession VI, in the Township of South Gower	Revoke Spent – Undertaking implemented (site closed)
55	O. Reg. 716/92	Exemption – The Corporation of the Town of Kapuskasing – KAP-T-2	Revoke Spent – Undertaking implemented (site closed)
56	O. Reg. 664/92	Exemption – The Corporation of the Town of Brantford – BRAN-TP-1 Alter the approved final contours of Biggar’s Lane Landfill Site and extend the service area	Revoke Spent – Undertaking implemented
57	O. Reg. 585/92	Exemption - Ministry of The Environment - MOE-31/5 Managing the contaminated wastes which may be found in the soil and groundwater both in and around the former Chemical Waste Management Limited property at site 7, Lot	Revoke Spent - the Order it amended has been revoked. This order extended and amended a condition of an order which has been revoked (O. Reg 437/98)

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		6, Concession 9, Smithville Industrial Park, Township of West Lincoln, Regional Municipality of Niagara	
58	O. Reg. 492/92	Exemption - Ministry of Transportation - MTO-62 The acquisition and leasing of three kilometres of abandoned rail right-of-way property in the City of St. Thomas	Revoke Spent – Undertaking implemented
59	O. Reg. 305/92	Exemption - Ministry of Transportation - MTC-61 The design, acquisition of property, construction, operation and maintenance of the Leamington Diversion, a staged four-lane divided expressway.	Revoke Spent – Undertaking implemented
60	O. Reg. 304/92	Exemption - Ministry of Transportation - MTC-60 The design, provision and construction of a new two-lane, undivided highway from the Thunder Bay Expressway/Harbour Expressway Intersection in the City of Thunder Bay, westerly to the East Limit of Kakabeka Falls in the Township of O'Connor.	Revoke Spent – Undertaking implemented
61	O. Reg. 292/92	Exemption – Township of Roxborough – ROXB-TP-1 Interim expansion, operation and closure of the Roxborough Township landfill site	Revoke Spent – Undertaking implemented (site closed)

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
62	O. Reg. 291/92	Exemption - The Corporation of the County of Lambton - LAMB-CT-1 The expansion of the existing approved waste disposal landfill site located on part of Lot 12, Concession 3, in the City of Sarnia-Clearwater, County of Lambton.	Revoke Spent – Undertaking implemented (site closed)
63	O. Reg. 290/92	Exemption – The Corporation of the City of Peterborough – PETE-C-1/1 Modification to the design and operation of landfill site	Revoke Spent – Undertaking implemented (landfill constructed)
64	O. Reg. 232/92	Exemption - Township of Asphodel - ASPH-T-1 Continued operation as an interim measure and closure of the existing and approved Township of Asphodel Landfill Site, situated on Parts 1, 2, 3 and 4, lots 17 and 18, Concession IV and Parts 5, 6, 7, 8, 9, 10 and 11, lots 17 and 18, Concession V, in the County of Peterborough.	Revoke Spent – Undertaking implemented (site closed)
65	O. Reg. 118/92	Exemption - The Town of Lindsay - LIND-T-1 The continued operation, as an interim measure, and closure of the existing and approved Town of Lindsay-Ops Landfill Site, situated on the east half of Lot 26, Concession 5, Township of Ops.	Revoke Spent – Undertaking implemented
66	O. Reg. 26/92	Exemption - City of Hamilton - HAM-C-1	Revoke

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		The remediation of the Hamilton Harbourfront on the former Lax Property	Spent – Undertaking implemented
67	O. Reg. 723/91	<p>Exemption - The Corporation of the Town of Fort Erie - FORT-E-T-2</p> <p>The extended use, as an interim measure, of the existing approved Bridge Street Sanitary Landfill site located on lots 7 and 8, Concession 4, in the Town of Fort Erie, Regional Municipality of Niagara.</p>	<p>Revoke</p> <p>Spent – Undertaking implemented</p>
68	O. Reg. 697/91	<p>Exemption – The Corporation of the Town of Keewatin – KEEW-T-1</p> <p>Interim extension, operation and closure of Keewatin landfill.</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (site closed)</p>
69	O. Reg. 627/91	<p>Exemption – The Corporation of the City of Toronto – TORO-C-5</p> <p>Decommissioning of the former Toronto Refiners and Smelters Ltd properties in the vicinity of 28 Bathurst Street</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (decommissioning completed)</p>
70	O. Reg. 626/91	<p>Exemption - Ministry of The Environment - MOE-44</p> <p>Activities related to the characterization, cleanup and/or remedial work being carried out by the Ministry of the Environment in Howey Bay of Red Lake.</p>	<p>Revoke</p> <p>Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.</p>

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
71	O. Reg. 622/91	<p>Exemption - City of Windsor - WIND-C-2</p> <p>Developing a waterfront park, covering approximately 35 acres, bounded by Riverside Drive, Viale Udine, Devonshire Road and the Detroit River.</p>	<p>Revoke</p> <p>Spent – Undertaking implemented</p>
72	O. Reg. 309/91	<p>Exemption - The Corporation of the Township of Goderich, the Corporation of the Town of Goderich, the Corporation of the Town of Clinton and the Corporation of the Township of Colborne - GODE-T-1</p> <p>Expansion of the service area for the Mid-Huron Landfill Site, located at the intersection of Huron Road No. 31 and Highway 8 in the Township of Goderich on Part of lots 13, 14 and 15, Huron Road Concession, and Part of Lot 82, Maitland Concession</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (site closed)</p>
73	O. Reg. 280/91	<p>Exemption - Ministry of Transportation - MTC-59</p> <p>Acquiring property for, designing, constructing, operating and maintaining GO Train service and associated facilities on an alignment from the GO Train station at Brock Street in the Town of Whitby</p>	<p>Revoke</p> <p>Spent – Undertaking implemented</p>
74	O. Reg. 148/91	<p>Exemption - The Corporation of the City of Guelph - GUEL-C-1</p> <p>The continued operation, as an interim measure, and closure of the existing and</p>	<p>Revoke</p> <p>Spent – Undertaking implemented (site closed)</p>

	Regulation Number	Regulation Name and Brief Description	Proposed Action: Revoke or Retain
		approved, City of Guelph Eastview Road Sanitary Landfill Site, situated on the south half of lots 4 and 5, Concession 5, Division "C", City of Guelph and the north half of lots 4 and 5, Concession 5, Division "C", Township of Guelph.	
75	R.R.O. 1990, Reg. 334	General	Revoke Would be replaced by the proposed new Exemptions from the Act and from Part II.1 of the Act Regulation

Orders

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
1	O.C. 1900/2007	Projects and Activities being considered for inclusion in the Algonquin Land Claim Settlement Algonquin Land Claim (eastern Ontario)	Maintain exemption Amend the current Land Claim Exemption described in Ontario Regulation 511/21 that was incorporated into Regulation 334 so that it would apply to Crown undertakings related to any settlement of the Algonquin land claim, subject to the following transition: Where consultation commenced under the Declaration Order for projects being considered for inclusion in the Algonquin Land Claim Settlement before the proposed exemption, if made, comes into effect, the projects would continue to be subject to the Declaration Order.
2	O.C. 1381/2019	Bell Boulevard Road Widening Project, City of Belleville	Revoke Spent – Undertaking Implemented

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
3	O.C. 3333/76	Land Acquisition for Water Control Facilities – CA – GR-01 Grand River Conservation Authority	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
4	O.C. 1950/2009	Canadore College, Parry Sound campus construction	Revoke Spent –Undertaking Implemented
5	O.C. 1800/93 O. Reg. No. 725/93	Township of Clarence 5-year interim landfill site expansion- CLAR-TP-01	Revoke Spent –Undertaking Implemented
6	O.C. 1426/2010	Port of Prescott Expansion, Rehabilitation and Future Development Area	Revoke Spent – Undertaking Implemented
7	O.C. 1360/91 O. Reg. No. 309/91	The Corporation of the Township of Goderich Mid-Huron Landfill site - GODE-T-01	Revoke Spent –Undertaking Implemented (site closed)
8	O.C. 579/2002	Halton Waste Management Site - Energy from Waste facility – HALT-RG-02	Revoke Proposed designations for waste projects will apply if a proponent proceeds with the activities covered by this order.
9	O.C. not showing on record	Corporation of the Town of Hanover Proposed Undertaking to Provide an Expansion to a Sanitary Landfill Site – Order correcting the description of the site – HAN-01	Revoke Spent – Undertaking Implemented Current approvals (ECA) are in place
10	O.C. No.2113/90	The Regional Municipality of Hamilton-Wentworth - the Mohawk/Golflinks Interchange	Revoke Spent –Undertaking Implemented

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
	O. Reg. No. 563/90	section of the Mountain East-West and North-South Transportation Corridor Project – HR-RG-01	
11	O.C. 996/98	Removing a Condition of Approval for the LaSalle Landfill Site – CWS-01	Revoke Spent – Undertaking Implemented (site closed)
12	O.C. 1690/2007	Corporation of the Town of Marathon Landfill – MAR 01	Revoke Undertaking has not proceeded; Proposed designation in the comprehensive EA projects regulation would govern if proponent seeks to proceed.
13	O.C. 499/77	Reconstruction Program Old Fort William in Thunder Bay – MCR- 01	Revoke Spent – Undertaking Implemented
14	O.C. 2892/76	Upgrades to Facilities at Provincial Colleges and Universities – MCU-01 Upgrading existing facilities at Provincial Colleges and Universities.	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
15	O.C. not showing on record	Cochrane Registry Office Addition - MGS 45	Revoke Spent –Undertaking Implemented
16	O.C. 2886/76	Selecting and Acquiring a Site for Edwardsburgh Industrial Park – MITA 01	Revoke Spent –Undertaking Implemented
17	O.C. No.1009/81	Ontario Northland Transportation Commission (ONTC) Activities – MNA 04	Revoke Certain ONTC activities are proposed to be subject to EA as set out in the proposed comprehensive EA projects

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
	O. Reg. No. 285/81	Construction, operations, and maintenance activities of ONTC.	regulation. Order will no longer be necessary or appropriate if the proposed regulation is made.
18	O.C. 1523/2002	Moosonee Channel Dredging	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
19	O.C. No. 2091/90	Red Squirrel Road Extension – MNR C-2	Revoke Undertakings covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
20	O.C. 2891/76	Forest Fire Protection and Extra Fire Fighting Operations – MNR 01	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made. The responsible ministry, Northern Development, Mines, Natural Resources and Forestry, has existing program structures designed to support implementation of the program described in the Order. These will ensure continued oversight and protection of the environment

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
21	O.C. 673/81 O. Reg. 164/81	MNR Mineral Survey Activities – MNR 33 Mineral survey activities of the Ontario Geological Survey including seismic surveys, drilling and other geophysical/geochemical surveys except: <ul style="list-style-type: none"> a) Seismic projects which include the use of explosives b) Drilling projects which require the use of cutting oil; and Any project which requires road construction	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made. The Ontario Geological Survey of the Ministry of Northern Development, Mines, Natural Resources and Forestry is responsible for ensuring compliance with regulatory requirements to ensure protection of the environment.
22	O.C. 2733/84 O. Reg. No. 711/84	Ministry of Natural Resources seismic survey activities which includes the use of explosives as wave generation sources – MNR 35/3	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
23	O.C. No.3385/82 O. Reg. No. 12/83	Planning and Implementation of Forest Management in Southern Ontario – MNR 41	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made. The responsible ministry, Northern Development, Mines, Natural Resources and Forestry, has existing program structures designed to support implementation of the program

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
			described in the Order. Northern Development, Mines, Natural Resources and Forestry will continue to execute the program in a transparent manner that ensures appropriate environmental protection and oversight. Revocation of the Declaration Orders will not affect consultation with Indigenous communities.
24	O.C. 305/85 O. Reg. No. 109/85	Wildlife Population and Habitat Management conducted by the Ministry of Natural Resources - MNR-42	<p>Revoke</p> <p>Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.</p> <p>The responsible ministry, Northern Development, Mines, Natural Resources and Forestry, has existing program structures designed to support implementation of the program described in the Order. Revocation of the Declaration Orders will not affect consultation with Indigenous communities. Northern Development, Mines, Natural Resources and Forestry will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.</p>
25	O.C. 1035/78	Valley East Town, Township of Clarence Water Servicing Program - Town of Valley East (McCrea Heights) Provincial Water Works Project – MOE-10	<p>Revoke</p> <p>Spent –Undertaking Implemented</p>

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
26	O.C. 2210/78	Township of Stephen and Hay Water Works - Activity of constructing the Police Village of Dashwood Provincial Water Works Project – MOE-11	Revoke Spent – Undertaking Implemented (now decommissioned)
27	O.C. 1295/79	The Village of Erie Bay and Village of Erieau Water Works Project - Activity of constructing and operating combined Provincial Water Works Project – MOE-15	Revoke Spent – Undertaking Implemented
28	O.C. 3125/79	Haileybury Town, Reconstruction of the Farr Creek Dam - Activity of the emergency reconstruction of the Farr Creek Dam – MOE 18	Revoke Spent – Undertaking Implemented
29	O.C. 1914/2005	Clean-up and Remedial Work Province wide exemption permitting clean-up and/or remedial work to be carried out by MOE under orders/decisions issued under the EPA, OWRA or the Pesticides Act – MOE- 41.2 (extension to MOE 41/2)	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
30	O.C. 1798/77	Serpent River Provincial Water Works Program Provincial Water Works Program, consisting of financing and providing water softening equipment – MOE-6	Revoke Undertaking(s) covered by the exemption are either implemented or not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
31	O.C. 2890/76	Toronto Area Operating Authority – certain operating and construction activities – MTCF-6	Revoke <i>Toronto Area Transit Operating Authority Act was repealed on May 12,</i>

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
			2011 (Authority no longer exists); order no longer of any effect.
32	O.C. 1047/79	Toronto Area Transit Operating Authority – certain operating and construction activities MTC- 6/2	Revoke <i>Toronto Area Transit Operating Authority Act</i> was repealed on May 12, 2011; order no longer of any effect
33	O.C. 2138/79	Construction and Maintenance of a portion of Ministry of Transportation and Communications Capital Construction Program – MTC-1/2 Permits related to upgrading and maintenance of provincial road network. Replaced Exemption Order MTCA-1.	Revoke The Ministry of Transportation’s Class EA for Provincial Transportation Facilities applies to the certain of the undertakings described in the Order.
34	O.C. 2890/76	Remote Northern Communications Activities – MTCC-3	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved Class EA. Exemption will not be necessary if the proposed regulation is made. MTO has existing program structures designed to support implementation of the program described in the Order. Revocation of the Declaration Orders will not affect consultation with Indigenous communities. MTO will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
35	O.C. 1357/79	<i>Remote Airport Construction and Maintenance – MTC- 4/2</i> (minor construction projects and technical installations)	<p>Revoke</p> <p>Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.</p> <p>MTO has existing program structures designed to support implementation of the program described in the Order. Revocation of the Declaration Orders will not affect consultation with Indigenous communities. MTO will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.</p>
36	O.C. 1847/90 O. Reg. No. 407/90	Remote Northern Airport Program – MTC-58 Remote Northern Airport Program – major construction projects.	<p>Revoke</p> <p>MTO has existing program structures designed to support implementation of the program described in the Order. Revocation of the Declaration Order will not affect consultation with Indigenous communities. MTO will continue to execute the program in a transparent manner that ensures environmental, recreational, and economic benefits for the people of the Ontario.</p>
37	O.C. 498/77	Parkway Belt West Development Plan – MTEI-03	<p>Revoke</p> <p>Plans, including the Parkway Belt West Development Plan are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption</p>

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
			will not be necessary if the proposed regulation is made.
38	O.C. 498/77	Planning, designing, and construction of Housing and Site Access Roads at Temagami (Goward) Townsite Mobile Home Park – MTEI-04	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
39	O.C. 498/77	Ontario Land Corporation Land Acquisition Exemption – MTEI-06	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
40	O.C. 927/87 O. Reg. No. 222/87	North Bay City Landfill Expansion Interim – NORT-C-01	Revoke Undertaking Implemented (site closed)
41	O.C. 2887/76	Operation of Transformer Stations Associated with Parkway Belt – OH-11	Maintain Exemption Certain undertakings in the Order have been implemented, while certain have yet to be implemented. Those yet to be implemented are proposed to continue to be exempted.
42	O.C. 2918/84 O. Reg. No. 747/84	OH 31 - Planning, Design and Construction of 230kV Conductors & Insulators	Revoke Certain undertakings in the Order have been implemented and can be considered spent for those purposes. Future implementation of other aspects of the Order are not proposed to be in the comprehensive EA projects

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
			regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
43	O.C. 1859/90 O. Reg. No. 397/90	Establishing, operating and closure of a waste disposal site (known as Site VIB) in the City of Brampton - PEEL-RG-01	Revoke Designations for waste sites in the proposed comprehensive EA projects regulation, if made, will apply if the activities covered by this exemption are proceeded with in the future
44	O.C. 2603/90 O. Reg. No. 658/90	Suspension – Establishing, operating and closure of a waste disposal site (known as Site VIB) in the City of Brampton - PEEL-RG-01 This Order suspended the activity in O.C. 1859/90	Revoke Designations for waste sites in the proposed comprehensive EA projects regulation, if made, will apply if the activities covered by this exemption are proceeded with in the future
45	O.C. 1815/2007	Acquisition of Lands in the Township of Uxbridge (1) – PIR/MMAH-01	Revoke Spent – Undertaking Implemented
46	O.C. 1298/2006	Acquisition, Transfer and Disposition of Land in Haldimand County (1) – PIR-02	Maintain Exemption Certain undertakings in the Order are subject to the Public Work Class EA so this exemption is proposed to be maintained.
47	O.C. 238/2007	Durham Consolidated Courthouse – PIR-01	Maintain Exemption Undertakings in the Order (certain land acquisition) are subject to the Public Work Class EA. The exemption is required in relation to potential acquisitions in the future.
48	O.C. 37/2010	Acquisition, demolition, maintenance, management and disposition of 445 Argyle	Maintain Exemption Certain undertakings in the Order are subject to the Public Work Class EA so

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
		St S, Oneida Township (Caledonia) – PIR-04	this exemption is proposed to be maintained.
49	O.C. 1868/80 O. Reg. No. 675/80	Acquiring land for the Redhill Creek Expressway (Hamilton-Wentworth) – RMHW-01	Revoke Undertaking(s) covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
50	O.C. 582/97	Construction of an interchange connection to the Queen Elizabeth Way & development and implementation of improvements to the N/S alignment of the Red Hill Creek Expressway – RMHW-02	Revoke Spent – Undertaking Implemented
51	O. Reg. No. 1122/80	South Cayuga Sewage Works and Waste Disposal Sites	Revoke Undertaking Implemented (site closed)
52	O.C. 1910/2005	Toronto Waterfront Revitalization Corporation's Toronto Waterfront Parks Project (development and redevelopment of parks along the central Toronto waterfront at five locations, including the West Don Lands, East Bayfront, Commissioners Park, Don Greenway and Lake Ontario Park)	Maintain Exemption Certain undertakings in the Order would be subject to the proposed comprehensive EA projects regulation, so this exemption is proposed to be maintained.
53	O.C.. 948/98	Physical Changes on Spadina Avenue and Amending Procedure for Future Changes – TTC-05	Revoke Spent – Undertaking Implemented
54	O.C. 2292/2004	Toronto Transit Commission's (TTC) Union Station Second	Revoke

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
		Platform and Concourse Improvements Project	Spent – Undertaking Implemented
55	O.C. 1546/2010	University of Waterloo Stratford Campus	Revoke Spent – Undertaking Implemented
56	O.C. 626/2021	Transformer Station at Stelco's Lake Erie Works Steel Plant in Nanticoke	Maintain Exemption
57	O.C. 986/2004	Cardiff Transformer Station - Construction of a new 230 kilovolt transformer station	Revoke Spent – Undertaking Implemented
58	O.C. 1850/2003	Our Colleagues Conservation Reserve -MNR-72	Revoke Spent - Undertaking Implemented.
59	O.C. 193 / 2006	Peawanuck Winter Road Disposition (MNR-73)	Revoke Spent - Undertaking Implemented
60	O.C. 792/2018	Sunderland emergency well The Order is extended until December 31, 2021.	Maintain Exemption Undertaking is part of an approved class EA. The matters in the Order have yet to be completed so this exemption is proposed to be maintained.
61	O.C. 399/2018	York-Durham sewage system modifications	Maintain Exemption Multiple compliance related conditions, including annual reporting, that remain on-going so this exemption is proposed to be maintained.
62	O.C. 1505/98	Lindsay Jail Facility (SGCS-3)	Revoke Spent - Undertaking of construction implemented Certain other activities covered by the exemption are not proposed to be in the

	Order in Council Number	Exemption/Declaration Order Name/Description	Proposed Action: Revoke or Maintain Exemption
			comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
63	O.C. 1395/97	Maplehurst Correctional Facility Expansion (SGCS-1)	Revoke Spent - Undertaking of construction implemented Certain other activities covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.
64	O.C. 806/2019	The construction and maintenance of a memorial to honour the heroes of the war in Afghanistan on the south lawn of the legislative grounds at Queen's Park (MTCS-2)	Revoke Spent – Undertaking of construction implemented Certain other activities covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA.
65	O.C. 578/98	Penetanguishene Jail Facility (SGCS-2)	Revoke Spent - Undertaking of construction implemented Certain other activities covered by the exemption are not proposed to be in the comprehensive EA projects regulation and are not subject to an existing approved class EA. Exemption will not be necessary if the proposed regulation is made.