

Extending the expiry date for Environmental Assessment Act approvals for certain projects

ERO (Environmental Registry of Ontario) number 019-4428

Notice type Bulletin

Act Environmental Assessment Act, R.S.O. 1990

Posted by Ministry of the Environment, Conservation and Parks

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This notice is for informational purposes only. There is no requirement to consult on this initiative on the Environmental Registry of Ontario. Learn more about the [types of notices](#) ([/page/glossary#section-4](#)) on the registry.

Bulletin summary

We are proposing to extend the expiry date for Environmental Assessment Act approvals by 10 years for certain projects once the relevant amendments to the Act come into effect. This extension will allow the projects to proceed (subject to any other permits and approvals required) instead of requiring a new environmental assessment to be completed.

Why consultation isn't required

We are [proposing to extend the expiry date for Environmental Assessment Act approvals for 9 infrastructure projects by 10-years through Minister's notices](#).

These Minister's notices are not classified instruments under the Environmental Bill of Rights, 1993, so there is no requirement to consult on the Environmental Registry of Ontario (ERO). However, we want to hear your comments. Send us any feedback using the email address listed in the "Connect with us" section of this notice by January 25, 2022.

Bulletin details

We are proposing to extend the expiry date of Environmental Assessment Act approvals for nine infrastructure projects, including three highways, two transit projects and a marina. The ministry has reviewed the conditions of the approvals for these nine specific projects and has determined that the appropriate environmental protection measures are still in place so these projects can continue without needing to complete a new environmental assessment for up to 10 years. These projects are also subject to any other permits and approvals required.

By providing an extension for these nine projects, we are allowing these important infrastructure projects to be built without delay to support our province's growing communities and economic recovery.

Background

On July 21, 2020, the COVID-19 Economic Recovery Act, 2020 was passed and included amendments to the Environmental Assessment Act (EAA) and related consequential amendments (See ERO [019-2051](https://ero.ontario.ca/notice/019-2051) (<https://ero.ontario.ca/notice/019-2051>)). These amendments enabled the next steps in modernizing Ontario's environmental assessment program, helping to ensure strong environmental oversight and facilitate Ontario's economic recovery.

The amendments to the EAA:

- provide for a 10-year expiry date for approvals of projects that:
 - do not already have an expiry date
 - have not substantially started within 10 years (or an extended period if the Minister grants an extension) of approval being obtained
- give the Minister the authority to issue a notice that extends the expiry for certain older projects

This expiry date of 10 years, or any extended expiry date, will apply to approvals issued before the expiry date provision comes into force, if these older approvals do not have an expiry date.

Proposal to extend the expiry date of Environmental Assessment Act Approvals for nine projects

We are proposing to extend the expiry by 10-years from the date notices are issued for nine projects. The proposed extensions would be granted through Minister's notices and the approval for these projects will not expire upon proclamation of the expiry date provisions in the EAA.

Information about these nine projects is outlined in the table below.

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

Rationale for proposed expiry date extension

An individual environmental assessment has generally been required for large-scale, complex projects with the potential for high impact to the environment. This is the highest level of assessment and involves a two-step process:

1. The terms of reference (the work plan)
2. The environmental assessment

In order to proceed with a project:

- the terms of reference must be approved by the Minister

- the proponent requires Minister and Cabinet approval to proceed with the undertaking following the environmental assessment process

An individual environmental assessment also involves substantial investments in time and money including extensive public consultation to ensure that concerns are:

- identified early
- considered
- addressed where appropriate

There are a number of reasons a project may not have been built after approval, such as:

- the proponent's ability to secure funding
- delays in obtaining proper authorizations before construction
- a change in the forecasted need for the project to accommodate future growth

In considering whether to extend the expiry, the ministry considered how to ensure continued environmental protection and oversight in relation to the infrastructure projects that matter most to Ontario communities.

We have also decided not to propose an expiry date extension for 18 projects (see 'related files' section of this notice for a list). This is due to a combination of:

- **the passage of time and inactivity**
- the proponent advising they are no longer considering the project
- the project has been replaced by another
- the project having substantially commenced (if a project has already substantially commenced, the approval will not expire).

Projects proposed for expiry date extension

The proponents for the projects below requested their project approvals remain in place, as they intend to proceed with the projects at some point in the future.

Proponents were also asked to:

- confirm whether the assessment of environmental impacts in the EA remains valid
- describe whether there have been any changes to the environment (natural, cultural, built environment) at and near the project since approval was received

Based on the ministry's detailed review of the conditions of the approval for these kinds of projects, we are satisfied that steps will be taken (subject to any other permits and approvals required) before a project proceeds to ensure environmental protection and oversight are in place. No significant changes were identified.

For the Ottawa-Carleton Cumberland Transit Way project, we note there is now residential development on previously vacant land. There are conditions of the existing approval that will ensure the environment is protected including conditions related to noise and stormwater management.

If the approvals for these projects below are extended, the approval will not expire when the expiry date provisions are proclaimed in conjunction with Minister's notices being issued, and the projects will continue to be subject to the conditions in their approvals.

Additional information about each project including PDF copies of conditions of approval and any joint board decision, where applicable, may be found in the 'related files' section of this notice.

Projects proposed for the 10-year extension

Project Type	Proponent Name	Project Name	EAA Approval Date	EA Act requirement if approval expires
Landfill	The Corporation of H. Dodge Haulage Limited	H. Dodge Haulage Landfill Expansion	February 11, 2009	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made would be subject to a comprehensive EA (Refer to https://ero.ontario.ca/notice/019-4219 (https://ero.ontario.ca/notice/029-4219) for additional information)
Transit	The Regional Municipality of York	Markham North South Link Corridor Public Transit Improvements EA (Region of York proponent)	November 29, 2006	Regardless of whether the proposed designating regulation is made or not this project would be subject to the Transit Project Assessment Process (TPAP) or Municipal Class EA (MCEA)
Highway	Regional Municipality of York	Transportation Improvements: Donald Cousens Parkway (Markham) to Morningside Avenue (Toronto)	January 23, 2013	Regardless of whether the proposed designating regulation is made or not this project would be subject to the MCEA
Transit	Toronto Transit Commission	TTC Bloor Danforth Westerly Extension of Subway	October 27, 1994	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP

Project Type	Proponent Name	Project Name	EAA Approval Date	EA Act requirement if approval expires
Transit	City of Niagara Falls and Niagara Parks Commission	Niagara Falls People Mover System	August 8, 2001	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP
Transit	Regional Municipality of Ottawa-Carleton	Ottawa-Carleton Cumberland Transit Way (Now City of Ottawa)	May 17, 2000	Regardless of whether the proposed designating regulation is made or not this project would be subject to the TPAP or MCEA
Marina	City of Windsor	City of Windsor Downtown Marina	November 27, 1996	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made no environmental assessment requirements would apply based on the proposed comprehensive EA threshold of establishing a works (e.g., marina) that alters at least 1 kilometre of shoreline and filling of 4 or more hectares of a lakebed or riverbed. Refer to https://ero.ontario.ca/notice/019-4219 (https://ero.ontario.ca/notice/019-4219) for additional information.
Highway	Ministry of Transportation	MTO Highway 17 (Haley Station to Meath Hill)	August 25, 2004	Regardless of whether the proposed designating regulation is made or not this project would be subject to the Ministry of Transportation Class EA for Provincial Transportation Facilities

Project Type	Proponent Name	Project Name	EAA Approval Date	EA Act requirement if approval expires
Electricity	Ontario Hydro (OH)	OH Eastern Ontario Transmission Route (East)	January 29, 1986	This project would be subject to an Individual EA process under the current requirements and if the proposed designating regulation is made would be subject to a comprehensive EA (Refer to https://ero.ontario.ca/notice/019-4219 (https://ero.ontario.ca/notice/029-4219) for additional information)

Supporting materials

Related files

Notice of approval for the TTC Bloor Danforth project (https://prod-environmental-registry.s3.amazonaws.com/2021-11/Notice%20of%20approval%20TTC%20Bloor%20Danforth%20Westerly%20Extension%20of%20Subway_AODA.pdf)
pdf.(Portable.Document.Format.file) 94.15 KB

Projects not proposed for extension to their Environmental Assessment Act approvals (https://prod-environmental-registry.s3.amazonaws.com/2021-11/Projects%20not%20proposed%20for%20extension_AODA.pdf)
pdf.(Portable.Document.Format.file) 127.41 KB

Notice of Approval for the Donald Cousens to Morningside project (https://prod-environmental-registry.s3.amazonaws.com/2021-11/Notice%20of%20approval%20-%20Donald%20Cousens%20to%20Morningside%20EA_AODA.pdf)
pdf.(Portable.Document.Format.file) 184.61 KB

The Joint Board Consolidated Hearings Act, 1981, Ontario Hydro, Eastern Ontario Transmission System Expansion, Reasons for Decision, Route Stage (East Section); Before D.S. Colbourne; B.E. Smith; D.H. McRobb, January 14, 1986 (https://prod-environmental-registry.s3.amazonaws.com/2021-11/H1_Reasons%20for%20Decisions%20Ottawa%20to%20St%20Lawrence%20EA%201986_AODA_1.pdf)
pdf.(Portable.Document.Format.file) 5.25 MB

Related links

Notice of approval for H. Dodge Haulage Landfill Expansion project (<https://www.ontario.ca/page/approval-h-dodge-haulage-landfill-expansion-environmental->

[assessment\)](#)

[Notice of approval for the Markham North-South Corridor Public Transit Improvem...
\(https://www.ontario.ca/page/approval-markham-north-south-corridor-public-transit-improvements-environmental-assessment\)](https://www.ontario.ca/page/approval-markham-north-south-corridor-public-transit-improvements-environmental-assessment)

[Notice of approval for the Niagara People Mover Transit System project
\(https://www.ontario.ca/page/approval-niagara-people-mover-transit-system-environmental-assessment\)](https://www.ontario.ca/page/approval-niagara-people-mover-transit-system-environmental-assessment)

[Notice of approval for the Ottawa-Carleton Cumberland Transitway project
\(https://www.ontario.ca/page/approval-ottawa-carleton-cumberland-transitway-environmental-assessment\)](https://www.ontario.ca/page/approval-ottawa-carleton-cumberland-transitway-environmental-assessment)

[Notice of approval for the Windsor Marina project \(https://www.ontario.ca/page/approval-windsor-marina-environmental-assessment\)](https://www.ontario.ca/page/approval-windsor-marina-environmental-assessment)

[Notice of approval for the Highway 17 Haley Station to Meath Hill project
\(https://www.ontario.ca/page/approval-highway-17-haley-station-meath-hill-environmental-assessment\)](https://www.ontario.ca/page/approval-highway-17-haley-station-meath-hill-environmental-assessment)

Related ERO (Environmental Registry of Ontario) notices

[Proposed Project List for comprehensive environmental assessments under the Environmental Assessment Act \(EAA\) \(/notice/019-2377\)](/notice/019-2377)

[Updating environmental assessment requirements for transmission lines \(/notice/019-3937\)](/notice/019-3937)

[Clarifying the authority to change the classes of projects to which a class environmental assessment process applies \(/notice/019-4189\)](/notice/019-4189)

[Proposed Environmental Assessment Act \(EAA\) Amendments in the COVID 19- Economic Recovery Act \(/notice/019-2051\)](/notice/019-2051)

[Discussion paper: modernizing Ontario's environmental assessment program \(/notice/013-5101\)](/notice/013-5101)

[Moving to a project list approach under the Environmental Assessment Act \(/notice/019-4219\)](/notice/019-4219)

View materials in person


Important notice: Due to the ongoing COVID-19 pandemic, viewing supporting materials in person is not available at this time.

Please reach out to the Contact listed in this notice to see if alternate arrangements can be made.

Connect with us

Contact

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