

## LEGAL ANALYSIS OF ONTARIO'S PROPOSED PROJECT LIST UNDER THE *ENVIRONMENTAL ASSESSMENT ACT*

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**Abstract:** *The Ontario government has recently released its proposed list of projects that will trigger the application of Part II.3 in the amended Environmental Assessment Act. In general, any public or private projects that are not caught by this regulatory list will not be subject to Comprehensive Environmental Assessments (formerly known as individual Environmental Assessments) under the Act. Accordingly, this listing approach represents a fundamental shift in how the Act has been traditionally applied to undertakings in the province. This analysis critically reviews the policy and evidentiary basis of Ontario's proposed list, and identifies a large number of environmentally significant projects that have been excluded from the list to date. For comparative purposes, this analysis appends the project lists used in other Canadian jurisdictions. To address unresolved concerns about the adequacy of the proposed list, this analysis concludes that the Ontario government should withdraw and substantially revise its proposal with meaningful public participation by all persons interested in, or potentially affected by, the governmental decision as to which projects are – or are not – subject to Part II.3 of the Act.*

### **PART I - INTRODUCTION**

#### **(a) Overview**

The Canadian Environmental Law Association (CELA) has carefully examined Ontario's proposed list of projects that will be subject to Part II.3 of the amended *Environmental Assessment Act (EAA)*. Based on our analysis, CELA has identified a number of serious concerns regarding:

- the overall intent of the proposed project list;
- the factors apparently used to identify candidates for inclusion on the list; and
- the nature and number of projects currently included on the list.

Each of these matters is addressed in more detail below in Part II of this analysis. CELA's overall conclusion is that the proposed project list – and the process used by the Ontario government to select the categories/thresholds on the proposed list – is evidence-free, non-transparent, and inconsistent with the purpose of the *EAA*.

In particular, our analysis reveals that numerous types of environmentally significant projects have been unjustifiably omitted from Ontario's current proposal, which means, in effect, that such

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projects will not be subject to Part II.3 of the *EAA*. In addition, for the small number of projects that are proposed by Ontario for inclusion on the *EAA* list, CELA concludes that the thresholds used to delineate the projects are arbitrary and stale-dated, and may result in “project-splitting” by proponents in order to evade *EAA* coverage.

Accordingly, CELA concludes that the draft project list under Part II.3 of the *EAA* is inadequate, incomplete and unacceptable. Accordingly, the Ministry must immediately withdraw and substantially revise the proposed project list – with meaningful public participation – to ensure that the regulatory list fully implements the stated purpose of the *EAA*, namely, the betterment of the people of Ontario by providing for the protection, conservation and wise management of the environment.

In summary, CELA submits that Ontario’s regulatory proposal must be reconsidered and re-posted with sufficient information and supporting documentation (including a proper regulatory impact statement and draft regulatory text), and it must provide an extended public comment period, in order to meet the purposes and provisions of Part II of the *Environmental Bill of Rights (EBR)*.<sup>1</sup>

**(b) Background: The Proposed Project List**

In July 2020, the Ontario Legislature enacted Bill 197,<sup>2</sup> which made numerous amendments to the *Environmental Assessment Act (EAA)*. The Ontario government is now proposing steps to implement the revised *EAA* regime, including new measures that fundamentally change how the *EAA* will apply to new or expanded undertakings throughout the province.

Since its inception decades ago, the *EAA* has automatically applied to all public sector undertakings (unless exempted), but has not generally been applied to private sector undertakings (unless designated by regulation).

This long-standing approach has been substantially altered by Bill 197, which provides that Part II.3 of the *EAA* will only apply to specific types of public or private projects that are prescribed on a regulatory list passed by the Ontario Cabinet.

Accordingly, a recent Environmental Registry notice<sup>3</sup> solicited public feedback on the province’s proposed short list of projects that will trigger Comprehensive EAs under the amended *EAA*. In particular, Ontario is currently proposing that only 13 types of projects should be subject to Part II.3 of the *EAA*:

1. Transmission lines
2. Transformer stations
3. Hydroelectric facilities

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<sup>1</sup> See <https://cela.ca/proposed-project-list-under-the-amended-environmental-assessment-act/>. The submission of this legal analysis by CELA to the Ontario government does not detract from, and is without prejudice to, our previously stated concerns about the inadequacy of the public consultation efforts in relation to the proposed project list.

<sup>2</sup> See <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-197>

<sup>3</sup> See <https://ero.ontario.ca/notice/019-2377>

4. Electricity generating facility that uses oil as a fuel
5. Project Changes - Significant modifications to electricity projects
6. Landfill
7. Waste Disposal Site – Hazardous or Liquid Industrial Waste
8. Thermal treatment site
9. Waste disposal site (Changes to sites described above)
10. Provincial freeway
11. Municipal expressway
12. Major flood, erosion control and associated conservation projects
13. Intra-provincial railway lines

For most of these project categories, Ontario has proposed certain thresholds (e.g. production capacity, linear length, etc.) and other qualifiers which have the effect of excluding projects within the category if they fall below the prescribed threshold. For example, Ontario's proposed list includes landfills that have a total waste disposal volume greater than 100,000 m<sup>3</sup>. Accordingly, any new or expanded landfill whose disposal capacity is less than this numerical threshold will not be subject to a Comprehensive EA under Part II.3 of the *EAA*, even if the proposed facility may cause adverse environmental or socio-economic impacts due to its location, design or operation.

**(c) CELA's EA Experience and Analytical Framework**

CELA was extensively involved in the initial development of the *EAA* prior to its enactment in 1975. Since that time, CELA has been involved in court cases, public hearings and other administrative proceedings under the *EAA* on behalf of low-income individuals and disadvantaged or vulnerable communities in southern and northern Ontario. In recent decades, CELA has also initiated or participated in various law reform activities under the *EAA*, including serving as a member of the Environment Minister's EA Advisory Panel in 2004-05.

In light of our extensive engagement in EA matters, CELA has carefully considered Ontario's proposed project list from our public interest perspective and on the basis of our overarching objective of ensuring access to environmental justice. It should be noted that this legal analysis incorporates and expands upon CELA's previous work in relation to the Bill 197 changes to the *EAA* and the proposed project list under the *EAA*.<sup>4</sup>

For comparative purposes, CELA has also evaluated Ontario's proposed list against the project lists utilized in other EA regimes at the federal level and in nine other provinces in Canada. All of these jurisdictions' current project lists (whether framed as legislation, regulations or guidance materials) are attached to this analysis as Appendix A. On the basis of this comparison, it is readily apparent that numerous projects which trigger EA requirements in other jurisdictions have been inexplicably omitted, in whole or in part, from Ontario's proposed list.

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<sup>4</sup> See <https://cela.ca/schedule-6-of-bill-197-second-reading-debate/>, <https://cela.ca/proposed-project-list-for-comprehensive-environmental-assessment/> <https://cela.ca/preliminary-review-proposed-project-list/> and <https://cela.ca/environmental-assessment-is-not-red-tape/>

## **PART II – ANALYSIS OF THE PROPOSED PROJECT LIST**

### **(a) Public Interest Need for Robust Assessments under Part II.3 of the EAA**

The Supreme Court of Canada has affirmed that EA is an important planning tool that includes information-gathering and decision-making components which provide public officials with an objective basis for granting or refusing approval of proposed projects.<sup>5</sup>

In general terms, EA processes are preventative in nature since they aim to anticipate and avoid adverse biophysical, social, economic and cultural impacts of environmentally significant undertakings before they are permitted to proceed. When implemented in an effective and equitable manner, EA processes help to protect and advance societal interests by systematically evaluating a project’s potential effects, examining its purpose and rationale, and comparing the proposal to a reasonable range of alternatives in order to ensure an environmentally sound outcome.

In Ontario,<sup>6</sup> the *EAA* was first enacted in 1975, but its original statement of purpose remains unchanged under the Bill 197 amendments to the *EAA*:

2. The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment.

The term “environment” is broadly defined in section 1(1) of the *EAA*:

“environment” means,

- (a) air, land or water,
  - (b) plant and animal life, including human life,
  - (c) the social, economic and cultural conditions that influence the life of humans or a community,
  - (d) any building, structure, machine or other device or thing made by humans,
  - (e) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
  - (f) any part or combination of the foregoing and the interrelationships between any two or more of them,
- in or of Ontario.

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<sup>5</sup> *Friends of Oldman River Society v. Canada*, [1992] 1 SCR 3, p 71.

<sup>6</sup> For a historical overview of the *EAA* prior to the Bill 197 amendments, see A. Levy, “A Review of Environmental Assessment in Ontario”, 11 JELP 173; R. Lindgren and B. Dunn, “Environmental Assessment in Ontario: Rhetoric vs Reality”, 21 JELP 279.

To achieve the above-noted purpose, Part II.3 of the amended *EAA* sets out the “Comprehensive EA” process, which is not yet proclaimed in force but closely resembles the “Individual EA” process under the current Part II.1 of the *EAA*. In particular, Part II.3 of the *EAA* establishes a substantially similar four-step assessment process that is intended to be robust, participatory and evidence-based:

1. Preparation of, and consultation on, the proponent’s proposed Terms of Reference (or “road map”) for the conduct of the Comprehensive EA process;
2. Preparation of, and consultation on, the proponent’s EA studies, reports and documents that are required by the approved Terms of Reference;
3. Submission and public/agency review of the proponent’s EA documentation; and
4. Minister’s final decision on the proponent’s EA application for the project (i.e. approve, reject, or refer to the Environmental Review Tribunal for a public hearing and decision).

It should be further noted that the content requirements for Comprehensive EAs are framed broadly under Part II.3 of the *EAA*:

- 17.6** (1) The proponent shall prepare an environmental assessment for a Part II.3 project in accordance with the approved terms of reference.
- (2) Subject to clauses 17.4 (2) (b) and (c), the environmental assessment must consist of,
- (a) a description of the purpose of the project;
  - (b) a description of and a statement of the rationale for,
    - (i) the Part II.3 project,
    - (ii) the alternative methods of carrying out the Part II.3 project, and
    - (iii) the alternatives to the Part II.3 project;
  - (c) a description of,
    - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
    - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
    - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project;
  - (d) an evaluation of the advantages and disadvantages to the environment of the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project; and

(e) a description of any consultation about the Part II.3 project by the proponent and the results of the consultation.

Conceptually, these content requirements make Comprehensive EAs the most rigorous type of EA available under the *EAA*, as compared to Class EAs (now known as “Streamlined EAs” under the Bill 197 amendments) or regulation-based environmental screening processes for certain sectors. In principle, CELA agrees that the information-gathering requirements of an EA process should be commensurate with the extent of environmental risks posed by an undertaking. Accordingly, it follows that the detailed Comprehensive EA process should be generally applicable to environmentally significant projects.

However, under the recently amended *EAA*, CELA notes that the Minister may approve Terms of Reference that subtract from (or, in theory, add to) these Comprehensive EA content requirements.<sup>7</sup> Nevertheless, since the 1996 changes were made to the *EAA*, it appears that approved Terms of Reference have often narrowly “scoped” (or “focused”) EAs by excluding critically important planning issues (e.g. “need” and “alternatives to”) from further consideration in the EA process.<sup>8</sup>

If the Minister intends to continue the practice of “scoping” EAs in this manner under the amended *EAA* regime, then CELA submits that it is inaccurate and misleading to characterize such EAs as “comprehensive” in nature. Moreover, even if “scoped” EAs become the exception rather than the rule under the amended *EAA*, the Comprehensive EA process is only effective if it applies to an appropriate collection of environmentally significant projects in Ontario. However, CELA concludes that the proposed *EAA* list is not sufficiently inclusive of all such projects, as described below.

**(b) The Overall Intent of the Proposed List**

The Registry notice states that the government’s intention is to restrict the Comprehensive EA process under Part II.3 of the *EAA* to only those projects that are adjudged by Ontario to have the greatest potential to significantly impact the environment. A similar statement is found in a public consultation slidedeck<sup>9</sup> prepared by the Ministry of the Environment, Conservation and Parks (MECP), which confirms the governmental intent to confine the new *EAA* list to “projects which demonstrate the potential for the highest degree of environmental impact.”<sup>10</sup>

However, CELA notes that this self-imposed policy constraint is neither mentioned nor mandated by the Bill 197 amendments to the *EAA*. Moreover, this questionable attempt to restrict Part II.3 of the *EAA* to the “worst” projects is inconsistent with the broad purpose of the *EAA*, which is the betterment of Ontarians by providing for the protection, conservation and wise management of the environment. In CELA’s view, there is nothing in this purpose statement that compels Ontario to

<sup>7</sup> New section 17.4 of the amended *EAA*.

<sup>8</sup> See, for example, Minister’s EA Advisory Panel, *Improving Environmental Assessment in Ontario: A Framework for Reform – Vol. I* (2005), at p 52. Online <https://cela.ca/improving-environmental-assessment-in-ontario-a-framework-for-reform-volume-1/>

<sup>9</sup> CELA participated in the project list webinar held by the MECP on October 6, 2020.

<sup>10</sup> MECP, *Modernizing the Environmental Assessment Program: Proposed Comprehensive Environmental Assessment Project List* (Stakeholder Engagement Sessions: October 2020), page 4.



limit the application of Part II.3 of the *EAA* to a relatively small number of projects. In short, Ontario's project-listing exercise should not be undertaken in a narrow manner that thwarts or frustrates the public interest purpose of the *EAA*.

CELA further notes that Ontario's consultation materials do not precisely define the actual comparator or ranking system that was used by Ministry officials to determine which project types satisfied (or did not satisfy) the "greatest potential" criterion.

For example, it is unclear whether a project type's potential effect upon local or regional air quality was perceived to be more (or less) harmful than another project type's potential effects upon water quality or quantity, wildlife habitat, species at risk, or other natural heritage features or functions.

Similarly, Ontario's consultation materials do not indicate whether a project's potentially adverse impact on the natural environment was deemed to be worse (or less acceptable) than an adverse impact on the social, economic, cultural, or built environment. At the same time, Ontario's consultation materials do not include any formal risk/benefit assessments (or probabilistic risk analyses) that were conducted by provincial staff in order to review or screen out project types/thresholds.

Accordingly, CELA submits that there is no air of reality to Ontario's claims that only the handful of projects on the proposed list have the "greatest potential" to cause significant environmental effects, having regard for the broad definition of "environment" in the *EAA*. Conversely, little or no credence can be given to Ontario's implicit position that non-listed projects are environmentally benign undertakings that pose low (or no) risk to the environment, human health, or socio-economic and cultural conditions.

Similarly, the Registry notice asserts that the content of the proposed project list was guided by the government's desire to eliminate "duplication with other legislation, policies and processes." However, CELA notes that Ontario's consultation materials have not identified any actual instances of unnecessary overlap or duplication between the *EAA* and other statutory regimes.

Unlike other provincial environmental laws, only the *EAA* requires an evidence-based analysis of: (a) the purpose/rationale (i.e. "need") for the undertaking; (b) "alternatives to" the undertaking; (c) "alternative methods" of carrying out the undertaking; and (d) the biophysical, social, cultural, economic, and other effects of the undertaking and its alternatives. In these circumstances, it cannot be seriously contended that *EAA* requirements are fully replicated in other regulatory regimes in Ontario.

Similarly, the Auditor General of Ontario has correctly pointed out that "while many other regulatory approvals for private-sector projects – such as mines, quarries, manufacturing plants and refineries – consider the natural environment, they do not include all key elements of an environmental assessment."<sup>11</sup>

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<sup>11</sup> See [https://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1\\_306en16.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1_306en16.pdf)

For this reason, CELA concludes that Ontario's consultation materials improperly conflate EA processes with regulatory requirements established under other provincial laws. In general terms, EA is an environmental planning process that is intended to gather information and make decisions about an undertaking's larger policy, ecological, socio-economic and sustainability implications, while regulatory processes are more narrowly focused on the technical details of proposed facilities, equipment or activities. Ontario's unfortunate blurring of these two distinct legislative processes undoubtedly goes a long way in explaining the fundamental inadequacy of the proposed project list.

CELA further notes that Ontario's consultation materials fail to provide any particulars that demonstrate why other regulatory regimes should be relied upon instead of the *EAA* process for non-designated projects. For example, Ontario has not disclosed any indicia, benchmarks or analysis used to evaluate the robustness of regulatory regimes that may be applicable to potential candidates for inclusion on the *EAA* project list.

**(c) Environmental Factors Used to Prepare the Proposed List**

The Registry notice suggests that in determining the project categories and thresholds in the proposed list, the MECP considered a number of factors to determine environmental significance (e.g. the magnitude, duration, frequency and geographic extent of potential impacts). Again, CELA notes that these specific factors do not actually exist in the *EAA* as amended by Bill 197, which ultimately gives the Ontario government wide discretion under the Act when determining which projects should – or should not – be added to the list. Similarly, it is unclear whether these factors were all given equal weight by the MECP, or whether some were deemed to be more important than others.

In addition, Ontario's purported application of these environmental factors during the listing exercise was solely based on the government's self-proclaimed "experience," rather than any rigorous and evidence-based scientific or technical review. In short, Ontario's consultation materials do not disclose how each of the proposed project types (or thresholds) on the list meet the above-noted factors, or why other potential candidates (e.g. sewage treatment plants, quarries, oil/gas refineries, intra-provincial pipelines, forestry operations, pulp mills, smelters, etc.) were excluded from the list, as discussed below.

CELA further notes that these factors do not appear to expressly include climate change considerations (e.g. greenhouse gas emissions), the potential for transboundary impacts in other jurisdictions, the risk of accidents or malfunctions, or the claimed efficacy of mitigation measures used by proponents.

In any event, since the evidentiary basis for the proposed project list has not been disclosed by the MECP to date, CELA remains concerned that the proposed categories/thresholds simply reflect the value judgments or subjective views of the provincial officials who drafted the project list proposal under the *EAA*.

In CELA's view, the MECP's closed-door deliberation (and reliance upon its "experience") is not transparent or persuasive, and the resulting project list proposal has not been accompanied by any



compelling evidence or analysis to justify the proposed categories/thresholds. Put another way, assertions of provincial expertise, or purported exercises of professional judgment by MECP staff, are no substitute for robust, transparent, participatory and evidence-based decision-making about project categories/thresholds.

Furthermore, CELA maintains that if the environmental factors identified by the MECP had been applied in a traceable and objective manner, then mines should have been clearly proposed at the outset for inclusion on the project list. Instead, Ontario's consultation materials contain no firm commitment to designate certain types of mines (or production thresholds) under Part II.3 of the *EAA*. Instead, the MECP merely invites public input on the long overdue need to extend the *EAA* to the mining sector in this province. CELA's additional comments about mines are set out below.

At the same time, the MECP's Statement of Environmental Values (SEV) under the *EBR* contains a number of important principles and commitments (e.g. precautionary, science-based approach; cumulative effects analysis; ecosystem approach, etc.) that the Ministry is supposed to consider when developing new regulatory proposals. However, the SEV is not discussed or even mentioned in the MECP's consultation materials, and there is no evidence demonstrating that the SEV principles were duly taken into account when the proposed project list was being developed by the MECP.

#### **(d) The Nature and Number of Projects on the Proposed List**

##### **(i) Exclusion of Governmental Plans and Programs**

Schedule 6 of Bill 197 amends the *EAA* by adding a new definition of "project" that includes some of the elements of the Act's former definition of "undertaking":

"project" means one or more enterprises or activities or a proposal, plan or program in respect of an enterprise or activity (emphasis added).

However, no "proposals, plans or programs" have been included in the proposed project list. Instead, only a relatively small number of physical works or activities have been tentatively prescribed on the draft list as "projects" for the purposes of Part II.3 of the *EAA*.

On this point, the Registry notice claims that the former Act's automatic inclusion of governmental plans under the *EAA* resulted in the "need" to exempt such plans from EA coverage. A similar claim is made in the MECP's consultation materials.<sup>12</sup>

In response, CELA submits that there is no compelling legal "need" to exempt environmentally significant public sector plans (i.e. provincial land use plans) from the *EAA*. Instead, these contentious exemptions were primarily made for reasons of political expediency, and they simply reflect policy choices made by the Ontario government rather than any binding legal or jurisdictional constraints.

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<sup>12</sup> MECP, *Modernizing the Environmental Assessment Program: Proposed Comprehensive Environmental Assessment Project List* (Stakeholder Engagement Sessions: October 2020), page 8.

In CELA’s view, the proposed list’s deliberate omission of environmentally significant proposals, plans or programs is an undesirable rollback that substantially narrows (if not undermines) the application, value and utility of the *EAA*. More importantly, this exclusion is inconsistent with the widely held consensus among EA practitioners that higher-order governmental plans and programs which drive individual projects at the local level should themselves be subject to EA requirements.

As noted in a leading environmental law text, an advanced EA law should “ensure assessment of all undertakings – including strategic-level policies, programs, plans, and projects – that might have significant environmental effects, individually or cumulatively (emphasis added).”<sup>13</sup> Accordingly, CELA submits that Ontario’s proposal to limit the application of Part II.3 of the *EAA* to a few types of physical works cannot be construed as “EA modernization”; instead, this regressive approach sets back EA practice and policy in the province by at least several decades.

Similarly, the Auditor General of Ontario has correctly reported that “the impact of government plans and programs can have a broader and longer-term impact compared to individual projects, and therefore warrant a thorough assessment beyond that which is possible for individual projects.”<sup>14</sup> The Auditor General’s report further noted:

Best practices highlight the need to carry out environmental assessments of government plans and programs. The International Association for Impact Assessment – a leading organization in best practices related to environmental assessments – calls for strategic assessments of energy plans, transportation plans, urban expansion plans, climate change strategies, and “actions that will affect large numbers of people.”<sup>15</sup>

For example, the environmental and socio-economic pros/cons of Ontario Hydro’s province-wide “demand-supply plan” in the early 1990s (which, if approved, would have resulted in new/expanded power generation and transmission facilities throughout Ontario) was properly subject to public scrutiny in a hearing under the *EAA*. Unfortunately, subsequent provincial long-term energy plans (i.e. Integrated Power System Plan) have been unjustifiably exempted by the Ontario government from the *EAA* despite their profound environmental, social, economic and cultural implications for all Ontarians.

Similarly, provincial laws that govern other transportation, land use, or environmental sectors have declared that significant plans, policy statements, strategies or directives are not “undertakings” as defined by the *EAA* (e.g. climate change plan under Bill 4, Greenbelt Plan, Growth Plans under the *Places to Grow Act*, etc.). The legal effect of such declarations is to exempt these proposals from the *EAA*. If the MECP’s project list is finalized as currently proposed, then these provincial- or regional-scale plans and programs will continue to evade *EAA* coverage despite the above-noted recognition of the public interest need to apply EA methodology to such matters.

In fact, this is the precise outcome that is being inappropriately advanced by Ontario’s consultation materials:

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<sup>13</sup> P. Muldoon et al., *An Introduction to Environmental Law and Policy in Canada*, 3<sup>rd</sup> ed. (Toronto: Emond, 2020), p 162.

<sup>14</sup> See [https://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1\\_306en16.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1_306en16.pdf)

<sup>15</sup> *Ibid.*

In many cases, provisions have been included in other pieces of legislation to clarify that a plan or program under that legislation was not subject to the *EAA*. In the future, these provisions will no longer be necessary as it is not proposed that these plans be on the project list.<sup>16</sup>

Accordingly, CELA concludes that if the Ontario government was truly committed to applying Part II.3 of the *EAA* to the most significant undertakings that affect the greatest number of people, then governmental plans and programs should be at the top of the proposed project list, not omitted entirely. On this point, we note that the Ministry has offered no evidence, explanation or elaboration on why provincial plans or programs are not being proposed for inclusion on the regulatory list despite their undeniable environmental significance.

### (ii) Designated Projects and Prescribed Thresholds

Aside from the wholesale exclusion of proposals, plans and programs from the proposed project list, CELA is also concerned about the arbitrary – and stale-dated – thresholds used to delineate the size, scale or capacity of project types that are to be designated under Part II.3 of the *EAA*.

#### *Electricity Projects*

The MECP is proposing to apply Comprehensive EA requirements to some electricity project types that are currently described in section 3 of Ontario Regulation 116/01 (excluding coal-fired electricity generation facilities, which have since been phased out in Ontario).

For example, the proposed project list simply brings forward some types of electricity infrastructure projects (i.e. generation facilities) that are currently subject to *EAA* requirements. In addition, the MECP is proposing to maintain the “existing thresholds” for such projects (e.g. new 115 to 500 kilovolt transmission lines longer than 50 km; new transmission lines carrying greater than 500 kilovolts and longer than 2 km; etc.). However, it appears to CELA that these thresholds have been modified slightly from those currently contained in section 3 of Ontario Regulation 116/01.

More importantly, CELA notes that the MECP’s consultation materials do not include any empirical evidence that justifies the suggested electricity project thresholds or explains how these were derived. Moreover, CELA notes that these thresholds were established almost 20 years ago when the Electricity Projects Regulation<sup>17</sup> was first made under the *EAA*, and the MECP’s current consultation materials contain no information or analysis indicating why these decades-old thresholds should be left intact.

Based on our review of EA project lists in other Canadian provinces (see Appendix A), it appears to CELA that Ontario’s old regulatory thresholds are set considerably higher than those now being used in other jurisdictions. For example, in relation to transmission lines, Manitoba’s project list

<sup>16</sup> MECP, *Modernizing the Environmental Assessment Program: Proposed Comprehensive Environmental Assessment Project List* (Stakeholder Engagement Sessions: October 2020), page 8.

<sup>17</sup> O.Reg. 116/01.

is based on kilowatt capacity, and does not prescribe any linear distances as thresholds for assessment purposes.

In addition, CELA submits that the potential for adverse effects does not necessarily depend on the specific length of a transmission line or its notional voltage capacity. Instead, the environmental significance is far more dependent upon the location-specific corridor route of the proposed project, and its associated design, construction, operation and decommissioning details. For example, the project list under the federal *Impact Assessment Act* includes all new electricity generation and transmission lines, regardless of size, length or capacity, if they are proposed in national parks, wildlife areas, migratory bird sanctuaries or other protected areas under federal jurisdiction.

CELA further notes that Ontario's proposed project list inexplicably catches only two types of electricity generation projects (i.e. hydroelectric facilities with capacity greater than or equal to 200 MW and oil-fired facilities with capacity greater than or equal to 5 MW). As discussed below, this narrow approach excludes other environmentally significant forms of electricity generation (i.e. nuclear power plants) that trigger EA requirements in other Canadian jurisdictions.

In addition, the above-noted 200 MW threshold is considerably higher than those used in other provinces in Canada. In British Columbia, for example, new hydroelectric facilities greater than or equal to 50 MW trigger EA requirements, as set out below in Appendix A. Similarly, New Brunswick's project list captures all electricity generation facilities producing 3 or more MW. In Nova Scotia, production outputs of 2, 10 and 25 MW are used in the project list to distinguish between types of electricity generation projects. In Quebec's project list, the electricity production threshold is set at 5 MW for hydroelectric facilities and fossil-fueled power plants. Accordingly, CELA submits that consideration should be given to lowering Ontario's proposed 200 MW threshold, particularly since it is unknown at this time whether hydroelectric facilities below the 200 MW cut-off will be subject to Streamlined EAs, or possibly to no *EAA* requirements at all.

Finally, the MECP consultation materials are unclear on what *EAA* coverage (if any) will be extended to the smaller electricity projects described in section 4 of Ontario Regulation 116/01. At present, proponents of these projects do not have to carry out an individual EA if they follow the prescribed Environmental Screening Process (ESP). In its consultation materials, the MECP has not indicated whether the ESP will continue to be available, or whether such projects will be subject to the forthcoming Streamlined EA requirements. In CELA's view, this uncertainty impairs the public's ability to comment on the adequacy of the Comprehensive EA project list since it is unknown how or if smaller electricity projects will still be subject to some form of *EAA* coverage.

### *Waste Management Projects*

CELA has similar concerns about the waste management projects that are proposed for inclusion on the designated projects list under the *EAA*. In particular, the MECP is proposing to simply maintain the application of Part II.3 of the *EAA* to large-scale waste disposal facilities (e.g. landfills, certain thermal treatment sites, etc.), and to utilize the same thresholds or triggers for such projects (e.g. landfills with total waste disposal volume greater than 100,000 cubic metres).

Again, CELA submits that these numerical thresholds *per se* – which were developed over 13 years ago when the Waste Management Projects Regulation<sup>18</sup> was first issued – have little or no bearing on a waste facility’s potential to create adverse effects, which typically depend more on the proposed location, design and operation. Presumably, this is why New Brunswick’s project list includes “all waste disposal facilities and systems,” and does not prescribe any disposal capacity thresholds (see Appendix A).

In addition, CELA notes that like Ontario Regulation 101/07 itself, the proposed *EAA* waste thresholds are unduly convoluted and difficult to interpret. We also submit that the proposed project list must clearly designate all forms of thermal treatment (including all energy-from-waste facilities) in light of their environmental and human health significance. In this regard, Nova Scotia’s project list includes all thermal treatment facilities and incinerators, and does not prescribe any specific thresholds related to size, capacity, or energy recovery.

In addition, CELA submits that disposal facilities for low, intermediate and high-level nuclear waste in Ontario should also be subject to Comprehensive EAs under the *EAA*, particularly given the potential environmental, human health, and socio-economic impacts of such facilities. Designating these types of projects on the Ontario *EAA* list also creates opportunities for joint (or harmonized) assessments under both the *EAA* and the federal *Impact Assessment Act*.

In making this submission, CELA is mindful of the relevant constitutional considerations, but it remains our opinion that there is jurisdictional room for provincial EA requirements to apply to these and other nuclear facilities proposed in Ontario. On this point, we note that Quebec’s project list includes various types of nuclear facilities, including “construction of a site for the elimination or storage of radioactive waste.”

Finally, the MECP’s regulatory proposal states that “specific exceptions and exemptions, including transition provisions,” in Ontario Regulation 101/07 “will be incorporated into the proposed project list.” Based on this cryptic statement, it is unclear to CELA precisely which specific exempting and/or transitional provisions will be lifted from this Regulation into the finalized project list. In our view, this vagueness underscores the present need for public review of, and comment on, the actual regulatory text being proposed by the MECP.

### *Transportation Projects*

In relation to transportation projects, the MECP is proposing to only apply Part II.3 of the *EAA* to intra-provincial railways greater than 50 km, and to new/extended provincial freeways or municipal expressways that are greater than 75 km.

No environmental rationale has been offered to justify either of these linear thresholds, although the MECP’s consultation materials state that both the 50 and 75 km distances are intended to “align” the *EAA* with the federal *Impact Assessment Act*. CELA acknowledges that the federal project list now prescribes the 75 km roadway length and the 50 km railway length, both of which

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<sup>18</sup> O.Reg. 101/07.

represent a significant increase in the thresholds previously prescribed for such projects under the former *Canadian Environmental Assessment Act, 2012*.

However, CELA was extensively involved in the 2018-19 development of the current federal project list and, to our knowledge, federal officials did not publicly produce any evidence-based studies demonstrating that significant adverse environment impacts are only generated by roadways greater than 75 km in length, or by railways greater than 50 km. In our view, the MECP has similarly failed to provide any cogent proof that only 75+ km roadways and 50+ km railways have the potential to produce significant adverse effects in Ontario.

### *Conservation Projects*

The MECP's proposed project list also suggests that "major flood, erosion control and associated conservation projects" will be subject to Part II.3 of the *EAA*. In principle, this appears to be a step in the right direction, except that the MECP has failed to define the term "major" and has only proposed some ambiguous "criteria" that may (or may not) be used to identify such major projects in the future. CELA further notes that this category appears to be limited to just those projects "that facilitate or anticipate development."

Accordingly, CELA submits that there is an alarming lack of clarity, predictability or certainty about which conservation projects are – or are not – caught by this proposed category, and CELA is unable to comment further on this project type at this time.

### *Mines*

During the current round of public consultation, the MECP has not actually specified any particular types (or sizes) of mines that will be included on the project list and made subject to the requirements of Part II.3 of the *EAA*. However, the MECP is soliciting public input on whether mines should be subject to the *EAA* at all, and if so, which mines should be designated. On this point, CELA and other non-governmental organizations<sup>19</sup> have long supported the long-overdue application of the *EAA* to the mining sector in Ontario.

This view has also been expressed by other commentators, including the Auditor General of Ontario, whose 2015 annual report<sup>20</sup> observed that "Ontario is the only province in Canada that does not require a provincial environmental assessment to be performed for mining projects."

Accordingly, the Auditor General recommended that the "Ministry of Northern Development and Mines should work with the Ministry of Environment and Climate Change to assess the benefits of larger mining projects in Ontario undergoing a provincial environmental assessment similar to the environmental assessments conducted in other Canadian provinces."<sup>21</sup> Five years after this recommendation was made, the Ontario government still has not specified which mines should be subject to the *EAA*. In the meantime, the project lists set out below in Appendix A demonstrate that other Canadian jurisdictions routinely apply EA requirements to mines, mills and smelters.

<sup>19</sup> See <https://cela.ca/need-for-environmental-assessment-reform-for-ontario/>

<sup>20</sup> See <https://www.auditor.on.ca/en/content/annualreports/arreports/en15/3.11en15.pdf>

<sup>21</sup> *Ibid.*



However, if Ontario now decides to designate mining projects under the *EAA*, CELA notes that the province does not have to slavishly adopt the numerical thresholds prescribed under the federal project list. This is particularly true since the *Impact Assessment Act* thresholds were designed to capture mining projects that may impact areas of federal jurisdiction (e.g. fish, migratory birds, aquatic species at risk, etc.). Therefore, it is open to Ontario to prescribe lower (or no) production thresholds in order to designate a wider range of mining projects (and ancillary infrastructure or activities) that may affect areas of provincial interest (e.g. natural resources with the province, property and civil rights, etc.).

Accordingly, CELA endorses and commends the *EAA* project list submission that has been recently commissioned and submitted by MiningWatch Canada<sup>22</sup> to the MECP. In particular, CELA concurs with the recommendations of this report in relation to the mining sector in Ontario:

- All new mines, mills, and metal extraction facilities (smelters and refineries) must be on the reviewable projects list and receive a comprehensive environmental assessment.
- Ontario’s project list must be as strong as that of Quebec and British Columbia — the two other largest mining jurisdictions in Canada with Ontario.
- Expansions of over 25% of ore production capacity or of land area must be reviewed.
- Re-opening of mines, mills, and metal extraction facilities closed for an extended length of time should be treated as new mines and reviewed.
- A feasibility study should be required as part of the environmental assessment for any new mine, or re-opening of a former mine.
- Cooperative environmental assessment with the federal government should be undertaken with a view to one project-one assessment with an aim of the most stringent requirements.
- Recognition of Indigenous rights is required to enable affected Indigenous jurisdictions to exercise Free Prior Informed Consent on their traditional territories.

CELA further submits that aggregate extraction activities (e.g. sand, gravel, landscaping stone, etc.) should also be considered for inclusion on the *EAA* project list in light of their potential impacts on air quality, groundwater, surface water, fish and wildlife, species at risk, agricultural lands, and neighbouring residents. As noted below in Appendix A, pits and quarries are included in several project lists promulgated in other Canadian jurisdictions. In our view, the mere fact that these activities may be regulated under Ontario’s *Aggregate Resources Act* or other provincial laws is not determinative of whether they should be subject to Part II.3 of the *EAA*.

### *Other Excluded Projects*

The Ministry’s slidedeck suggests that once the regulatory list is finalized, then certain projects that currently trigger an individual EA under the *EAA* (e.g. municipal marina projects costing more than \$3.5 million) will not be subject to Comprehensive EA requirements. The rationale for this particular exclusion is that such facilities are “already regulated under the *Planning Act* and other

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<sup>22</sup> The full MiningWatch Canada submission can be accessed via the CELA website: see <https://cela.ca/ontario-must-assess-the-impacts-of-mines-and-smelters-before-they-are-built/>

legislation.”<sup>23</sup> Even if this is true, these other regulatory regimes do not constitute EA processes, and do not address key EA planning issues (i.e. “need” and alternatives) that are the central focus of an individual (or Comprehensive) EA process, as discussed above.

The slidedeck also indicates that projects subject to “Streamlined EAs” (currently known as Class EAs) will also be excluded from the regulatory project list for Comprehensive EAs.<sup>24</sup> Unfortunately, the Ministry has not yet disclosed or consulted upon its draft list of projects that will be subject to forthcoming regulations on Streamlined EAs.

In CELA’s view, this bifurcated approach undermines meaningful public participation at this time because it is unknown whether projects excluded from the Comprehensive EA list will nevertheless be caught by the as-yet undeveloped Streamlined EA list, or whether such projects will wholly evade any *EAA* coverage whatsoever. This situation could have been easily avoided if the Ministry had been concurrently consulting on both types of project lists so that stakeholders would have a better sense of which EA requirements, if any, would be applicable to different categories of projects.

We further note that the Ministry slidedeck advises that projects currently subject to Class EA requirements will be “considered” for inclusion on the Streamlined EA project list.<sup>25</sup> Accordingly, CELA concludes there is no certainty or guarantee that all current categories of Class EA projects will, in fact, be transitioned into the Streamlined EA regime. Similarly, it is unclear whether certain classes of projects will no longer trigger any provincial EA requirements at all.

CELA further submits that for consultation purposes, it also would have been preferable if the project listing exercise under the *EAA* had been initiated before Schedule 6 of Bill 197 was given Third Reading and Royal Assent. On this point, we note that the federal government conducted extensive public consultations on its draft project list before the *Impact Assessment Act* was enacted and proclaimed in force in 2019. In light of this precedent, it is unclear why the Ontario government did not undertake a similar approach in 2020 when the *EAA* was being amended.

While the Ministry’s slidedeck purports to identify “what is NOT proposed to be on the Comprehensive EA Project List,”<sup>26</sup> it appears that only a few illustrative examples have been offered. For the most part, Ontario’s proposed list excludes numerous types of projects that trigger EA requirements in other Canadian jurisdictions, as reflected in the project list chart set out in Appendix A below. In CELA’s view, it would have been more accurate for the slidedeck to acknowledge that most environmentally significant industrial facilities and resource extraction activities that occur in Ontario are not being proposed for inclusion on the Comprehensive EA Project List.

For example, the Ontario list inexplicably excludes several dozen project types that are otherwise on project lists in one or more other jurisdictions across Canada, such as:

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<sup>23</sup> MECP, *Modernizing the Environmental Assessment Program: Proposed Comprehensive Environmental Assessment Project List* (Stakeholder Engagement Sessions: October 2020), page 8.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

- Industrial/commercial facilities and waste management projects in parks or protected areas;
- Dams, dykes, reservoirs, water diversion, land drainage and irrigation projects;
- Pulp and paper mills, saw mills or wood/plywood manufacturing;
- Chemical, cement, lime, brick, fertilizer, pesticide, explosives, paint, vehicle, tire, battery, textile or pharmaceutical manufacturing;
- Nuclear facilities, including power generation stations and nuclear waste storage or disposal sites;<sup>27</sup>
- Fossil-fuel power generating plants and other types of electricity generation facilities;
- Oil refineries, petroleum storage facilities, and liquefied natural gas facilities;
- Pipelines;
- Pits and quarries;
- Iron, steel, aluminum and other metal mills or production facilities;
- Shoreline modification projects;
- Municipal wastewater facilities;
- Ferry terminals, ports, or harbours;
- Tourist destination resort projects, including marinas, ski resorts, or other accommodation services;
- Intensive livestock operations and agricultural facilities such as feedmills and grain elevators;
- Fish hatcheries and aquaculture facilities;
- Asphalt plants;
- Scrap processing and auto wrecking yards;
- Timber cutting, forestry activities, and aerial application of pesticides on a forested area;
- Introduction of non-native plant or animal species;
- Major residential developments;
- Activities or projects affecting wetlands or rare or endangered environmental features; and
- Construction of plants that emit large amounts of greenhouse gases.

As reflected in Appendix A below, it should be noted that the foregoing list is not an exhaustive inventory of all project types that trigger EA requirements in other jurisdictions in Canada, but which have been excluded, without explanation, by Ontario's proposed project list.

At the same time, CELA acknowledges that many of the above-noted project types in other jurisdictions are subject to quantitative thresholds, location-based criteria, or certain exceptions. However, it is noteworthy that all of these project types are wholly absent from Ontario's proposed *EAA* list, and there is nothing in Ontario's consultation materials or the Registry notice that demonstrates these project types were duly screened by the MECP using the environmental factors described above.

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<sup>27</sup> While the Ontario government has argued that it has no constitutional jurisdiction to apply provincial EA requirements to nuclear power plants, CELA notes that Quebec's project list specifically includes such plants, and that Saskatchewan applies its EA process to nuclear facilities (mines) despite the existence of federal licencing requirements under the *Nuclear Safety and Control Act*. CELA further notes that Ontario issues provincial approvals for air or water discharges from nuclear power plants.

Accordingly, CELA submits that before the *EAA* list is finalized, Ontario must consider whether – and to what extent – these kinds of excluded projects should become subject to Comprehensive EAs in order to secure the protection, conservation and wise management of the environment.

**(e) Need for a Public Process to Request Designation of Non-Listed Projects**

Over the decades, CELA’s clients and other members of the public have found it necessary to file letters which request the Environment Minister to designate high-profile or contentious projects which were not automatically caught by the *EAA*.

Typically, these requests involved private sector undertakings that were otherwise not subject to the Act (e.g. proposed subdivisions, industrial manufacturing facilities, alternative fuel projects, etc.). However, to our knowledge, most of these requests were refused by the Minister, and only rarely did environmentally significant private projects (e.g. the Highland Quarry<sup>28</sup>) get designated by regulation under the *EAA*.

The Ministry’s consultation slidedeck suggests that it still remains open to proponents to voluntarily agree to the application of Part II.3 of the amended *EAA*, even if their projects are not caught by the regulatory list. The slidedeck further states that the Ontario government may pass regulations which designate specific non-listed activities or physical works as projects to which Part II.3 of the *EAA* applies.<sup>29</sup>

Nevertheless, in light of the above-noted track record, CELA draws little comfort from these permissive and highly discretionary provisions. Moreover, given the relatively short project list now under consideration, it is inevitable that some significant projects will be left off the regulatory list, or that some controversial projects may be framed in a manner that falls just below the prescribed thresholds in the regulatory list.

In addition, project lists tend to remain static for prolonged periods of time, which means that new or emerging technologies or activities may remain non-listed despite their environmental significance. In our view, enabling Ontarians to request designation of non-listed projects offers an important “safety valve” that helps ensure the betterment of Ontarians by providing for the protection, conservation and wise management of the environment.

Accordingly, CELA submits that the new regulation should expressly establish a clear, accountable and expedited process that allows individuals, groups, municipalities or First Nation communities to request the Environment Minister to designate non-listed projects by order (not by Cabinet regulation) under the *EAA*. In our view, this process should include criteria, time limits, and a mandatory duty upon the Minister to grant the requested order except in special circumstances.

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<sup>28</sup> See <https://www.ontario.ca/page/highland-companies-proposed-quarry-dufferin-county>

<sup>29</sup> MECP, *Modernizing the Environmental Assessment Program: Proposed Comprehensive Environmental Assessment Project List* (Stakeholder Engagement Sessions: October 2020), page 8.

In particular, CELA submits that the forthcoming *EAA* regulation should, at minimum, include the following elements:<sup>30</sup>

### **Minister's power to designate**

**1(1)** The Minister shall, on request of any person or on his or her own initiative, by order, designate a physical work or activity that is not prescribed as a project by regulations made under the Act if, in his or her opinion, either the carrying out of that physical work or activity may cause adverse effects within provincial jurisdiction, or public concerns related to those effects warrant the designation.

### **Factors to be taken into account**

**(2)** Before making the designation order under subsection (1), the Minister shall consider:

**(a)** the purpose of the Act;

**(b)** the Ministry's Statement of Environmental Values under the *Environmental Bill of Rights, 1993*;

**(c)** whether the physical work or activity may affect the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*; and

**(d)** the information and supporting documentation provided by the person who made the designation request, or by other interested persons, including the proponent of the physical work or activity.

### **Minister's power to require information**

**(3)** The Minister may require any person or entity to provide information with respect to any physical work or activity that can be designated under subsection (1).

### **Provincial and Municipal Authorities**

**(4)** While the Minister is considering the issuance of a designation order under subsection (1), no provincial or municipal authorities shall exercise any powers, provide any financial assistance, or perform any duties or functions under any provincial law that could permit the physical work or activity to be carried out, in whole or in part, until the Minister has made and posted his or her decision on whether the designation order should be issued.

### **Minister's response — time limit**

**(5)** The Minister must respond in writing, with reasons, to a public request referred to in subsection (1) within 90 days after the day on which it is received, and must ensure that his or her response is posted on the Ministry's Internet site.

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<sup>30</sup> These suggested provisions are based, in part, upon section 9 of the *Impact Assessment Act*, which empowers the federal Environment Minister – not the Cabinet – to issue orders designating non-listed projects.

### **Prescribed form and Required Information**

(6) A public request referred to in subsection (1) may be filed in the prescribed form, and should include the following information:

- (a) a concise description of the physical work or activity and its location;
- (b) a summary of evidence describing the potential direct, indirect or cumulative effects of the physical work or activity;
- (c) the reasons why the designation order should be issued under the Act;
- (d) any other relevant information.

### **Notice posted on Internet site**

(7) When the Minister makes his or her decision on a public request referred to in subsection (1), the decision, with reasons, shall be provided forthwith to the person who made the request and to the proponent of the physical work or activity, and shall be posted on the Ministry's Internet site.

### **Limitation**

- (8) The Minister shall not make the designation order referred to in subsection (1) if:
- (a) the carrying out of the physical work or activity has substantially begun; or
  - (b) the public request for a designation order is clearly frivolous, vexatious, or made solely for the purposes of delay.

In addition, consideration should be given to the question of whether the above-noted designation order should be prescribed as a Class I or II instrument under Part II of the *EBR*.

## **PART III - CONCLUSIONS**

For the foregoing reasons, CELA concludes that Ontario's proposed project list under the *EAA* is inadequate, unacceptable and unjustifiably excludes too many environmentally significant undertakings. The incomplete and underwhelming nature of the proposed list (which contains 13 categories of designated projects) is amply demonstrated by comparing it to the federal project list under the *Impact Assessment Act* (which contains 61 categories of projects subject to the federal law).

Moreover, the majority of projects that are now being proposed for inclusion on the *EAA* list are already subject to individual EA requirements. In our view, merely continuing the status quo for electricity and waste management projects – while at the same time equivocating on whether mines should be designated and deliberately excluding environmentally significant governmental plans and programs – cannot be fairly characterized as “modernizing” Ontario's *EAA* regime.

Accordingly, CELA recommends that the Ontario government should immediately re-consider and substantially revise its proposed project list to not only include a broader range of project types under Part II.3 of the *EAA*, but also to ensure that environmentally significant proposals, plans and



programs are also designated on the list. This re-consideration process should involve meaningful public participation (not just another one-hour webinar or sparse slidedeck), and must be accompanied by the timely release of a draft *EAA* regulation for public review and comment.

November 10, 2020

**APPENDIX A**  
**SUMMARY OF PROJECT LISTS ACROSS CANADA**  
**Prepared by Krystal-Anne Roussel, Student-at-Law**  
**[October 2020]**

Province	EA Project List
<b>Federal</b>	<p><b>Schedule 2<sup>31</sup></b></p> <p><b>National Parks and Protected Areas</b></p> <p><b>1</b> The construction, operation, decommissioning and abandonment in a wildlife area, as defined in <a href="#">section 2</a> of the <i>Wildlife Area Regulations</i>, a migratory bird sanctuary, as defined in <a href="#">subsection 2(1)</a> of the <i>Migratory Bird Sanctuary Regulations</i> or a protected marine area established under <a href="#">subsection 4.1(1)</a> of the <i>Canada Wildlife Act</i>, of one of the following:</p> <ul style="list-style-type: none"> <li>(a) a new electrical generating facility or electrical transmission line;</li> <li>(b) a new structure for the diversion of water, including a new dam, dyke or reservoir;</li> <li>(c) a new oil or gas facility or oil and gas pipeline;</li> <li>(d) a new mine or mill;</li> <li>(e) a new industrial facility;</li> <li>(f) a new canal or lock;</li> <li>(g) a new marine terminal;</li> <li>(h) a new railway line;</li> <li>(i) a new public road or parkway that is intended for the passage of motor vehicles;</li> <li>(j) a new aerodrome or runway;</li> <li>(k) a new waste management facility;</li> <li>(l) a new aquaculture facility.</li> </ul> <p><b>2</b> The construction, in a national marine conservation area, of a new physical work if the construction is contrary to the management plan for that area tabled in or laid before each House of Parliament</p>

<sup>31</sup> <https://www.canlii.org/en/ca/laws/regu/sor-2019-285/latest/sor-2019-285.html>

under [subsection 9\(1\)](#) of the [Canada National Marine Conservation Areas Act](#) or [subsection 9\(1\)](#) of the [Saguenay-St. Lawrence Marine Park Act](#).

**3** The disposal at sea, in a national marine conservation area, of waste or other matter as defined in [subsection 122\(1\)](#) of the [Canadian Environmental Protection Act, 1999](#) at a new disposal at sea site or a new part of an existing disposal at sea site.

**4** The construction, operation, decommissioning and abandonment, in a national marine conservation area, of a new pipeline for carrying a substance other than water.

**5** The construction, on land that is managed or administered by the Parks Canada Agency, of a new physical work, if the construction is

(a) contrary to the management plan for that land that is tabled in each House of Parliament under [subsection 32\(1\)](#) of the [Parks Canada Agency Act](#), [subsection 11\(1\)](#) of the [Canada National Parks Act](#), or [subsection 9\(1\)](#) of the [Rouge National Urban Park Act](#), or to a similar plan for the land that is approved by the Minister responsible for the Parks Canada Agency; or

(b) contrary to one of the following guidelines that is published by the Parks Canada Agency and that applies to that land:

(i) the *Marmot Basin Ski Area Site Guidelines for Development and Use* dated February 2008,

(ii) the *Mt. Norquay Ski Area Site Guidelines for Development and Use* dated July 2011,

(iii) the *Lake Louise Ski Area Site Guidelines for Development and Use* dated July 2015,

(iv) the *Site Guidelines for Development and Use, Sunshine Village Ski Resort* dated December 14, 2018.

**6** The construction, operation, decommissioning and abandonment, in a national park, of a new dam or structure for the diversion of water for the purpose of supplying water outside the park, of recreation or of electrical power generation.

**7** The construction, operation, decommissioning and abandonment, in a national park, of a structure that is required to implement a new agreement made under [paragraph 10\(2\)\(b\)](#) of the [Canada National Parks Act](#).

**8** The expansion, in a national park, of the water supply capacity of a structure that was constructed to implement an agreement made under [paragraph 10\(2\)\(b\)](#) of the [Canada National Parks Act](#) by more than 20%.

**9** The construction, operation, decommissioning and abandonment, in Yoho National Park of Canada, Kootenay National Park of Canada, Banff National Park of Canada or Jasper National Park of Canada, outside of a commercial ski area referred to in Schedule 5 to the [Canada National Parks Act](#) and of a park community, of a new commercial development that requires the disposal or occupation of land that was not previously disposed of for the purpose of a commercial development with the same or a similar purpose or occupied by such a commercial development, if that new commercial development has not been subject to strategic environmental assessment and public review as part of the park management plan tabled in each House of Parliament under [subsection 11\(1\)](#) of the [Canada National Parks Act](#).

**10** The expansion, in Yoho National Park of Canada, Kootenay National Park of Canada, Banff National Park of Canada or Jasper National Park of Canada, outside of a commercial ski area referred to in Schedule 5 to the [Canada National Parks Act](#) and of a park community, of an existing commercial development that requires the disposal or occupation of land that was not previously disposed of for the purpose of a commercial development with the same or a similar purpose or occupied by such a commercial development, if that existing commercial development has not been subject to strategic environmental assessment and public review as part of a park management plan tabled in each House of Parliament under [subsection 11\(1\)](#) of the [Canada National Parks Act](#).

**11** The construction, operation, decommissioning and abandonment, in a national park, of either of the following:

(a) a new railway line;

(b) a new public road or parkway that is intended for the passage of motor vehicles.

**Defence**

**12** The low-level flying of military fixed-wing jet aircraft, for more than 150 days in a calendar year, as part of a training program, at an altitude below 330 m above ground level on a route or in an area that was not established before October 7, 1994 by or under the authority of the Minister of National Defence or the Chief of the Defence Staff as a route or area set aside for low-level flying training.

**13** The construction and operation of a new military base or military station that is established for more than 12 consecutive months.

**14** The expansion of an existing military base or military station, if the expansion would result in an increase in the area of the military base or military station of 50% or more.

**15** The decommissioning and abandonment of an existing military base or military station.

**16** The construction, operation, decommissioning and abandonment, outside an existing military base, of a new military training area, range or test establishment for training or weapons testing that is established for more than 12 consecutive months.

**17** The testing of military weapons for more than five days in a calendar year in an area other than a training area, range or test establishment established before October 7, 1994 by or under the authority of the Minister of National Defence for the testing of weapons.

### **Mines and Metal Mills**

**18** The construction, operation, decommissioning and abandonment of one of the following:

- (a) a new coal mine with a coal production capacity of 5 000 t/day or more;
- (b) a new diamond mine with an ore production capacity of 5 000 t/day or more;
- (c) a new metal mine, other than a rare earth element mine, placer mine or uranium mine, with an ore production capacity of 5 000 t/day or more;
- (d) a new metal mill, other than a uranium mill, with an ore input capacity of 5 000 t/day or more;
- (e) a new rare earth element mine with an ore production capacity of 2 500 t/day or more;
- (f) a new stone quarry or sand or gravel pit with a production capacity of 3 500 000 t/year or more.

**19** The expansion of an existing mine, mill, quarry or sand or gravel pit in one of the following circumstances:

- (a) in the case of an existing coal mine, if the expansion would result in an increase in the area of mining operations of 50% or more and the total coal production capacity would be 5 000 t/day or more after the expansion;
- (b) in the case of an existing diamond mine if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore production capacity would be 5 000 t/day or more after the expansion;
- (c) in the case of an existing metal mine, other than a rare earth element mine, placer mine or uranium mine, if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore production capacity would be 5 000 t/day or more after the expansion;
- (d) in the case of an existing metal mill, other than a uranium mill, if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore input capacity would be 5 000 t/day or more after the expansion;
- (e) in the case of an existing rare earth element mine if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore production capacity would be 2 500 t/day or more after the expansion;
- (f) in the case of an existing stone quarry or sand or gravel pit if the expansion would result in an increase in the area of mining operations of 50% or more and the total production capacity would be 3 500 000 t/year or more after the expansion.

**20** The construction, operation and decommissioning, outside the licensed boundaries of an existing uranium mine, of a new uranium mine with an ore production capacity of 2 500 t/day or more.

**21** The expansion of an existing uranium mine, if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore production capacity would be 2500 t/day or more after the expansion.

**22** The construction, operation and decommissioning, outside the licensed boundaries of an existing uranium mill, of a new uranium mill with an ore input capacity of 2 500 t/day or more.



**23** The expansion of an existing uranium mill, if the expansion would result in an increase in the area of mining operations of 50% or more and the total ore input capacity would be 2 500 t/day or more after the expansion.

**24** The construction, operation, decommissioning and abandonment of a new oil sands mine with a bitumen production capacity of 10 000 m<sup>3</sup>/day or more.

**25** The expansion of an existing oil sands mine, if the expansion would result in an increase in the area of mining operations of 50% or more and the total bitumen production capacity would be 10 000 m<sup>3</sup>/day or more after the expansion.

**Nuclear Facilities, Including Certain Storage and Long-term Management or Disposal Facilities**

**26** The construction, operation and decommissioning of one of the following:

- (a) a new facility for the processing, reprocessing or separation of isotopes of uranium, thorium, or plutonium, with a production capacity of 100 t/year or more;
- (b) a new facility for the manufacture of a product derived from uranium, thorium or plutonium, with a production capacity of 100 t/year or more;
- (c) a new facility for the processing or use, in a quantity greater than 10<sup>15</sup> Bq per calendar year, of nuclear substances with a half-life greater than one year, other than uranium, thorium or plutonium.

**27** The site preparation for, and the construction, operation and decommissioning of, one or more new nuclear fission or fusion reactors if

- (a) that activity is located within the licensed boundaries of an existing Class IA nuclear facility and the new reactors have a combined thermal capacity of more than 900 MWth; or
- (b) that activity is not located within the licensed boundaries of an existing Class IA nuclear facility and the new reactors have a combined thermal capacity of more than 200 MWth.

**28** The construction and operation of either of the following:

(a) a new facility for the storage of irradiated nuclear fuel or nuclear waste, outside the licensed boundaries of an existing nuclear facility, as defined in [section 2](#) of the *Nuclear Safety and Control Act*, other than a facility for the on-site storage of irradiated nuclear fuel or nuclear waste associated with one or more new fission or fusion reactors that have a combined thermal capacity of less than 200 MWth;

(b) a new facility for the long-term management or disposal of irradiated nuclear fuel or nuclear waste.

**29** The expansion of an existing facility for the long-term management or disposal of irradiated nuclear fuel or nuclear waste, if the expansion would result in an increase in the area of the facility, at ground level, of 50% or more.

#### **Oil, Gas and Other Fossil Fuels**

**30** The construction, operation, decommissioning and abandonment of a new fossil fuel-fired power generating facility with a production capacity of 200 MW or more.

**31** The expansion of an existing fossil fuel-fired power generating facility, if the expansion would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or more.

**32** The construction, operation, decommissioning and abandonment of a new *in situ* oil sands extraction facility that has a bitumen production capacity of 2 000 m<sup>3</sup>/day or more and that is

(a) not within a province in which provincial legislation is in force to limit the amount of greenhouse gas emissions produced by oil sands sites in the province; or

(b) within a province in which provincial legislation is in force to limit the amount of greenhouse gas emissions produced by oil sands sites in the province and that limit has been reached.

**33** The expansion of an existing *in situ* oil sands extraction facility, if the expansion would result in an increase in bitumen production capacity of 50% or more and a total bitumen production capacity of 2 000 m<sup>3</sup>/day or more, if the facility is

- (a) not within a province in which provincial legislation is in force to limit the amount of greenhouse gas emissions produced by oil sands sites in the province; or
- (b) within a province in which provincial legislation is in force to limit the amount of greenhouse gas emissions produced by oil sands sites in the province and that limit has been reached.

**34** The drilling, testing and abandonment, in an area set out in one or more exploration licences issued in accordance with the [Canada Petroleum Resources Act](#), the [Canada–Newfoundland and Labrador Atlantic Accord Implementation Act](#) or the [Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act](#), of offshore exploratory wells in the first drilling program, as defined in [subsection 1\(1\)](#) of the [Canada Oil and Gas Drilling and Production Regulations](#), [SOR/2009-315](#).

**35** The construction, installation and operation of a new offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas.

**36** The decommissioning and abandonment of an existing offshore floating or fixed platform, vessel or artificial island used for the production of oil or gas that is proposed to be disposed of or abandoned offshore or converted on site to another role.

**37** The construction, operation, decommissioning and abandonment of one of the following:

- (a) a new oil refinery, including a heavy oil upgrader, with an input capacity of 10 000 m<sup>3</sup>/day or more;
- (b) a new facility for the production of liquid petroleum products from coal with a production capacity of 2 000 m<sup>3</sup>/day or more;
- (c) a new sour gas processing facility with a sulphur inlet capacity of 2 000 t/day or more;
- (d) a new facility for the liquefaction, storage or regasification of liquefied natural gas, with a liquefied natural gas processing capacity of 3 000 t/day or more or a liquefied natural gas storage capacity of 136 000 m<sup>3</sup> or more;
- (e) a new petroleum storage facility with a storage capacity of 500 000 m<sup>3</sup> or more;
- (f) a new natural gas liquids storage facility with a storage capacity of 100 000 m<sup>3</sup> or more.

**38** The expansion of one of the following:

- (a) an existing oil refinery, including a heavy oil upgrader, if the expansion would result in an increase in input capacity of 50% or more and a total input capacity of 10 000 m<sup>3</sup>/day or more;
- (b) an existing facility for the production of liquid petroleum products from coal, if the expansion would result in an increase in production capacity of 50% or more and a total production capacity of 2 000 m<sup>3</sup>/day or more;
- (c) an existing sour gas processing facility, if the expansion would result in an increase in sulphur inlet capacity of 50% or more and a total sulphur inlet capacity of 2 000 t/day or more;
- (d) an existing facility for the liquefaction, storage or regasification of liquefied natural gas, if the expansion would result in an increase in the liquefied natural gas processing or storage capacity of 50% or more and a total liquefied natural gas processing capacity of 3 000 t/day or more or a total liquefied natural gas storage capacity of 136 000 m<sup>3</sup> or more, as the case may be;
- (e) an existing petroleum storage facility, if the expansion would result in an increase in storage capacity of 50% or more and a total storage capacity of 500 000 m<sup>3</sup> or more;
- (f) an existing natural gas liquids storage facility, if the expansion would result in an increase in storage capacity of 50% or more and a total storage capacity of 100 000 m<sup>3</sup> or more.

### **Electrical Transmission Lines and Pipelines**

**39** The construction, operation, decommissioning and abandonment of either of the following:

- (a) a new international electrical transmission line with a voltage of 345 kV or more that requires a total of 75 km or more of new right of way;
- (b) a new interprovincial power line designated by an order under [section 261](#) of the [Canadian Energy Regulator Act](#).

**40** The construction, operation, decommissioning and abandonment of a new offshore oil and gas pipeline, other than a flowline as defined in [subsection 2\(1\)](#) of the [Canada Oil and Gas Installations Regulations](#).

**41** The construction, operation, decommissioning and abandonment of a new pipeline, as defined in [section 2](#) of the [Canadian Energy Regulator Act](#), other than an offshore pipeline, that requires a total of 75 km or more of new right of way.

**Renewable Energy**

**42** The construction, operation, decommissioning and abandonment of one of the following:

- (a) a new hydroelectric generating facility with a production capacity of 200 MW or more;
- (b) a new in-stream tidal power generating facility with a production capacity of 15 MW or more;
- (c) a new tidal power generating facility that is not an in-stream tidal power generating facility.

**43** The expansion of one of the following:

- (a) an existing hydroelectric generating facility if the expansion would result in an increase in production capacity of 50% or more and a total production capacity of 200 MW or more;
- (b) an existing in-stream tidal power generating facility, if the expansion would result in an increase in production capacity of 50% or more and a total production capacity of 15 MW or more;
- (c) an existing tidal power generating facility that is not an in-stream tidal power generating facility, if the expansion would result in an increase in production capacity of 50% or more.

**44** The construction, operation, decommissioning and abandonment in an offshore area or in boundary water of a new wind power generating facility that has 10 or more wind turbines.

**45** The expansion in an offshore area or in boundary water of an existing wind power generating facility, if the expansion would result in an increase in production capacity of 50% or more and a total number of wind turbines of 10 or more.

**Transport**

**46** The construction, operation, decommissioning and abandonment of one of the following:

- (a) a new aerodrome with a runway length of 1 000 m or more;
- (b) a new aerodrome that is capable of serving aircraft of Aircraft Group Number IIIA or higher;
- (c) a new runway at an existing aerodrome with a length of 1 000 m or more.

**47** The operation of an existing runway

- (a) that was not capable of serving aircraft of Aircraft Group Number IIIA and becomes capable of serving aircraft of Aircraft Group Number IIIA or higher; or
- (b) that was capable of serving aircraft of an Aircraft Group Number IIIA or higher and becomes capable of serving aircraft of any higher Aircraft Group Number.

**48** The construction, operation, decommissioning and abandonment of either of the following:

- (a) a new international or interprovincial bridge or tunnel;
- (b) a new bridge over the St. Lawrence Seaway.

**49** The construction, operation, decommissioning and abandonment of either of the following:

- (a) a new canal;
- (b) a new lock or associated structure that controls water levels in navigable water.

**50** The construction, operation, decommissioning and abandonment of a new permanent causeway with a continuous length of 400 m or more through navigable water.

**51** The construction, operation, decommissioning and abandonment of a new all-season public highway that requires a total of 75 km or more of new right of way.

**52** The construction, operation, decommissioning and abandonment of a new marine terminal designed to handle ships larger than 25 000 DWT.

**53** The expansion of an existing marine terminal, if the expansion requires the construction of a new berth designed to handle ships larger than 25 000 DWT and, if the berth is not a permanent structure in the water, the construction of a new permanent structure in the water.

**54** The construction, operation, decommissioning and abandonment of either of the following:



- (a) a new railway line that is capable of carrying freight or of carrying passengers between cities and requires a total of 50 km or more of new right of way;
- (b) a new railway yard with a total area of 50 ha or more.

**55** The expansion of an existing railway yard, if the expansion would result in an increase of its total area by 50% or more and a total area of 50 ha or more.

#### **Hazardous Waste**

**56** The construction, operation, decommissioning and abandonment of a new facility that is not more than 500 m from a natural water body and is used exclusively for the treatment, incineration, disposal or recycling of hazardous waste.

**57** The expansion of an existing facility that is not more than 500 m from a natural water body and is used exclusively for the treatment, incineration, disposal or recycling of hazardous waste, if the expansion would result in an increase in hazardous waste input capacity of 50% or more.

#### **Water Projects**

**58** The construction, operation, decommissioning and abandonment of a new dam or dyke on a natural water body, if the new dam or dyke would result in the creation of a reservoir with a surface area that would exceed the annual mean surface area of the natural water body by 1 500 ha or more.

**59** The expansion of an existing dam or dyke on a natural water body, if the expansion would result in an increase in the surface area of the existing reservoir of 50% or more and an increase of 1 500 ha or more in the annual mean surface area of that reservoir.

**60** The construction, operation, decommissioning and abandonment of a new structure for the diversion of 10 000 000 m<sup>3</sup>/year or more of water from a natural water body into another natural water body.

**61** The expansion of an existing structure for the diversion of water from a natural water body into another natural water body, if the expansion would result in an increase in diversion capacity of 50% or more and a total diversion capacity of 10 000 000 m<sup>3</sup>/year or more.

<p><b>Alberta</b></p>	<p><b>Schedule 1<sup>32</sup></b></p> <p><b>Mandatory Activities</b></p> <p>The construction, operation or reclamation of</p> <ul style="list-style-type: none"> <li>(a) a pulp, paper, newsprint or recycled fibre mill with a capacity of more than 100 tonnes per day;</li> <li>(b) a quarry producing more than 45 000 tonnes per year;</li> <li>(c) a dam greater than 15 metres in height when measured to the top of the dam <ul style="list-style-type: none"> <li>(i) from the natural bed of the watercourse at the downstream toe of the dam, in the case of a dam across a watercourse, or</li> <li>(ii) from the lowest elevation at the outside limit of the dam, in the case of a dam that is not across a watercourse;</li> </ul> </li> <li>(d) a water diversion structure and canals with a capacity greater than 15 cubic metres per second;</li> <li>(e) a water reservoir with a capacity greater than 30 million cubic metres;</li> <li>(f) a tourism facility that is expected to attract more than 250 000 visitors per year and will be immediately adjacent to an ecological reserve, a natural area or a wilderness area under the <i>Wilderness Areas, Ecological Reserves and Natural Areas Act</i>;</li> <li>(g) a surface coal mine producing more than 45 000 tonnes per year;</li> <li>(h) a coal processing plant within the meaning of the <i>Coal Conservation Act</i>;</li> <li>(i) an oil sands mine;</li> </ul>
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<sup>32</sup> <https://www.canlii.org/en/ab/laws/regu/alta-reg-111-1993/latest/alta-reg-111-1993.html?autocompleteStr=environmental%20assessment&autocompletePos=13>

- (j) a commercial oil sands, heavy oil extraction, upgrading or processing plant producing more than 2000 cubic metres of crude bitumen or its derivatives per day;
- (k) a thermal electrical power generating plant that uses non-gaseous fuel and has a capacity of 100 megawatts or greater;
- (l) a hydroelectric power generating plant with a capacity of 100 megawatts or greater;
- (m) repealed AR 62/2008 s2;
- (n) an oil refinery;
- (o) an ethylene or ethylene derivative manufacturing plant;
- (p) a benzene, ethyl benzene or styrene manufacturing plant;
- (q) a sour gas processing plant that emits more than 2.8 tonnes of sulphur per day;
- (r) a chlor-alkali manufacturing plant;
- (s) a vinyl chloride or polyvinyl chloride manufacturing plant as defined in the *Air Emissions Regulation*;
- (t) a formaldehyde manufacturing plant;
- (u) a pesticide manufacturing plant;
- (v) an explosives manufacturing plant;
- (w) a cement or lime plant;
- (x) a chemical fertilizer manufacturing plant;
- (y) a steel mill with a coke oven;
- (z) a hazardous waste incinerator that accepts hazardous waste from an off-site source;
- (aa) a landfill that accepts hazardous waste from an off-site source.

**Schedule 2****Exempted Activities**

- (a) the construction, operation or reclamation of
  - (i) a sweet gas processing plant that emits less than 384 kilograms of oxides of nitrogen per day;
  - (ii) a plant, structure or thing
    - (A) for the manufacture of ready-mixed concrete;
    - (B) for the manufacture of containers as primary metal or metal products;
    - (C) for the manufacture of tools or hardware as primary metal or metal products;
    - (D) for the manufacture or processing of secondary food products, beverages or animal by-products;
    - (E) for seed cleaning or forage drying;
    - (F) for the manufacture of furniture, cabinets, structure members, boxes, pallets or containers from wood;
  - (iii) a waterworks system that is subject to the *Potable Water Regulation* or a wastewater system that is subject to the *Wastewater and Storm Drainage Regulation*;
  - (iv) a subsurface sewage disposal system;
  - (v) a pipeline with a length in kilometres times diameter in millimetres resulting in an index number of less than 2690;
  - (vi) a transmission line;

	<p>(vii) a sand, gravel, clay or marl pit that is less than 2 hectares (5 acres) in size;</p> <p>(b) the widening or realignment of an existing highway;</p> <p>(c) the drilling or reclamation of a water well;</p> <p>(d) the drilling or reclamation of a water observation well or monitoring borehole;</p> <p>(e) the drilling, construction, operation or reclamation of an oil or gas well;</p> <p>(f) the construction, operation or reclamation of a day use recreation site and associated facilities, a campground, a facility for the interpretation and study of the environment, a downhill skiing facility or a combined downhill and cross country skiing facility in a non-mountainous area;</p> <p>(g) the maintenance and rehabilitation of a water management project, including a dyke, dam, weir, floodgate, breakwater, drain, groyne, ditch, basin, reservoir, canal, tunnel, bridge, culvert, crib, embankment, headwork, fishway, flume, aqueduct, pipe, pump or measuring weir;</p> <p>(h) the construction, operation or reclamation of a plant, structure or thing for the generating of wind electric power or solar electric power, with a total nominal capacity not exceeding 1 megawatt.</p>						
<p><b>British Columbia</b></p>	<p><b>Part 2 — Industrial Projects<sup>33</sup></b></p> <p style="text-align: center;"><b>Table 1 — Organic and Inorganic Chemical Industry</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%; text-align: center;">Column 1 Project Category</th> <th style="width: 33%; text-align: center;">Column 2 New Project</th> <th style="width: 33%; text-align: center;">Column 3 Modification of Existing Project</th> </tr> </thead> <tbody> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project			
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<sup>33</sup> <https://www.canlii.org/en/bc/laws/regu/bc-reg-243-2019/latest/bc-reg-243-2019.html>

	<p>1 All other basic inorganic chemical manufacturing (NAICS 325189; 325181).</p> <p>2 Other basic organic chemical manufacturing (NAICS 325190).</p> <p>3 Petrochemical manufacturing (NAICS 325110).</p> <p>4 Industrial gas manufacturing (NAICS 325120).</p> <p>5 Chemical fertilizer (except potash) manufacturing (NAICS 325313).</p>	<p>Criteria:</p> <p>(1) A new manufacturing facility</p> <p>(a) that has a production capacity of <math>\geq 100\,000</math> tonnes/year, or</p> <p>(b) that</p> <p>(i) produces materials classified under the <a href="#"><i>Transportation of Dangerous Goods Act 1992</i></a> (Canada) as "Explosives", "Flammable solids", "Corrosives", "Poisonous (toxic) and infectious substances" or "Oxidizing substances; organic peroxides", and</p> <p>(ii) has a production capacity of <math>\geq 5\,000</math> tonnes/year.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B,</p> <p>(c) threshold C, or</p> <p>(d) threshold D.</p>
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- 6 Mixed fertilizer manufacturing (NAICS 325314).
- 7 Pesticide and other agricultural chemical manufacturing (NAICS 325320).
- 8 Resin and synthetic rubber manufacturing (NAICS 325210; 325991).
- 9 Paint and coating manufacturing (NAICS 325510).
- 10 All other miscellaneous chemical product manufacturing (NAICS 325999).

**Table 2 — Primary Metals Industry**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
<p>1 Iron and steel mills and ferro-alloy manufacturing (NAICS 331110; 331221).</p> <p>2 Alumina refining and primary aluminum production (NAICS 331313).</p> <p>3 Non-ferrous metal (except aluminum) smelting and refining (NAICS 331410; 331420; 331490).</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new manufacturing facility, regardless of size.</p> <p>(2) If refining processes, precious metal distillate processes or ore roasting processes are integrated with ore milling operations at, or in the vicinity of, a mine site and are dedicated to the mining operations at the mine site, those processes are not reviewable as part of a project that is a reviewable project under subsection (1).</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B, or</p> <p>(c) threshold D.</p> <p>(2) If refining processes, precious metal distillate processes or ore roasting processes are integrated with ore milling operations at, or in the vicinity of, a mine site and are dedicated to the mining operations at the mine site, those processes are not reviewable as</p>



part of a project that is a reviewable project under subsection (1).

**Table 3 — Non-metallic Mineral Products Industries**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
<p>1 Cement manufacturing (NAICS 327310).</p> <p>2 Glass manufacturing (NAICS 327214; 327215).</p> <p>3 Lime manufacturing (NAICS 327410).</p>	<p><b>Criteria:</b></p> <p>(1) A new manufacturing facility with a production capacity of <math>\geq 100\,000</math> tonnes/year.</p>	<p><b>Criteria:</b></p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B,</p> <p>(c) threshold C, or</p> <p>(d) threshold D.</p>

<p>4 All other non-metallic mineral product manufacturing (NAICS 327990).</p>	<p><b>Criteria:</b></p> <p>(1) A new manufacturing facility, regardless of size.</p>	<p><b>Criteria:</b></p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B, or</p> <p>(c) threshold D.</p>
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**Table 4 — Forest Products Industries**

<p>Column 1 <b>Project Category</b></p>	<p>Column 2 <b>New Project</b></p>	<p>Column 3 <b>Modification of Existing Project</b></p>
<p>1 Pulp manufacturing facility in one of the following NAICS codes:</p>	<p><b>Criteria:</b></p> <p>(1) A new manufacturing facility, regardless of size.</p>	<p><b>Criteria:</b></p> <p>(1) Modification of an existing facility that</p>

	<ul style="list-style-type: none"> <li>(a) mechanical pulp mills (NAICS 322111);</li> <li>(b) chemical pulp mills (NAICS 322112);</li> <li>(c) paper (except newsprint) mills (NAICS 322121);</li> <li>(d) newsprint mills (NAICS 322122);</li> <li>(e) paperboard mills (NAICS 322130).</li> </ul>		<ul style="list-style-type: none"> <li>(a) meets threshold A, as it applies to a modification of the facility's pulp production capability,</li> <li>(b) meets threshold B, as it applies to an increase in the facility's pulp production capability,</li> <li>(c) meets threshold D, as it applies to an increase in the facility's pulp production capability, or</li> <li>(d) results in creation of a new paper or paperboard manufacturing capability with a production capacity of <math>\geq 250\,000</math> tonnes/year of paper or paperboard.</li> </ul>
	<p>2 Integrated paper or paperboard manufacturing facility in one of the following NAICS codes:</p>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) A new manufacturing facility, regardless of size.</li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Modification of an existing facility that</li> </ul>

	<ul style="list-style-type: none"> <li>(a) mechanical pulp mills (NAICS 322111);</li> <li>(b) chemical pulp mills (NAICS 322112);</li> <li>(c) paper (except newsprint) mills (NAICS 322121);</li> <li>(d) newsprint mills (NAICS 322122);</li> <li>(e) paperboard mills (NAICS 322130).</li> </ul>		<ul style="list-style-type: none"> <li>(a) meets threshold A, as it applies to a modification in the facility's pulp production capability,</li> <li>(b) meets threshold B, as it applies to an increase in the facility's pulp production capability,</li> <li>(c) meets threshold D, as it applies to an increase in the facility's pulp production capability, or</li> <li>(d) results in an increase in paper or paperboard production capacity of <math>\geq 250\ 000</math> tonnes/year.</li> </ul>
	<p>3 Non-integrated paper and paperboard manufacturing facility in one of the following NAICS codes:</p>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) A new manufacturing facility with a production capacity of <math>\geq 250\ 000</math> tonnes/year.</li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Modification of an existing facility that results in</li> </ul>

	<ul style="list-style-type: none"> <li>(a) mechanical pulp mills (NAICS 322111);</li> <li>(b) chemical pulp mills (NAICS 322112);</li> <li>(c) paper (except newsprint) mills (NAICS 322121);</li> <li>(d) newsprint mills (NAICS 322122);</li> <li>(e) paperboard mills (NAICS 322130).</li> </ul>		<ul style="list-style-type: none"> <li>(a) for an existing project with a production capacity of <math>\geq 250\,000</math> tonnes/year, an increase in paper or paperboard production capacity of <math>\geq 250\,000</math> tonnes/year, or</li> <li>(b) the creation at the existing facility of a new pulp production capability.</li> </ul>
	<p>4 Wood preservation (NAICS 321114).</p>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) A new manufacturing facility with a production capacity of <math>\geq 25\,000\text{ m}^3</math>/year.</li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Modification of an existing facility that meets</li> </ul>

			<ul style="list-style-type: none"> <li>(a) threshold A,</li> <li>(b) threshold B,</li> <li>(c) threshold C, or</li> <li>(d) threshold D.</li> </ul>
	<p>5 Sawmills (except shingle and shake mills) (NAICS 321111).</p>	<p>Criteria:</p> <p>(1) A new manufacturing facility with a production capacity of <math>\geq 750\,000</math> board feet/day.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <ul style="list-style-type: none"> <li>(a) threshold A,</li> <li>(b) threshold B,</li> <li>(c) threshold C, or</li> <li>(d) threshold D.</li> </ul>

<p>6 Hardwood veneer and plywood mills (NAICS 321211).</p> <p>7 Softwood veneer and plywood mills (NAICS 321212).</p>	<p>Criteria:</p> <p>(1) A new facility manufacturing</p> <p>(a) plywood or both plywood and veneer with a production capacity of <math>\geq 170\,000\text{ m}^3/\text{year}</math>, or</p> <p>(b) veneer, but not plywood, with a production capacity of <math>\geq 250\,000\text{ m}^3/\text{year}</math>.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B,</p> <p>(c) threshold C, or</p> <p>(d) threshold D.</p>
<p>8 Particle board and fibreboard mills (NAICS 321216).</p> <p>9 Waferboard mills (NAICS 321217).</p>	<p>Criteria:</p> <p>(1) A new manufacturing facility with a production capacity of <math>\geq 150\,000\text{ m}^3/\text{year}</math>.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p>



		(b) threshold B,  (c) threshold C, or  (d) threshold D.
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**Table 5 — Other Industries**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
1 Pharmaceutical and medicine manufacturing (NAICS 325410).	<p>Criteria:</p> <p>(1) A new manufacturing facility with a production capacity of</p> <p>(a) <math>\geq 50</math> tonnes/year of biopharmaceutical products, or</p> <p>(b) <math>\geq 200</math> tonnes/year of non-biopharmaceutical products.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B,</p>

			<p>(c) threshold C, or</p> <p>(d) threshold D.</p>
	<p>2 Artificial and synthetic fibres and filaments manufacturing (NAICS 325220; 313110).</p> <p>3 Textile and fabric finishing (NAICS 313310; 313320).</p>	<p>Criteria:</p> <p>(1) A new manufacturing facility with a production capacity <math>\geq 15\ 000</math> tonnes/year.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B,</p> <p>(c) threshold C, or</p> <p>(d) threshold D.</p>

	<p>4 Tire manufacturing (NAICS 326210).</p>	<p>Criteria:</p> <p>(1) A new facility, regardless of size.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B, or</p> <p>(c) threshold D.</p>
	<p>5 Leather and hide tanning and finishing (NAICS 316110).</p>	<p>Criteria:</p> <p>(1) A new manufacturing facility with a production capacity of <math>\geq 500\,000\text{ m}^2/\text{year}</math>.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p>

		<p>(b) threshold B,</p> <p>(c) threshold C, or</p> <p>(d) threshold D.</p>
<p>6 Battery manufacturing (NAICS 335910).</p>	<p>Criteria:</p> <p>(1) A new facility manufacturing lead-acid batteries, regardless of size.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility that meets</p> <p>(a) threshold A,</p> <p>(b) threshold B, or</p> <p>(c) threshold D.</p>
<p><b>Part 3 — Mine Projects</b></p>		

<b>Table 6 — Mine Projects</b>		
<b>Column 1 Project Category</b>	<b>Column 2 New Project</b>	<b>Column 3 Modification of Existing Project</b>
1 Coal Mines — SIC code 063.	<p>Criteria:</p> <p>(1) A new mine facility that, during operations, will have a production capacity of <math>\geq 250\ 000</math> tonnes/year of clean coal or raw coal or both.</p>	<p>Criteria:</p> <p>(1) Modification of an existing mine facility that meets threshold E.</p>
2 Mineral Mines.	<p>Criteria:</p> <p>(1) A new mine facility that, during operations, will have a production capacity of <math>\geq 75\ 000</math> tonnes/year of mineral ore.</p>	<p>Criteria:</p> <p>(1) Modification of an existing mine facility that meets threshold E.</p>
3 Sand and Gravel Pits — SIC code 082.	<p>Criteria:</p> <p>(1) A new pit facility that will have a production capacity of</p>	<p>Criteria:</p> <p>(1) Modification of an existing pit facility that meets threshold F.</p>

		<p>(a) <math>\geq 500\ 000</math> tonnes/year of excavated sand or gravel or both during at least one year of its operation, or</p> <p>(b) over a period of <math>&lt; 4</math> years of operation, <math>\geq 1\ 000\ 000</math> tonnes of excavated sand or gravel or both.</p>	
	4 Placer Mineral Mines.	<p>Criteria:</p> <p>(1) A new mine facility that, during operations, will have a production capacity of <math>\geq 250\ 000</math> tonnes/year of pay dirt.</p>	<p>Criteria:</p> <p>(1) Modification of an existing pit facility that meets threshold F.</p>
	5 Construction Stone and Industrial Mineral Quarries.	<p>Criteria:</p> <p>(1) A new quarry facility or other operation that</p> <p>(a) involves the removal of construction stone or industrial minerals or both,</p>	<p>Criteria:</p> <p>(1) Modification of an existing mine facility that meets threshold E.</p>

		(b) is regulated as a mine under the <a href="#">Mines Act</a> , and	
		(c) during operations, will have a production capacity of $\geq 250\,000$ tonnes/year of quarried product.	
6 Offshore Mines.	Criteria:  (1) A new offshore mine facility.	Criteria:  (1) Modification of an existing facility that meets threshold G.	
<b>Part 4 — Energy Projects</b>			
<b>Table 7 — Electricity Projects</b>			
Column 1 <b>Project Category</b>	Column 2 <b>New Project</b>	Column 3 <b>Modification of Existing Project</b>	Column 4 <b>Dismantling and Abandonment of Existing Project</b>
1 Power Plants.	Criteria:	Criteria:	Criteria:



		<p>(1) A new project with a rated nameplate capacity of <math>\geq 50</math> MW of electricity that is</p> <p>(a) a hydroelectric power plant,</p> <p>(b) a thermal electric power plant, or</p> <p>(c) another power plant, not including a power plant referred to in subsections (2) to (5).</p> <p>(2) A new project that is a land-based wind generating facility with 15 or more turbines.</p> <p>(3) A new project that is a wind generating facility</p>	<p>(1) Subject to subsections (2) and (3), the existing project, or the project after modification, were it a new project in the same category, would increase by at least the amounts set out in Column 2.</p> <p>(2) The following types of modifications are not reviewable under subsection (1):</p> <p>(a) replacement of generators or turbines;</p> <p>(b) other maintenance repairs.</p> <p>(3) Subsection (1) does not apply to projects described in</p>	<p>(1) Dismantling or abandonment of an existing dam project associated with an existing hydroelectric power plant of any size, if the dam is, or was, permitted under the <a href="#">Water Sustainability Act</a> to impound <math>\geq 10</math> million m<sup>3</sup> of water.</p>
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		<p>with at least one turbine located in water and a total of 10 or more turbines.</p> <p>(4) A new project with a rated nameplate capacity of <math>\geq 15</math> MW of electricity that is an in-stream tidal power facility.</p> <p>(5) A new project, other than a project referred to in subsection (4), that is a tidal power generating facility.</p>	<p>subsection (5) of Column 2.</p> <p>(4) Modification of an existing project described in subsection (5) of Column 2, if the modification would increase production capacity by 50% or more.</p>	
	<p>2 Transmission Lines.</p>	<p><b>Criteria:</b></p> <p>(1) Subject to subsection (2), a new transmission line of 345 kV or higher voltage and of 40 km or more in length, if the land on which the line is built is not alongside and contiguous to an area of land previously</p>	<p><b>Criteria:</b></p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the project after</p>	

		<p>developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the land in which the modified line is built is 40 km or more in length and is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of the modification of an existing project under subsection (1) does not include the dismantling and abandonment phases.</p>	
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**Table 8 — Petroleum and Natural Gas Projects**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
<p>1 Energy Storage Facilities.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2),</p> <p>(a) a new liquefied natural gas facility with the design capacity to store <math>\geq 136\,000\text{ m}^3</math> of liquefied natural gas, or</p> <p>(b) any other energy storage facilities for a project with a total design capacity to store one or more energy resources in a quantity that can yield by combustion <math>\geq 3\text{ PJ}</math> of energy.</p> <p>(2) Development or use of naturally occurring underground reservoirs for the storage of petroleum or natural gas is not reviewable under</p>	<p>Criteria:</p> <p>(1) Subject to subsections (2) and (3), modification of an existing project if</p> <p>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in an increase in the capability of the project to store one or more energy resources, other than electricity, by a quantity that can yield by combustion <math>\geq 3\text{ PJ}</math> of energy or, for liquefied natural gas, increase by <math>\geq 136\,000\text{ m}^3</math>.</p>

		<p>subsection (1) if those reservoirs are located in the Western Canadian Sedimentary Basin of northeast British Columbia within the map groups and blocks set out in Appendix 2.</p>	<p>(2) Replacement of project components solely for maintenance purposes is not reviewable under subsection (1).</p> <p>(3) Development or use of naturally occurring underground reservoirs for the storage of petroleum or natural gas is not reviewable under subsection (1) if those reservoirs are located in the Western Canadian Sedimentary Basin of northeast British Columbia within the map groups and blocks set out in Appendix 2.</p>
	<p>2 Oil Refineries.</p>	<p>Criteria:</p> <p>(1) A new project, including a heavy oil upgrader, with an input capacity of <math>\geq 10\,000\text{ m}^3/\text{day}</math>.</p>	<p>Criteria:</p> <p>(1) Modification of an existing project that would result in an increase in input capacity of <math>\geq 50\%</math> and total input capacity of <math>\geq 10\,000\text{ m}^3/\text{day}</math>.</p>
	<p>3 Natural Gas Processing Plants.</p>	<p>Criteria:</p> <p>(1) A new natural gas processing plant facility that will result in sulphur</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility if</p>

		<p>emissions to the atmosphere of <math>\geq 2</math> tonnes/day.</p>	<p>(a) the existing facility, or the existing facility after modification, were it a new facility, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in an incremental increase in sulphur emissions to the atmosphere of <math>\geq 2</math> tonnes/day.</p>
	<p>4 Transmission Pipelines.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new transmission pipeline facility with</p> <p>(a) a diameter of <math>\leq 114.3</math> mm and a length of <math>\geq 60</math> km,</p> <p>(b) a diameter of between 114.3 and 323.9 mm and a length of <math>\geq 50</math> km, or</p>	<p>Criteria:</p> <p>(1) Subject to subsections (2), modification of an existing facility if</p> <p>(a) the existing facility, or the existing facility after modification, were it a new facility, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in</p>

		<p>(c) a diameter of &gt; 323.9 mm and a length of <math>\geq</math> 40 km,</p> <p>if the land on which the pipeline is built is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of a new facility under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>(i) for a facility that when modified will have a diameter of &lt; 114.3 mm, an extension of <math>\geq</math> 60 km in length on land, in which the modified pipeline is built, that is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway,</p> <p>(ii) for a facility that when modified will have a diameter of between 114.3 and 323.9 mm, an extension of <math>\geq</math> 50 km in length on land, in which the modified pipeline is built, that is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway</p> <p>(iii) for a facility that when modified will have a</p>
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			<p>diameter of &gt; 323.9 mm, an extension of <math>\geq</math> 40 km in length on land, in which the modified pipeline is built, that is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of the modification of an existing facility described in subsection (1) does not include the dismantling and abandonment phases.</p>
	<p>5 Offshore Oil or Gas Facilities.</p>	<p>Criteria:</p> <p>(1) A new offshore oil or gas facility.</p>	<p>Criteria:</p> <p>(1) Modification of an existing facility if</p> <p>(a) the existing facility, or the existing facility after modification, were it a new facility, would meet the criteria set out opposite in Column 2, and</p>

		(b) the chief executive assessment officer has determined that the modification has the potential to result in a significant adverse environmental, economic, social, cultural or health effect.
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**Part 5 — Water Management Projects**

**Table 9 — Water Management Projects**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project	Column 4 Dismantling and Abandonment of Existing Project
1 Dams.	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new dam project that</p> <p>(a) is <math>\geq 15</math> m high, measured in accordance with <a href="#">section 1 (4)</a> of the <a href="#">Dam Safety Regulation</a>, or</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), dismantling or abandonment of an existing dam project that is, or was, permitted under the <a href="#">Water Sustainability Act</a> to impound</p>

		<p>(b) under the <u>Water Sustainability Act</u>, will be permitted to impound a reservoir containing <math>\geq 10</math> million m<sup>3</sup> of water above the natural boundary of the streams that supply the water to the reservoir.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) a dam that is a tailings impoundment constructed and operated solely to serve a single mine;</p> <p>(b) a dam or reservoir that is associated with a hydroelectric power plant.</p>	<p>opposite in Column 2, and</p> <p>(b) the modification results in an increase of the flooded area of the reservoir, as permitted under the <u>Water Sustainability Act</u>, by <math>\geq 20</math> ha.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) a dam that is a tailings impoundment constructed and operated solely to serve a single mine;</p> <p>(b) a dam or reservoir that is associated with a hydroelectric power plant.</p>	<p><math>\geq 10</math> million m<sup>3</sup> of water.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) a dam that is a tailings impoundment constructed and operated solely to serve a single mine;</p> <p>(b) a dam or reservoir that is associated with a hydroelectric power plant.</p>
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	<p>2 Dikes.</p>	<p>Criteria:</p> <p>(1) A new dike project that protects from flooding an area of <math>\geq 10</math> km<sup>2</sup>.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in the raising of the entire length of the dike.</p> <p>(2) A modification is not reviewable under subsection (1) if the modification</p>	<p>Criteria:</p> <p>(1) Dismantling or abandonment of an existing project that, if it were a new project, would meet the criteria set out opposite in Column 2.</p>
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			<ul style="list-style-type: none"> <li>(a) replaces, repairs or improves an existing dike,</li> <li>(b) is undertaken by a municipality or regional district, and</li> <li>(c) entails no new land disturbance.</li> </ul>	
	<p>3 Water Diversion Projects.</p>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Subject to subsection (2), a project incorporating new works that are             <ul style="list-style-type: none"> <li>(a) constructed for the diversion of water, and</li> <li>(b) designed to divert water at a maximum</li> </ul> </li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Subject to subsection (2), modification of an existing project if             <ul style="list-style-type: none"> <li>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</li> </ul> </li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Subject to subsection (2), dismantling or abandonment of existing works that, if it were a new project, would meet the criteria set out opposite in Column 2.</li> </ul>

		<p>rate of  <math>\geq 10</math> million m<sup>3</sup>/year.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) works for the diversion of water that have been authorized under <a href="#">section 10</a> of the <a href="#">Water Sustainability Act</a>;</p> <p>(b) works that are intended solely for the purposes of a tailings pond constructed and operated to serve a single mine;</p> <p>(c) a water diversion project that is associated with a hydroelectric power plant.</p>	<p>(b) the modification results in an increase of <math>\geq 35\%</math> in the maximum rate per year at which the project is designed to divert water.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) works for the diversion of water that have been authorized under <a href="#">section 10</a> of the <a href="#">Water Sustainability Act</a>;</p> <p>(b) works that are intended solely for the purposes of a tailings pond constructed and operated to serve a single mine;</p> <p>(c) a water diversion project that is associated with a</p>	<p>(2) The following are not reviewable under subsection (1):</p> <p>(a) works for the diversion of water that have been authorized under <a href="#">section 10</a> of the <a href="#">Water Sustainability Act</a>;</p> <p>(b) works that are intended solely for the purposes of a tailings pond constructed and operated to serve a single mine;</p> <p>(c) a water diversion project that is associated</p>
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			hydroelectric power plant.	with a hydroelectric power plant.
	<p>4 Groundwater Extraction Projects.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new project that</p> <p>(a) consists of the extraction of groundwater from one or more aquifers,</p> <p>(b) is operated intermittently or continuously for <math>\geq 1</math> year, and</p> <p>(c) is designed to be operated so that groundwater is extracted at a rate of <math>\geq 75</math> litres/second.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in</p> <p>(i) an increase of <math>\geq 35\%</math> over the current extraction rate at which the project has been</p>	

		<p>(2) The following are not reviewable under subsection (1):</p> <p>(a) a project for the extraction of groundwater solely for the following purposes:</p> <p>(i) providing groundwater data for an application for an environmental assessment certificate;</p> <p>(ii) providing groundwater data, if the testing is conducted by or under the supervision of a person registered as a member of the Association of</p>	<p>designed to be operated, or</p> <p>(ii) an increase of &gt; 75 litres/second over the current extraction rate at which the project has been designed to be operated.</p> <p>(2) The following are not reviewable under subsection (1):</p> <p>(a) a project for the extraction of groundwater solely for the following purposes:</p> <p>(i) providing groundwater data for an application for an environmental</p>	
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		<p>Professional Engineers and Geoscientists of British Columbia with competency in the field of hydrogeology;</p> <p>(b) a project for the extraction of deep groundwater solely for an oil and gas purpose.</p>	<p>assessment certificate;</p> <p>(ii) providing groundwater data, if the testing is conducted by or under the supervision of a person registered as a member of the Association of Professional Engineers and Geoscientists of British Columbia with competency in the field of hydrogeology;</p> <p>(b) a project for the extraction of deep groundwater solely for an oil and gas purpose.</p>	
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	<p>5 Shoreline Modification Projects.</p>	<p>Criteria:</p> <p>(1) Subject to subsections (2) and (3), a new project that</p> <p>(a) results in changes in or about a stream, marine coastline or estuary, and</p> <p>(b) entails dredging, filling or other direct physical disturbance of</p> <p>(i) <math>\geq 1\,000</math> m of linear shoreline, or</p> <p>(ii) <math>\geq 2</math> ha of foreshore or submerged land, or a combination of foreshore and</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in an increase of <math>\geq 35\%</math> in</p> <p>(i) the length of linear shoreline that is directly disturbed by dredging, filling or other physical action, or</p> <p>(ii) the area of foreshore or</p>	<p>Criteria:</p> <p>(1) Dismantling or abandonment of an existing shoreline modification project that, if it were a new project, would meet the criteria set out opposite in Column 2.</p>
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		<p>submerged land, below the natural boundary of a stream, marine coastline or estuary.</p> <p>(2) Area flooded is not included in the calculation of area directly disturbed under subsection (1) (b) (ii).</p> <p>(3) The following are not reviewable under subsection (1):</p> <p>(a) periodic shoreline cleanup projects;</p> <p>(b) periodic maintenance dredging of the foreshore or submerged land, or a combination of foreshore and submerged land,</p>	<p>submerged land, or a combination of foreshore and submerged land, below the natural boundary of a stream, marine coastline or estuary that is so disturbed.</p> <p>(2) Area flooded is not included in the calculation of area directly disturbed under subsection (1) (b) (ii).</p> <p>(3) The following are not reviewable under subsection (1):</p> <p>(a) periodic shoreline cleanup projects;</p> <p>(b) periodic maintenance dredging of the foreshore or submerged land, or a combination of foreshore and</p>	
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	below the natural boundary of a stream, marine coastline or estuary;	submerged land, below the natural boundary of a stream, marine coastline or estuary;	
	(c) a ferry terminal or marine port project.	(c) a ferry terminal or marine port project.	

**Part 6 — Waste Disposal Projects**

**Table 10 — Hazardous Waste Management Projects**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
1 Hazardous Waste Facilities	<p>Criteria:</p> <p>(1) Subject to subsections (2) and (3), a project</p> <p>(a) for the storage, treatment or disposal of biomedical waste or hazardous waste if the proposal</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing hazardous waste facility if</p> <p>(a) the existing facility, or the facility after modification, were it a new facility, would meet the</p>

		<ul style="list-style-type: none"> <li>(i) entails facilities of a type specified under subsection (2), and</li>   <li>(ii) is for             <ul style="list-style-type: none"> <li>(A) construction of a new facility, or</li>   <li>(B) modification of an existing facility for which the storage, treatment or disposal of biomedical waste or hazardous waste has not previously been permitted under the <u><a href="#">Environmental Management Act</a></u>, or</li> </ul> </li>   <li>(b) to use hazardous waste at an existing off-site facility whose principal function is not waste management, and that has not previously been permitted to use that type of hazardous waste under</li> </ul>	<p>criteria set out opposite in Column 2, and</p> <ul style="list-style-type: none"> <li>(b) the modification results in an increase of <math>\geq 30\%</math> in the total waste discharge from the facility.</li> </ul> <p>(2) The following are not reviewable under subsection (1):</p> <ul style="list-style-type: none"> <li>(a) a facility for the treatment of a hazardous waste that does not use or propose to use incineration or thermal treatment if the facility is             <ul style="list-style-type: none"> <li>(i) a mobile off-site treatment facility, or</li> </ul> </li> </ul>
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		<p>the <u>Environmental Management Act</u>, if there will be</p> <ul style="list-style-type: none"> <li>(i) off-site use of hazardous waste by combustion or thermal processes, or</li> <li>(ii) off-site use of hazardous waste other than by combustion or thermal processes if             <ul style="list-style-type: none"> <li>(A) one type of hazardous waste listed in Column I of Table 1 of Schedule 6 of the <u>Hazardous Waste Regulation, B.C. Reg. 63/88</u>, is to be used and the daily maximum use is <math>\geq 1\ 000</math> times greater than the registration quantity listed in Column II of that table, or</li> <li>(B) more than one type of hazardous waste listed in Column I of Table 1</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(ii) a research and demonstration facility;</li> <li>(b) a facility for the thermal treatment of drilling mud in a closed-loop unit if the facility is located at             <ul style="list-style-type: none"> <li>(i) a drilling pad, or</li> <li>(ii) a secure landfill;</li> </ul> </li> <li>(c) discharge to an underground formation, in accordance with the <u>Oil and Gas Activities Act</u>, of             <ul style="list-style-type: none"> <li>(i) produced water, or</li> </ul> </li> </ul>
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		<p>of Schedule 6 of the <a href="#">Hazardous Waste Regulation, B.C. Reg. 63/88</a>, is to be used and the cumulative maximum design use is <math>\geq 100\ 000</math> kg/day or <math>\geq 100\ 000</math> litres/day, as appropriate.</p> <p>(2) Subsection (1) (a) applies to the following types of facilities:</p> <p>(a) an off-site incinerator or thermal treatment facility, excluding</p> <p>(i) a thermal treatment facility that uses non-combustion technologies for the disinfection or sterilization of biomedical waste, or</p> <p>(ii) an incinerator or thermal treatment facility that uses combustion or other related technologies for the treatment or disposal of biomedical waste, and that</p>	<p>(ii) fluids recovered from a well completion or workover;</p> <p>(d) any treatment authorized by Part 6 of the <a href="#">Hazardous Waste Regulation, B.C. Reg. 63/88</a>.</p>
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		<p>has a capacity of &lt; 5 tonnes/day;</p> <p>(b) an off-site secure building or secure landfill;</p> <p>(c) an off-site treatment facility, other than an incinerator, thermal treatment facility or land treatment facility,</p> <p>(i) if one type of hazardous waste listed in Column I of Table 1 of Schedule 6 of the <a href="#">Hazardous Waste Regulation, B.C. Reg. 63/88</a>, is to be treated, and the daily maximum design treatment capacity is <math>\geq 1\ 000</math> times greater than the registration quantity listed in Column II of that table, or</p> <p>(ii) if more than one type of hazardous waste listed in Column I of Table 1 of Schedule 6 of the <a href="#">Hazardous Waste Regulation, B.C. Reg. 63/88</a>, is to be treated,</p>	
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		<p>and the cumulative maximum design treatment capacity is <math>\geq 100\ 000</math> kg/day or <math>\geq 100\ 000</math> litres/day, as appropriate.</p> <p>(3) The following are not reviewable under subsections (1) and (2):</p> <p>(a) a facility for the treatment of a hazardous waste that does not use or propose to use incineration or thermal treatment if the facility is</p> <p>(i) a mobile off-site treatment facility, or</p> <p>(ii) a research and demonstration facility;</p> <p>(b) a facility for the thermal treatment of drilling mud in a closed-loop unit if the facility is located at</p> <p>(i) a drilling rig site, or</p>	
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	<ul style="list-style-type: none"> <li>(ii) a secure landfill;</li>   <li>(c) discharge to an underground formation, in accordance with the <a href="#">Oil and Gas Activities Act</a>, of             <ul style="list-style-type: none"> <li>(i) produced water, or</li>   <li>(ii) fluids recovered from a well completion or workover;</li> </ul> </li>   <li>(d) any treatment authorized by Part 6 of the <a href="#">Hazardous Waste Regulation, B.C. Reg. 63/88</a>.</li> </ul>	
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**Table 11 — Solid Waste Management Projects**

Column 1 <b>Project Category</b>	Column 2 <b>New Project</b>	Column 3 <b>Modification of Existing Project</b>
1 Solid Waste Management Facilities.	Criteria:  (1) A new waste management facility for the treatment or disposal of municipal solid	Criteria:  (1) Modification of an existing waste management facility if

	<p>waste or non-hazardous solid waste by the operation of</p> <p>(a) a landfill with a design capacity of <math>\geq 250\,000</math> tonnes/year,</p> <p>(b) a device, other than a device referred to in paragraph (c), that, with or without energy recovery, destroys the waste using high temperatures and that has a design capacity of <math>\geq 225</math> tonnes/day, or</p> <p>(c) a device that, with or without energy recovery, destroys the waste using high temperatures and that is located in the Metro Vancouver Regional District or the Fraser Valley Regional District.</p>	<p>(a) the existing facility, or the facility after modification, were it a new waste management facility, would meet the criteria set out in subsection (1) (a), (b) or (c) of Column 2, and</p> <p>(b) the modification results in an increase of 30% or more of the design capacity of the facility.</p>
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**Table 12 — Liquid Waste Management Projects**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
1 Local Government Liquid Waste Management Facilities.	Criteria:	Criteria:

		<p>(1) Subject to subsections (2) and (3), a new waste management facility that is</p> <p>(a) for the treatment or disposal of municipal liquid waste, and</p> <p>(b) designed to serve <math>\geq 10\ 000</math> people.</p> <p>(2) Assessment of a new waste management facility under subsection (1) does not include the dismantling and abandonment phases.</p> <p>(3) A waste management facility that is a component of a municipal liquid waste management plan approved under the <a href="#">Environmental Management Act</a> is not reviewable under subsection (1).</p>	<p>(1) Subject to subsections (2) and (3), modification of an existing waste management facility if</p> <p>(a) the existing waste management facility, or the facility after modification, were they a new waste management facility, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in an increase of <math>\geq 30\%</math> in the total waste discharge from the waste management facility.</p> <p>(2) Assessment of the modification of an existing waste management facility described in subsection (1) does not include the dismantling and abandonment phases.</p> <p>(3) A modification that is a component of a municipal liquid waste management plan approved under the <a href="#">Environmental Management</a></p>
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Act is not reviewable under subsection (1).

**Part 7 — Transportation Projects**

**Table 13 — Transportation Projects**

Column 1 <b>Project Category</b>	Column 2 <b>New Project</b>	Column 3 <b>Modification of Existing Project</b>
1 Public Highways.	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new project consisting of <math>\geq 20</math> continuous km of paved public highway with <math>\geq 2</math> lanes, if the highway is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing facility that results in the addition of <math>\geq 2</math> lanes of paved public highway to an existing paved public highway over a continuous distance of <math>\geq 20</math> km on land that is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p>

	<p>2 Railways.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new railway project that consists of</p> <p>(a) <math>\geq 20</math> continuous km of developed track, if the railway is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway, or</p> <p>(b) a rail line designed to accommodate high-speed trains with a design speed of <math>\geq 200</math> km/hour.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project that results in</p> <p>(a) the addition of one or more lines of track to an existing railway over a continuous distance of <math>\geq 20</math> km on land that is not alongside and contiguous to an area of land previously developed for a transmission line, transmission pipeline, public highway or railway, or</p> <p>(b) a railway designed to accommodate high-speed trains with a design speed of <math>\geq 200</math> km/hour.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p>
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	<p>3 Ferry Terminals.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new ferry terminal project</p> <p>(a) that</p> <p>(i) serves marine ferry operations, and</p> <p>(ii) has an outbound annual vehicle throughput capacity of <math>\geq 500\,000</math> vehicles, or</p> <p>(b) that</p> <p>(i) serves either marine or freshwater ferry operations, and</p> <p>(ii) entails construction of the project by dredging, filling</p>	<p>Criteria:</p> <p>(1) Subject to subsections (2) and (3), modification of an existing project if</p> <p>(a) the existing project or the project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification</p> <p>(i) results in an increase in the outbound annual vehicle throughput capacity of <math>\geq 35\%</math>, or</p> <p>(ii) entails dredging, filling or other direct physical disturbance of</p> <p>(A) <math>\geq 1\,000</math> m of linear shoreline, or</p>
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		<p>or other direct physical disturbance of</p> <p>(A) <math>\geq 1\ 000</math> m of linear shoreline, or</p> <p>(B) <math>\geq 2</math> ha of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a water body.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>(B) <math>\geq 2</math> ha of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a water body.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p> <p>(3) Periodic maintenance dredging for an existing project is not reviewable under subsection (1).</p>
	<p>4 Marine Port Projects (other than Ferry Terminals).</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new marine port project, other than a ferry terminal, if construction of the project entails dredging, filling or other direct physical disturbance of</p>	<p>Criteria:</p> <p>(1) Subject to subsections (2) and (3), modification of an existing project, other than a ferry terminal, if</p>



		<p>(a) <math>\geq 1\,000</math> m of linear shoreline, or</p> <p>(b) <math>\geq 2</math> ha of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a marine coastline or marine estuary.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>(a) the existing project or the project after modification, if they a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in dredging, filling or other direct physical disturbance of</p> <p>(i) <math>\geq 1\,000</math> m of linear shoreline, or</p> <p>(ii) <math>\geq 2</math> ha of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a marine coastline or marine estuary.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p>
	<p>5 Airports.</p>	<p>Criteria:</p>	<p>Criteria:</p>

	<p>(1) Subject to subsection (2), a new airport project that has a runway <math>\geq 1\,500</math> m long.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>(1) Subject to subsection (2), modification of an existing project that results in</p> <p>(a) installing a new runway <math>\geq 1\,500</math> m long,</p> <p>(b) extending an existing runway that is <math>&lt; 1\,500</math> m long by <math>\geq 1\,500</math> m, or</p> <p>(c) extending an existing runway that is <math>\geq 1\,500</math> m long by <math>\geq 500</math> m.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p>
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**Part 8 — Tourist Destination Resort Projects**

**Table 14 — Tourist Destination Resort Projects**

Column 1 Project Category	Column 2 New Project	Column 3 Modification of Existing Project
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	<p>1 Resort Developments (other than golf, marina or ski).</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new project that</p> <p>(a) is a resort development, with or without associated recreation facilities,</p> <p>(b) is not a golf resort development, a marina resort development or a ski resort development, and</p> <p>(c) has <math>\geq 2\ 000</math> bed units.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the existing project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p> <p>(b) the modification results in an increase in the number of bed units at the project by <math>\geq 2\ 000</math>.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p> <p>(3) Despite subsection (1), projects that are described in section 1 of the All-Seasons Resort Policy (the "policy"), dated March 28, 2019 and issued by the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, only if the modification results in</p>
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			<ul style="list-style-type: none"> <li>(a) an increase in the number of bed units at the project by <math>\geq 2\,000</math>, and</li> <li>(b) an increase in the total number of bed units by <math>\geq 50\%</math> from what is approved in the Resort Master Plan, as issued under the policy.</li> </ul>
	<p>2 Golf Resorts.</p>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Subject to subsection (2), a new project that             <ul style="list-style-type: none"> <li>(a) is a golf resort development, and</li> <li>(b) has a developed area of <math>\geq 200</math> ha, which includes                 <ul style="list-style-type: none"> <li>(i) <math>\geq 100</math> ha of golf courses, and</li> </ul> </li> </ul> </li> </ul>	<p>Criteria:</p> <ul style="list-style-type: none"> <li>(1) Subject to subsection (2), modification of an existing project if             <ul style="list-style-type: none"> <li>(a) the existing project, or the existing project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</li> <li>(b) the modification results in an increase in the developed area of the project by <math>\geq 200</math> ha.</li> </ul> </li> <li>(2) Assessment of the modification of an existing project described in subsection (1) does not</li> </ul>

		<p>(ii) <math>\geq 100</math> ha of area for the clubhouse, hotel, restaurant, parking and ancillary services.</p> <p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>include the dismantling and abandonment phases.</p>
	<p>3 Marina Resorts.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new project that</p> <p>(a) is a marina resort development, and</p> <p>(b) has a marina with <math>\geq 1\ 000</math> m of linear moorage.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the existing project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p>

		<p>(2) Assessment of a new project under subsection (1) does not include the dismantling and abandonment phases.</p>	<p>(b) the modification results in an increase in the moorage at the project by <math>\geq 1\ 000</math> linear metres.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p>
	<p>4 Ski Resorts.</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), a new project that</p> <p>(a) is a ski resort development, and</p> <p>(b) has <math>\geq 2\ 000</math> bed units.</p> <p>(2) Assessment of a new project under subsection (1) does</p>	<p>Criteria:</p> <p>(1) Subject to subsection (2), modification of an existing project if</p> <p>(a) the existing project, or the existing project after modification, were it a new project, would meet the criteria set out opposite in Column 2, and</p>

		<p>not include the dismantling and abandonment phases.</p>	<p>(b) the modification results in an increase in the number of the bed units at the project by <math>\geq 2\,000</math>.</p> <p>(2) Assessment of the modification of an existing project described in subsection (1) does not include the dismantling and abandonment phases.</p> <p>(3) Despite subsection (1), projects that are described in section 1 of the All-Seasons Resort Policy (the "policy"), dated March 28, 2019 and issued by the Ministry of Forest, Lands, Natural Resource Operations and Rural Development, only if the modification results in</p> <p>(a) an increase in the number of bed units at</p>
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			<p>(b)</p> <p>the project by <math>\geq 2\,000</math>, and</p> <p>an increase in the total number of bed units by <math>\geq 50\%</math> from what is approved in the Resort Master Plan, as issued under the policy.</p>
<p><b>Manitoba</b></p>	<p><b>Class 1 developments<sup>34</sup></b></p> <p><b>2</b> For the purposes of section 10 of the Act, the following are Class 1 developments:</p> <ol style="list-style-type: none"> <li><b>1. AGRICULTURAL</b> Feedmills Grain elevators Seed cleaning plants</li> <li><b>2. ENERGY PRODUCTION AND WASTE CONVERSION</b> Gasification plants Landfill gas collection systems</li> </ol>		

<sup>34</sup> <https://www.canlii.org/en/mb/laws/regu/man-reg-164-88/latest/man-reg-164-88.html?autocompleteStr=164%2F88&autocompletePos=1>



Systems that collect, extract, burn or flare greenhouse gases or put greenhouse gases to an alternate use

**3. FISHERIES**

Fish hatcheries

**4. MANUFACTURING**

Bulk materials handling facilities

**5. TRANSPORTATION**

Asphalt plants

**6. WASTE TREATMENT AND DISPOSAL**

Holding tank systems with a capacity greater than 10,000 l/day

Water treatment plants that discharge treated or untreated wastewater into the environment

Commercial composting facilities

Scrap processing and auto wrecking facilities

**Class 2 developments**

**3** For the purposes of section 11 of the Act, the following are Class 2 developments:

**1. AGRICULTURAL**

Dairy plants

Food processing plants

Meat processing and slaughter plants

Rendering plants

**2. ENERGY PRODUCTION**

Major operational changes or modifications to existing electrical generating facilities

Electrical generating facilities with a generating capacity greater than 10 megawatts but less than or equal to 100 megawatts, including commercial biofuel plants and steam plants

**3. FORESTRY**

Plywood and particle wood plants  
Pulp and paper mills  
Stationary sawmills  
Wood treatment plants

Timber cutting that requires a forest management plan or operating plan under  
The Forest Act

**4. MANUFACTURING**

Cement plants  
Concrete batch plants  
Foundries  
Manufacturing and industrial plants

**5. MINING**

Mines, other than pits and quarries  
Milling facilities Refineries Smelters

**6. RECREATION**

Recreation and tourist developments, including but not limited to the following:

- (a) marinas
- (b) golf courses
- (c) ski hills
- (d) areas designated for all terrain vehicle use under The Provincial Parks Act

**7. TRANSPORTATION AND TRANSMISSION**

Transmission lines of 115kV and over but not exceeding 230 kV

Transformer stations of 115kV and over but not exceeding 230kV

Conversion or replacement of transmission lines in existing rights-of-way if the lines converted or replaced are equal to or exceed 230kV

Pipe lines which are greater than 10km in length or which are located in areas sensitive to environmental disturbance, and associated facilities

Two lane roads at new locations, other than roads approved in a plan of subdivision or in conjunction with a development for which a proposal has been submitted, and including

- (a) associated facilities and borrow pits; and
- (b) widenings of existing roads in areas sensitive to environmental disturbance

Roads at new locations which are capable of being used only in winter

#### **8. WASTE TREATMENT AND STORAGE**

Biosolids application

Class 1 waste disposal grounds

Onsite wastewater systems with a capacity greater than 10,000 l/day, other than holding tanks systems

Wastewater treatment lagoons

Wastewater treatment plants

#### **9. WATER DEVELOPMENT AND CONTROL**

Inter basin water transfers with diversion rates of not less than 0.5m<sup>3</sup>/s (cubic metres per second) and not greater than 10m<sup>3</sup>/s

Flood control projects protecting areas not less than 1km<sup>2</sup> (square kilometres) and not greater than 100km<sup>2</sup>

Water supply impoundments of not less than 50dam<sup>3</sup> \* and not greater than 50,000dam<sup>3</sup>

Land drainage projects draining areas not less than 50km<sup>2</sup> and not greater than 500km<sup>2</sup>

Irrigation projects withdrawing not less than 200dam<sup>3</sup> but not greater than 10,000dam<sup>3</sup> per year

Works resulting in modification to lake or river levels and affecting a water surface area of not less than 2km<sup>2</sup> but not greater than 200km<sup>2</sup>

Alterations to stream channels which affect fish mobility and fish habitat

Withdrawal of water from any body of water of not less than 200dam<sup>3</sup> but not greater than 10,000dam<sup>3</sup> per year, including non-consumptive closed systems where water is returned to its source and the flow rate is 25l/s and over but does not exceed 250l/s, but not including non-consumptive closed systems where the flow rate is less than 25l/s (litres per second)

Aquifer recharge with a closed system where water is returned to the aquifer from which it is taken with no change in quality other than temperature and a flow rate not less than 25l/s but not greater than 250l/s \* one dam<sup>3</sup> = 1,000 m

### **Class 3 developments**

**4** For the purposes of section 12 of the Act, the following are Class 3 developments:

**1. ENERGY PRODUCTION**

Electrical generating facilities with a generating capacity greater than 100megawatts

**2. MINING**

Potash mines and milling facilities

**3. TRANSPORTATION AND TRANSMISSION**

Electrical transmission lines greater than 230kV, and associated facilities

Transformer stations greater than 230kV

Roads of four lanes or more at new locations, and associated facilities including borrow pits

	<p><b>4. WATER DEVELOPMENT</b></p> <p>Inter basin water transfers with diversion rates greater than 10m<sup>3</sup>/s</p> <p>Flood control projects protecting areas greater than 100km<sup>2</sup></p> <p>Water supply impoundments greater than 50,000dam<sup>3</sup> Land drainage projects draining areas greater than 500km<sup>2</sup> Irrigation projects withdrawing greater than 10,000dam<sup>3</sup> per year</p> <p>Works resulting in modification to lake or river levels and affecting a water surface area greater than 200km<sup>2</sup></p> <p>Withdrawal of water of more than 10,000dam<sup>3</sup> per year including non-consumptive closed systems where water is returned to its source and the flow rate is greater than 250l/s</p> <p>Aquifer recharge with a closed system where water is returned to the aquifer from which it is taken with no change in quality other than temperature and flow rates greater than 250L/S</p> <p><b>Exemption</b></p> <p><b>6</b> A person does not require a licence to conduct a short term pilot project involving the burning, incineration, gasification or other method of waste conversion or waste disposal or destruction, if the person has written authority from the director to conduct the project and is complying with all terms and conditions imposed by the director on that authorization.</p>
<p><b>New Brunswick</b></p>	<p><b>Projects that Must be Registered Under EIA<sup>35</sup></b></p> <p><b>SCHEDULE A</b></p>

<sup>35</sup> [https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental\\_impactassessment/projects.html](https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment/projects.html)

**UNDERTAKINGS**

- a. all commercial extraction or processing of a mineral as defined in the Mining Act;
- b. all electric power generating facilities with a production rating of three megawatts or more;
- c. all water reservoirs with a storage capacity of more than ten million cubic metres;
- d. all electric power transmission lines exceeding sixty-nine thousand volts in capacity or five kilometres in length;
- e. all linear communications transmission systems exceeding five kilometres in length;
- f. all commercial extraction or processing of combustible energy-yielding materials, except fuelwood;
- g. all offshore drilling for, or extraction of, oil, natural gas or minerals;
- h. all pipelines exceeding five kilometres in length, except:
  - i. water, stream or domestic wastewater pipelines, and
  - ii. pipelines or pipe lines that are the subject of an application under the *Gas Distribution Act* or the *Pipe Line Act*;
- i. all causeways and multiple-span bridges;
- j. all major highway projects involving either a significant length of new highway alignment or a major upgrading or widening of an existing highway resulting in a change in its intended use or classification;
- k. all facilities for the commercial processing or treatment of timber resources other than fuelwood, except maple sugaries, shingle mills and sawmills producing less than one hundred thousand foot board measure annually;

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|  | <ul style="list-style-type: none"><li>l. all programs or commercial ventures involving the introduction into New Brunswick of plant or animal species which are not indigenous to New Brunswick;</li><li>m. all waste disposal facilities or systems<ul style="list-style-type: none"><li>(m.1) all disposal, destruction, recycling, reprocessing or storage of waste that originates outside New Brunswick and all facilities or systems for the disposal, destruction, recycling, reprocessing or storage of such waste;</li></ul></li><li>n. all sewage disposal or sewage treatment facilities, other than domestic, on-site facilities;</li><li>o. all provincial or national parks;</li><li>p. all major recreational or tourism developments, including developments which consist of changing the use of land so that it is used for recreational or tourism purposes;</li><li>q. all ports, harbours, railroads or airports;</li><li>r. all projects involving the transfer of water between drainage basins;</li><li>s. all waterworks with a capacity greater than fifty cubic metres of water daily;</li><li>t. all major residential developments outside incorporated areas;</li><li>u. all enterprises, activities, projects, structures, works or programs affecting any unique, rare or endangered feature of the environment;</li><li>v. all enterprises, activities, projects, structures, works or programs affecting two hectares or more of bog, marsh, swamp or other wetland;</li><li>w. all facilities for the processing of radioactive materials.</li></ul> |
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<p><b>Newfoundland and Labrador</b></p>	<p><b>PART III DESIGNATED UNDERTAKINGS AND EXCEPTIONS<sup>36</sup></b></p> <p><b>Designated undertakings</b></p> <p><b>26.</b> Sections 27 to 52 shall not be construed to mean that registration under the Act is not required for an undertaking that is not referred to in those sections.</p> <p><b>Decommissioning</b></p> <p><b>27.</b> The minister may determine that an undertaking that will be a decommissioning or rehabilitation of a site is not required to be registered.</p> <p><b>Salmon river</b></p> <p><b>28.</b> An undertaking that will occur within 200 metres of the high water mark of a river that is a scheduled salmon river under the <i>Fisheries Act</i> (Canada ) shall be registered.</p> <p><b>Aquaculture</b></p> <p><b>29.</b> An undertaking that will be engaged in farm raising fish or shellfish where that undertaking will intervene in the rearing process to enhance production by keeping the animals in captivity, stocking and feeding the animals and protecting the animals from predators including</p> <p>(a) fish or shellfish farming in salt water or fresh water ; and</p>
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<sup>36</sup> <https://www.canlii.org/en/nl/laws/regu/nlr-54-03/latest/nlr-54-03.html>



(b) fish or shellfish breeding and propagating or hatchery services,  
where the undertaking will include the construction of shore based facilities other than wharves and storage buildings and

(c) permanent marine trap or weir fisheries,  
shall be registered.

### **Forestry and logging**

**30. (1)** An undertaking that will be engaged in the

(a) aerial application of a pesticide to a forested area; and  
(b) establishment of a forest in a previously unforested area,  
shall be registered.

(2) A 5 year operating plan, shall be registered as an undertaking for each forest management district and shall include

- (a) a description of public consultations carried out by the proponent while developing a 5 year operating plan in accordance with the ecosystem management strategy for each forest management district;
- (b) existing and proposed primary forest access roads;
- (c) operating areas designated for timber harvesting;
- (d) timber harvesting methods and rehabilitation plans;

- (e) an estimate of the total allowable harvest; and
- (f) operating areas designated for silviculture.

(3) Notwithstanding paragraph (1)(a), an undertaking that will be engaged in the aerial application of *Bacillus thuringiensis* or glyphosate is not required to be registered.

(4) Notwithstanding subsection (2), where an undertaking that is a 5 year operating plan has been released or exempted under the Act, the following modifications to that undertaking are not required to be registered:

- (a) within one kilometre of an operating area described in paragraph (2)(c), an additional area for timber harvesting that is, in total, not more than 50 hectares in each year of the plan;
- (b) within a forest management district, an additional area for silviculture treatment of not more than 20% of the total operating area described in paragraph (2)(f) over the 5 year term of the plan;
- (c) within an operating area described under paragraph (2)(c), not more than one kilometre, in total, of new primary forest access road in addition to roads described under paragraph (2)(b) in each year of the plan; and
- (d) adjacent to an operating area described under paragraph (2)(c), not more than half a kilometre, in total, of new primary forest access road in each year of the plan.

(5) A proponent shall submit to the minister copies of the annual operating plan associated with a released or exempted 5 year operating plan before the commencement of that plan.

(6) A 5 year operating plan shall be registered not fewer than 180 days before the proposed commencement of that plan.

(7) For the purpose of this section and [section 31](#), the terms "annual operating plan", "5 year operating plan" and "forest management district" have the same meanings as in the *Forestry Act* .

(8) In this section "primary forest access road" means a road that provides access to proposed areas designated for forest harvesting or silviculture activities which has a minimum driving surface of 6.0 metres in width, is designed, constructed and maintained to support loaded tractor trailer traffic and has a minimum life expectancy of 3 years.

#### **Exception**

**31. (1)** Notwithstanding [section 30](#), where the harvesting of timber has commenced in a forest management district for which there is no 5 year operating plan, that harvesting is not required to be registered until a 5 year operating plan exists for that district.

(2) The minister, in consultation with the Minister of Forest Resources and Agrifoods shall determine the date by which a 5 year operating plan shall be registered.

#### **Oil and Gas extraction**

**32.** An undertaking that will be engaged in crude oil, natural gas or petroleum production facilities shall be registered.

#### **Mining**

**33. (1)** An undertaking that will be engaged in the

- (a) mining of bituminous coal, anthracite and lignite by underground, auger, strip, culm bank or surface mining; and
- (b) breaking, washing, grading or otherwise beneficiating of coal,

shall be registered.

(2) An undertaking that will be engaged in the mining, beneficiating and preparing of a mineral as defined in the *Mineral Act* whether or not these operations are to be performed in conjunction with a mine or at mills that will be operated separately shall be registered.

(3) An undertaking that will be engaged in the mining or quarrying of a quarry material as defined in the *Quarry Materials Act, 1998* and of dimension stone where that mining or quarrying operation covers an area that is more than 10 hectares shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be engaged in the extraction and collection of peat where that undertaking will cover an area that is more than 2 hectares shall be registered.

### **Utilities**

**34. (1)** An undertaking that will be engaged in electric power generation and the provision of structures related to that power generation, including

- (a) the construction of dams and associated reservoirs where the area to be flooded is more than 50 hectares;
- (b) the excavation of reservoirs where the area to be flooded is more than 50 hectares;

- (c) inter-basin or intra-basin water transfers;
- (d) the construction of hydroelectric power developments with a capacity of more than one megawatt;
- (e) diesel electric power generating plants with a capacity of more than one megawatt;
- (f) gas turbine electric power generating plants with a capacity of more than one megawatt; and
- (g) nuclear electric power generating plants,

shall be registered.

(2) An undertaking that will be engaged in the construction of new electric power transmission lines or the relocation or realignment of existing lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of new telephone lines or the relocation or realignment of existing trunk lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

### **Prime contracting**

**35. (1)** An undertaking that will be engaged in construction projects other than buildings that involve the

- (a) construction of pipelines for the transmission of oil, natural gas and other related products from the source to the point of distribution where a portion of the pipeline is to be located more than 500 metres from an existing right of way; and

(b) construction of roads or the relocation or realignment of existing roads where a portion of the road will be more than 500 metres from an existing right of way, shall be registered.

(2) An undertaking that will be engaged in the construction of a

(a) trunk pipeline for the transmission of water from a source to a point of distribution; and

(b) trunk sewer pipeline,

where a portion of that pipeline will be more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of a trunk sewer pipeline outfall shall be registered.

(4) An undertaking that will be engaged in

(a) the construction of a breakwater structure where the breakwater will be more than 100 metres in length;

(b) the construction of a dyke, levee or other flood control structure;

(c) the construction of a canal or other artificial waterway where the width of the canal or artificial waterway will be more than 3 metres as measured at the ground surface;

(d) inter basin or intra-basin water transfers;

(e) draining of land where the area of land to be drained will be more than 50 hectares;

- (f) land reclamation or land filling of an underwater area where a portion is to be located within an estuary or the area to be reclaimed or filled is more than 5 hectares;
- (g) the construction of a new railway line or the realignment of an existing railway line where a portion of that line will be more than 500 metres from an existing right of way;
- (h) the construction of a railway yard;
- (i) the construction of a service depot or equipment storage yard; and
- (j) the excavation of a tunnel, shaft, portal or cavern where a quantity of material more than 1000 cubic metres is to be extracted,

shall be registered.

#### **Construction servicing**

**36. (1)** An undertaking that will be engaged in

- (a) developing or servicing land for subsequent sale, transfer or lease where the total area of the land being developed or serviced will be more than 10 hectares;
- (b) land clearing where the total area of land to be cleared will be more than 50 hectares; and
- (c) the modification of a watercourse where a total of more than one kilometre of the length of the watercourse will be involved,

shall be registered.

- (2) Notwithstanding subsection (1) and [section 35](#), an undertaking that
- (a) will be a haul road used for logging, mining or quarrying purposes;
  - (b) will be a road designated within a development plan;
  - (c) will be a breakwater constructed entirely on or immediately adjacent to a natural shoreline;
  - (d) will be a railway yard located entirely within an area designated for that purpose in a development plan;
  - (e) will be a service depot or equipment storage yard located entirely within an area designated for that purpose in a development plan;
  - (f) is land that will be developed entirely within an area designated for that purpose in a development plan; and
  - (g) is land that will be cleared entirely within an area designated for that purpose in a development plan,

is not required to be registered.

#### **Food and beverage manufacturing**

**37. (1)** An undertaking that will be

- (a) engaged in food and feed manufacturing for animals;
- (b) engaged in meat and poultry product manufacturing including animal slaughtering;
- (c) an abattoir or a meat, poultry fat or oil processing facility;



- (d) engaged in seafood product preparation and packaging; and
- (e) engaged in beverage manufacturing, including
  - (i) brewing beer, ale or malt liquors, and
  - (ii) manufacturing wine or brandy from grapes or other fruits including growing or purchasing fruit to manufacture and blend wine or distil liquor,

shall be registered.

(2) Notwithstanding paragraph (1)(d), an undertaking that is a portable seafood processing facility or a secondary seafood processing facility is not required to be registered.

(3) Notwithstanding subsection (1), that subsection shall not apply to an undertaking that is carried out by a natural person for his or her personal use.

### **Textiles and leather**

**38.** An undertaking that will be engaged in

- (a) manufacturing yarn or textile fabrics;
- (b) finishing yarn and thread, textile fabrics or textile products, except carpets and rugs;
- (c) the bleaching, dyeing, printing, chemical finishing or mechanical finishing of fabric;
- (d) manufacturing coated or laminated fabrics and finishing fabrics or clothing by sizing, bleaching, dyeing, printing, chemically treating, coating, laminating, rubberizing, varnishing, waxing or other similar process;

- (e) manufacturing and finishing non clothing textile products, including carpets, rugs, curtains, draperies and linens in a manner referred to in paragraphs (a) to (d); and
- (f) tanning, currying, colouring, processing and finishing hides and skins into leather,

shall be registered.

### **Wood products and paper**

**39. (1)** An undertaking that will be engaged in the manufacturing of products from wood including

- (a) sawing logs into lumber and other products that will have more than a 1200 cubic metre annual production;
- (b) treating lumber, plywood, poles and wood with preservatives and pressure treating to prevent decay and to protect against fire or insects;
- (c) manufacturing soft wood and hardwood veneer, plywood and structural wood members and reconstituted wood panel products; and
- (d) manufacturing waferboard, particleboard and fibreboard mills,

shall be registered.

**(2)** An undertaking that will be engaged in the manufacturing of newsprint, paper, paper products, paperboard, paperboard containers or pulp, whether by mechanical or chemical means and including de-inking facilities shall be registered.

**Petroleum and coal products**

**40. (1)** An undertaking that will be engaged in refining or manufacturing crude petroleum, petroleum, coal products, asphalt paving, roofing and saturated materials, asphalt shingle and coating materials shall be registered.

(2) Notwithstanding subsection (1), an undertaking that is a portable asphalt manufacturing plant is not required to be registered.

**Chemical manufacturing**

**41.** An undertaking that will be engaged in manufacturing

- (a) chemicals and chemical preparations from organic and inorganic raw materials;
- (b) petrochemicals;
- (c) industrial organic and inorganic gases in compressed , liquid and solid forms;
- (d) inorganic or organic chemicals;
- (e) resin and synthetic rubber, artificial and synthetic fibres and filaments from organic polymers and petrochemicals;
- (f) pesticide, fertilizer and other agricultural chemicals whether natural organic or chemical in origin and mixtures of these;
- (g) pharmaceutical products, medicine and drugs for human or animal use;
- (h) paint, varnish, filler, stain or other coatings including mixing pigment, solvent and binder into paint, varnish, filler, stain and other coatings;

- (i) glue, adhesives and related products;
- (j) soap and cleaning compounds including toilet preparations, room fresheners, detergents, polishing preparations, drain pipe solvents, dry-cleaning preparations, fabric softeners, finishing agents, soap, surfactants, toothpaste, tooth powder and waxes;
- (k) printing inks and ink jet inks ;
- (l) explosive preparations, detonators and explosive devices; and
- (m) compounds or other chemical products including photographic films or plates,

shall be registered.

#### **Plastic and rubber products**

**42. (1)** An undertaking that will be engaged in the manufacturing of plastic or rubber products by processing raw rubber or plastics materials or by recycling these materials

- (a) by compression, extrusion, injection or blow moulding or casting;
- (b) by converting plastic resins into unsupported plastic films, sheets and bags ;
- (c) into plastic pipe, pipe fittings, tubing, unsupported profile shapes, laminated plastic plate, sheets, rods and shapes, polystyrene foam products, urethane foam products, resilient floor coverings, plastic bottle and other plastic products;
- (d) by processing natural, synthetic or reclaimed rubber into tubing, tires or rubber hose;
- (e) into tires; and

(f) into rubber and plastic hose and belting and other rubber products,  
shall be registered.

(2) Notwithstanding paragraph (1)(e), an undertaking that will be engaged in the retreading or rebuilding of tires is not required to be registered.

**Non-metallic mineral product**

**43. (1)** An undertaking that will be engaged in the manufacturing of structural clay products shall be registered.

(2) An undertaking that will be engaged in the manufacturing of cement and concrete products including the

(a) production of hydraulic cement; and

(b) manufacturing of concrete pipe, brick and block from a mixture of cement, water and aggregate,

shall be registered.

(3) An undertaking that will be engaged in the manufacturing of

(a) quicklime, hydrated lime and dead burned dolomite by crushing, screening and roasting of limestone, dolomite shells or other sources of calcium carbonate; and

(b) products composed wholly or chiefly of gypsum,

shall be registered.

(4) An undertaking that will be engaged in manufacturing

(a) abrasive grinding wheels, abrasive coated materials and other abrasive products;  
and

(b) other non-metallic mineral products including refractory, asbestos, gypsum, fibrous glass, mineral wool and drilling muds materials,

shall be registered.

#### **Primary metals and metal manufacturing**

**44. (1)** An undertaking that will be engaged in

(a) smelting and refining ferrous and non ferrous metals from ore, pig or scrap in blast or electric furnaces, making metal alloys by adding chemical elements to the process and producing sheet, strip, bars, rods, wires, castings and other basic metal products;

(b) manufacturing iron and steel pipe and tube, drawing steel wire and rolling steel shapes from purchased steel;

(c) extracting alumina from bauxite ore, producing aluminium from alumina, refining aluminium by any process and rolling, drawing, extruding and alloying aluminium and aluminium-based alloy shapes and recovering aluminium from scrap;

(d) smelting, refining, rolling, drawing, extruding and alloying non ferrous metal other than aluminium; and

(e) pouring molten metal into moulds or dies to form castings,

shall be registered.

(2) An undertaking that will be engaged in forging, stamping, forming, turning and joining processes to produce ferrous and non-ferrous metal products shall be registered.

(3) An undertaking that will be engaged in

(a) operating a dry-dock or shipyard, manufacturing, constructing, repairing, altering or converting ships or boats of more than 4.54 tonnes displacement including marine production platforms for petroleum, natural gas or mineral resource extraction; and

(b) the establishment or expansion of commercial facilities to be involved in the application of paint, varnish, lacquer, primer, resin and fibreglass with respect to a ship, boat or marine production platform,

shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be located on property owned by a natural person where the purpose of that undertaking is to build or repair his or her fishing vessel, is not required to be registered.

#### **Petroleum product and other wholesaler-distributors**

**45. (1)** An undertaking that will be engaged in wholesaling crude oil, liquefied petroleum gases, heating oil and other refined petroleum products where the total storage capacity will be more than 2,000,000 litres shall be registered.

(2) An undertaking that will be engaged in the assembling, breaking up, sorting or wholesale trading of scrap, junk or waste material of any type shall be registered.

(3) Notwithstanding subsection (2), an undertaking that will be engaged in the wholesale trading of waste materials designated for reuse or recycling is not required to be registered.

#### **Air transportation**

**46.** An undertaking that will be engaged in the establishment and operation of permanent airports on land or water shall be registered.

#### **Waste management**

**47. (1)** An undertaking that will be engaged in the

(a) establishment of a waste disposal site where the population to be served by the site is more than 5000; and

(b) collection, storage or disposal of hazardous waste materials,

shall be registered.

(2) Notwithstanding subsection (1), an undertaking that will be engaged in the collection and temporary storage of hazardous waste materials destined for recycling is not required to be registered.

#### **Spectator sports and recreation industries**

**48. (1)** An undertaking that will be engaged in the establishment or operation of

(a) a horse racetrack;



- (b) a motorized vehicle racetrack;
  - (c) downhill or cross country skiing facilities, including trails, where the
    - (i) area of land to be developed will be more than 10 hectares, or
    - (ii) total length of the trails will be more than 10 kilometres;
  - (d) a marina;
  - (e) inclined railways, aerial lifts and tows;
  - (f) trails and facilities for motorized recreational vehicles;
  - (g) a golf course where
    - (i) the total area to be cleared is more than 50 hectares, or
    - (ii) a portion of the land to be cleared is within 200 metres of a high water mark; and
  - (h) trails where the length of a trail will be more than 10 kilometres,
- shall be registered.

(2) Notwithstanding subsection (1), an undertaking that will be a

- (a) marina operation located entirely within an area designated for that purpose within a development plan;
- (b) trail designated or approved for use under the *Motorized Snow Vehicles and All-Terrain Vehicles Act* ; and

(c) trail located entirely within an area designated for that purpose in a development plan or in a provincial park established under the *Provincial Parks Act* ,  
is not required to be registered.

#### **Accommodation services**

**49. (1)** An undertaking that will be engaged in the establishment and operation of a

- (a) camping ground;
- (b) travel trailer park; and
- (c) recreation or vacation camp,

where the area of the land to be developed is more than 10 hectares, shall be registered.

(2) Notwithstanding subsection (1), where the area of land to be developed for an undertaking referred to in that subsection is located entirely within an area designated for that purpose in a development plan, that undertaking is not required to be registered.

#### **Application of paint, varnish, etc.**

**50.** An undertaking that will be engaged in the establishment of or expansion of a commercial facility that will be involved in the application of paint, varnish, lacquer, primer, resin, coating or fibreglass shall be registered.

#### **Provincial administration**

**51. (1)** An undertaking that will be engaged in the administration of a provincial government program that will

- (a) introduce an exotic species of animal or plant into the province;
- (b) introduce a species of animal or plant that is native to an area of the province into another area of the province where, actually and historically, that species does not occur or is not known to occur; and
- (c) designate Crown land for cottage development or other recreational development where the total area will be more than 10 hectares,

shall be registered.

(2) Notwithstanding paragraph (1)(c) an undertaking that is referred to in that paragraph that will be located within an area designated for that purpose in a development plan is not required to be registered.

### **Limitation**

**52.** Notwithstanding that an undertaking is not required to be registered because it is smaller than a specified limitation with respect to time, area, length, volume, size or output, where

- (a) there is an extension of or a new undertaking adjacent to that existing undertaking; and
- (b) the total size of the extended or new undertaking added to the existing undertaking will exceed the specified limitation with respect to time, area, length, volume, size or output,

that extended or new undertaking shall be registered.

<b>Nova Scotia</b>	<p><b>Schedule A—Designated Class I and Class II Undertakings<sup>37</sup></b></p> <p><b>Class I Undertakings</b></p> <p>The following are designated as Class I undertakings under the Act:</p> <p><b>A. Industrial facilities</b></p> <ol style="list-style-type: none"><li>1. A storage facility that has a total storage capacity of over 5000 m<sup>3</sup> and is intended to hold liquid or gaseous substances, such as hydrocarbons or chemicals other than water.</li><li>2. A facility for manufacturing wood products that are pressure treated with chemical products.</li><li>3. A facility that produces fish meal.</li><li>4. A rendering plant.</li><li>5. An onshore pipeline that is 5 km or longer, other than a pipeline that carries any of the following:<ol style="list-style-type: none"><li>(a) natural gas, if the pipeline has a maximum operating pressure below 3450 kPa (500 psig);</li><li>(b) water;</li><li>(c) steam;</li><li>(d) domestic wastewater.</li></ol></li><li>6. A natural gas processing plant.</li></ol>
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<sup>37</sup> [https://novascotia.ca/just/regulations/REGS/envassmt.htm#TOC1\\_1](https://novascotia.ca/just/regulations/REGS/envassmt.htm#TOC1_1)

7. A paper product manufacturing plant.
8. An oil refinery that
  - (a) produces no more than 200 000 L of hydrocarbon products per day; and
  - (b) uses a feedstock that meets all of the following criteria:
    - (i) it contains no more than 1% sulphur or sulphur compounds by weight;
    - (ii) it does not contain halogenated compounds.

**B. Mining**

1. A facility that extracts or processes any of the following:
  - (a) metallic or non-metallic minerals;
  - (b) coal;
  - (c) peat;
  - (d) peat moss;
  - (e) gypsum;
  - (f) limestone;
  - (g) bituminous shale;
  - (h) oil shale.

2. A pit or quarry, other than a pit or quarry exempted under Section 4 of the regulations for the Department of Transportation and Infrastructure Renewal, that is larger than 4 ha in area for extracting one of the following:
  - (a) ordinary stone;
  - (b) building or construction stone;
  - (c) sand;
  - (d) gravel;
  - (e) ordinary soil.

**C. Transportation**

1. The construction of a new paved highway that is longer than 2 km and is designed for 4 or more lanes of traffic.
2. The construction of a new paved highway that is longer than 10 km and is designed for 2 or more lanes of traffic.

**D. Energy**

1. A corridor for 1 or more electric power transmission lines that have a cumulative voltage rating equal to or greater than 345 kVA.
2. An energy generating facility, other than an emergency generator, that meets any one of the following:
  - (a) it has a production rating of at least 2 MW derived from wind, tides or waves;
  - (b) it has a production rating of at least 2 MW and no more than 25 MW derived from hydroelectricity, other than run-of-the-river facilities under 10 MW;

- (c) it has a daily fuel input rating of at least 11 000 GJ and no more than 31 000 GJ derived from natural gas;
- (d) it has a daily fuel input rating of at least 250 GJ and no more than 2500 GJ derived from fossil fuels other than natural gas;
- (e) it has a daily fuel input rating of at least 4000 GJ and no more than 10 000 GJ derived from fuels other than fossil fuels, but excluding solar power.

**E. Waste management**

1. A facility for storing, processing, treating or disposing of waste dangerous goods that were not produced at that facility, except all of the following facilities:
  - (a) a facility operated by, or on behalf of, a municipality or Provincial agency for waste dangerous goods collected only from residential premises;
  - (b) a facility in which asbestos waste is stored, if waste dangerous goods are not otherwise processed, treated or disposed of at that facility;
  - (c) a facility in which lead acid battery waste is stored, if waste dangerous goods are not otherwise processed, treated or disposed of at that facility.
2. A facility for treating, processing or disposing of contaminated materials that is located at a site other than where the contaminated materials originated.
3. A thermal treatment facility as defined in the *Solid Waste-Resource Management Regulations* made under the Act.

**F. Other**

1. An undertaking that involves transferring water between drainage basins, if the drainage area containing the water to be diverted is larger than 1 km<sup>2</sup>.
2. An undertaking that disrupts a total of 2 ha or more of any wetland.

### **Class II Undertakings**

The following are designated as Class II undertakings under the Act:

#### **A. Industrial facilities**

1. A facility for manufacturing, processing or reprocessing radioactive materials.
2. A heavy water plant.
3. A pulp mill.
4. A petrochemical manufacturing plant.
5. A cement plant.
6. An oil refinery other than an oil refinery listed as a Class 1 undertaking.
7. A non-ferrous or ferrous metal smelter.
8. A lead acid battery plant.
9. A ferro-alloy plant.

#### **B. Energy**

1. An energy generating facility, other than an emergency generator, that meets any one of the following:



	<ul style="list-style-type: none"> <li>(a) it has a production rating of more than 25 MW derived from hydroelectricity;</li> <li>(b) it has a daily fuel input rating of more than 31 000 GJ derived from natural gas;</li> <li>(c) it has a daily fuel input rating of more than 2500 GJ derived from fossil fuels other than natural gas;</li> <li>(d) it has a daily fuel input rating of more than 10 000 GJ from fuels other than fossil fuels, but excluding solar power.</li> </ul> <p>2. A water reservoir that has a storage capacity of 10 000 000 m<sup>3</sup> or more than the mean volume of the natural water body source for which it is a reservoir.</p> <p><b>C. Waste Management</b></p> <ul style="list-style-type: none"> <li>1. An incinerator as defined in the <i>Solid Waste-Resource Management Regulations</i> made under the Act.</li> </ul>
<p><b>Prince Edward Island</b></p>	<p><i>* NOTE: There is no legislated Project List.</i></p> <p>The Environmental Impact Assessment Guidelines<sup>38</sup> provide the following guidance:</p> <p>There are generally three ways a proponent can determine if a proposed project may be considered an undertaking:</p> <ul style="list-style-type: none"> <li>(a) The project type is included in the undertaking list in Appendix A;</li> <li>(b) The project clearly meets the definition of an undertaking as defined in the <i>Environmental Protection Act</i>;</li> </ul>

<sup>38</sup> [https://www.princeedwardisland.ca/sites/default/files/publications/environmental\\_impact\\_assessment\\_guidelines.pdf](https://www.princeedwardisland.ca/sites/default/files/publications/environmental_impact_assessment_guidelines.pdf)

(c) The project is determined to be an undertaking by a representative of the Environmental Land Management Section of the Department of Environment, Labour & Justice during the screening process.

Subsection 1(p) of the *Environmental Protection Act*<sup>39</sup> defines an undertaking as follows:

(p) "undertaking" includes any construction, industry, operation or other project or any alteration or modification of any existing undertaking which will or may

- (i) cause the emission or discharge of any contaminant into the environment,
- (ii) have an effect on any unique, rare or endangered feature of the environment,
- (iii) have a significant effect on the environment or necessitate further development which is likely to have a significant effect on the environment, or
- (iv) cause public concern because of its real or perceived effect or potential effect on the environment,

but excludes all undertakings mentioned in sections 10, 12 and 13 of the Act; (regulatory requirements for bulk water removal and waste treatment/water supply systems, respectively).

Appendix A includes a list of the most common undertakings, but this is meant only to serve as a starting point as opposed to being an exhaustive list:

**Agricultural**

Manure storage facilities  
 Dairy operations  
 Beef operations  
 Hog operations  
 Food processing plants  
 Potato washing facilities  
 Meat processing plants

<sup>39</sup> <https://www.canlii.org/en/pe/laws/stat/rspei-1988-c-e-9/latest/rspei-1988-c-e-9.html?autocompleteStr=environmental%20protection%20ac&autocompletePos=5>

	<p>Slaughter plants Rendering plants Abattoirs Bulk fertilizer plants Mink farms Mushroom facilities Livestock lagoons Poultry barns</p> <p><b>Energy</b> Power plants/generating facilities Wind turbines * Transmission lines** Pipelines</p> <p><b>Fisheries</b> Fish processing plants Fish hatcheries Fibreglass boat building facilities Aquaculture facilities Mussel processing facilities</p> <p><b>Forestry</b> Sawmills Wood treatment plants Pulp mills Large-scale forest clearing plans</p> <p><b>Manufacturing</b> Manufacturing - industrial facilities Cement plants Fibreglass manufacturing facilities Chemical extraction plants</p>
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	<p>Neutraceutical manufacturing facilities</p> <p><b>Transportation</b>  Causeways and large bridges  Airports  Major highway developments</p> <p><b>Mining</b>  Gas wells  Gas exploration activities  Mines  Seismic programs</p> <p><b>Recreation</b>  Golf courses  Marinas  Ski hills  Large resorts  Racetracks for motorized vehicles</p> <p><b>Waste Management</b>  Landfills  Compost operations (indoor and outdoor)  Construction and demolition debris sites  Soil Remediation projects  Recycling plants  Incinerators  Soil mixing facilities  Transfer stations</p>
<b>Quebec</b>	<b>Schedule 1<sup>40</sup></b>

<sup>40</sup> <http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2.%20r.%2023.1>

**LIST OF PROJECTS SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE**

**PART II**

**SUBJECT PROJECTS**

**1 . DAM AND DYK**

The following projects are subject to the procedure:

- (1 ) the construction, for any purpose whatsoever, of a dam or dike that exerts a hydraulic influence on a lake whose total area exceeds or will exceed 200,000 m<sup>2</sup> at its maximum operating level;
- 2 ° the reconstruction or modification of such a dam or such dike when the maximum operating level is modified;
- 3 ° the construction, for any purpose whatsoever, of one or more dams or dikes having the effect of creating a reservoir or a set of reservoirs the total area of which exceeds 100,000 m<sup>2</sup> at the maximum operating level of these works;
- (4 ) the demolition of a dam or dike referred to in any of paragraphs 1 to 3.

For the purposes of paragraph 1 of the first paragraph, the construction of a dam includes the reconstruction of such a structure on the remains of an old dam or an old dike.

However, the following are exempt from the application of this article:

- 1 ° in the case of a mining operation or a cranberry plantation, any work intended for the creation of a water reservoir located outside a zone of large current within the meaning of the Policy.
- 2 ° projects intended for wildlife management and developed with a view to conserving or improving the biodiversity of a site.

**2 . WORK IN WETLANDS AND WATER ENVIRONMENTS**

Projects or programs involving the performance of one or other of the following works are subject to the procedure:

- 1 ° dredging, clearing, backfilling or straightening, for any purpose whatsoever, within the limit of the 2-year recurrence flooding of a river or a lake, over a distance cumulative equal to or greater than 500 m or over a cumulative area equal to or greater than 5,000 m<sup>2</sup>, for the same river or the same lake;
- (2 ) the construction of dikes aimed at flooding wetlands and bodies of water within the meaning of section 46.0.2 of the Act on any new area equal to or greater than 1,000,000 m<sup>2</sup> that will be exploited by a cranberry farm.

However, projects which aim only at:

- (1) maintenance work necessary for the drainage of an existing traffic lane, including a railway line;
- (2) work required for the installation of a water pipe or a cable and which does not require the installation of cofferdams or jetties;
- (3) work required for the installation of cofferdams around a bridge pillar for the purpose of repairing or maintaining the latter;
- (4) work that is required within the framework of carrying out a rehabilitation plan approved by the Minister in application of Division IV of Chapter IV of Title I of the Act;
- 5 ° redevelopment and restoration work on an abandoned mining site;
- (6) work required for cultivating the soil of an agricultural parcel or aimed at the surface or underground drainage of such a parcel;
- (7) work required for the maintenance of a ditch, a stream or a river draining a watershed of less than 25 km<sup>2</sup> and carried out by a regional county municipality, a metropolitan community or a local municipality whose the territory is not included in that of a regional county municipality;
- 8 ° work intended for the maintenance of existing aboiteaux or for the reconstruction of such structures, insofar as they will be positioned inland.

In addition, projects which aim only at:

- (1) maintenance dredging work for navigation purposes carried out in the river, estuary or Gulf of St. Lawrence, as well as in Baie des Chaleurs, over a cumulative area of less than 25,000 m<sup>2</sup>, without with regard to the distance affected;
- 2 ° work intended to restore a bank or a bank to its natural state with a view to conserving or improving the biodiversity of a site;
- 3 ° work intended for wildlife management and developed with a view to conserving or improving the biodiversity of a site.

For the purposes of subparagraph 1 of the first paragraph, if the information available does not allow the limit of 2-year recurrence flooding for a river or lake to be established, it is deemed to be at the " place where one changes from a predominance of aquatic plants to a predominance of terrestrial plants, or, if there are no aquatic plants, where the terrestrial plants stop in the direction of the plane of water. In the event that there is a water retention structure, this limit is located at the maximum operating level of the structure for the part of the water body located upstream. In addition, in the event that there is a legally erected retaining wall, this limit corresponds to the top of the structure.

When a project includes shore or bank stabilization work aimed at repairing or protecting an existing road or rail infrastructure, the distance or cumulative area provided for in subparagraph 1 of the first paragraph is calculated separately according to the territory of each municipality. local or unorganized territory targeted by the work.

### **3 . DIVERSION OR DIVERSION OF A RIVER OR LAKE**

Are subject to the procedure, the diversion or diversion projects, for any purpose whatsoever, of all or part of a river or a lake.

However, the following are exempt from the application of this article:

- (1) the diversion or diversion necessary for carrying out a dam or dike project that is not subject to the procedure under article 1 of part II of this schedule;
- 2 ° the diversion or diversion necessary for the construction, reconstruction or increase of the capacity of a hydroelectric power station that is not subject to the procedure under section 11 of Part II of this Schedule ;
- (3) the diversion or the diversion necessary for a water intake;
- 4 ° the diversion or temporary diversion necessary for the duration of a construction site;
- 5 ° work intended solely for wildlife management and developed with a view to conserving or improving the biodiversity of a site.

### **4 . PORT, DOCK AND PORT TERMINAL**

For the purposes of this article, the term “ port ” includes a wharf.

The following projects are subject to the procedure:

- 1 ° the construction or expansion of a port or a port terminal;
- 2 ° in the case of a marina:
  - (a) the construction of a port to accommodate 150 boats or more;
  - b) any increase in the maximum carrying capacity of a port to increase it to 150 vessels or more;
  - c) when the maximum berth capacity authorized by the government under section 31.5 of the Act is 150 boats or more, the addition of each additional section of at least 50 boats, whether this threshold is reached at the occasion of one or more separate projects.

However, the following are exempt from the application of subparagraph 1 of the second paragraph:

- (1) the establishment of a temporary wharf required for the duration of a construction site;
- (2) the addition of piles or piles occupying a maximum cumulative area of 100 m<sup>2</sup>, without changing the use of the wharf.

Subparagraph *b* of paragraph 2 of the second paragraph does not apply to a marina existing on March 23, 2018 and whose maximum reception capacity on that date is between 100 and 149 boats. However, for such a port, the addition of each additional unit of at least 50 vessels is subject to the procedure, whether this threshold is reached during one or more separate projects.

For the application of this article, the maximum reception capacity of a marina existing on March 23, 2018 corresponds to:

(1) that authorized under section 22 and, where applicable, section 31.5 of the Act;

2 ° its actual reception capacity on that date if its construction and, where applicable, its expansion, did not require prior authorization under the Act.

## **5 . ROAD INFRASTRUCTURE**

The following projects are subject to the procedure:

(1) the construction, over a minimum length of 5 km, of a road with 4 or more traffic lanes or the widening, over this same distance, of a road bringing it to 4 or more lanes;

2 ° the construction or widening of a road with a planned right-of-way of a width equal to or greater than 40 m over a minimum length of 5 km;

3 ° the construction of a planned road with 4 or more traffic lanes or the planned right-of-way of which is equal to or greater than 35 m over a minimum length of 1 km located within a perimeter of 'urbanization determined in the land use planning and development plan applicable to the territory concerned or to an Indian reserve;

4 ° widening of a planned road with 4 or more traffic lanes or the planned right-of-way of a width equal to or greater than 35 m over a minimum length of 2 km located within a perimeter of urbanization determined in the planning and development plan applicable to the territory concerned or to an Indian reserve.

For the purposes of this article, the calculation of the right-of-way of a road includes its outbuildings, such as interchanges, access ramps, service roads and the necessary drainage arrangements. In addition, the minimum length corresponds to a contiguous length.

The project to widen a road in a right-of-way which, on December 30, 1980, already belonged to the initiator of the project is, until March 23, 2023, exempt from the application of the first paragraph.

## **6 . AIRPORT**

The following projects are subject to the procedure:

(1) the siting of an airport with a landing strip planned for a length of more than 1 km;

(2) the expansion of an airport which includes the addition of a new airstrip with a length of more than 1 km or the extension of a runway bringing it to a length of more than 1 km.

However, the following are exempt from the application of this article:

(1) work which consists solely of widening an existing airstrip;

(2) work to develop an aerodrome on a frozen lake;

3 ° work aimed solely at the construction of administrative buildings or intended for air navigation control or meteorological surveillance or hangars.



## **7 . TRIAGE COURTYARD, RAILWAY AND PUBLIC TRANSPORT**

The following projects are subject to the procedure:

- (1 ) the construction of a marshalling yard;
- 2 ° the construction or extension of a railway track over a length equal to or greater than 5 km or 2 km if the project is carried out within an urbanization perimeter determined in the planning plan planning and development applicable on the territory concerned or on an Indian reserve;
- (3 ) the construction or extension of a guided or rail public transport system or of a metro, regardless of its length, including stations, stations and terminals as well as other related infrastructures.

For the purposes of subparagraph 2 of the first paragraph, when a project includes branch lines, the length of the work includes the cumulative length of the main track and of each of the branch lines.

The construction project of the works mentioned therein within an industrial land use area determined in the land use planning and development plan applicable to the site is exempt from the application of subparagraphs 1 and 2 of the first paragraph. territory concerned.

The construction or extension of a railway track in an existing right-of-way serving the same purposes is exempt from the application of subparagraph 2 of the first paragraph.

The application of subparagraph 3 of the first paragraph is exempt from a project aimed solely at the conversion of an existing railway line into a mode of public transport mentioned in that paragraph. A public transit infrastructure project that meets the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act ( chapter I ) is also exempt from the application of that same paragraph. -8.3 ) and whose suitability file is presented to the Council of Ministers before March 23, 2018.

## **8 . NATURAL GAS OR BIOMETHANE REGAZEIFICATION OR LIQUEFACTION PLANT**

The following projects are subject to the procedure:

- (1 ) the construction of a natural gas or biomethane liquefaction facility whose maximum daily liquefaction equipment capacity is equal to or greater than 100 m<sup>3</sup> of liquefied natural gas;
- 2 ° the construction of a liquefied natural gas regasification facility whose maximum daily capacity of the regasification equipment is equal to or greater than 4,000 m<sup>3</sup> of liquefied natural gas;
- (3 ) any plan to increase the maximum daily liquefaction capacity of an installation by reaching or exceeding 100 m<sup>3</sup> of liquefied natural gas;
- 4 ° any plan to increase the maximum daily regasification capacity of an installation to reach or exceed 4,000 m<sup>3</sup> of liquefied natural gas;

5 ° any plan to increase the maximum daily capacity by 50% or more of an installation referred to in paragraphs 1 and 4 whose maximum daily liquefaction or regasification capacity, before this increase, is equal to or greater than 100 m<sup>3</sup> or 4,000m<sup>3</sup> of liquefied natural gas, as the case may be;

Paragraphs 3 and 4 of the first paragraph do not apply to a regasification or liquefaction installation existing on 23 March 2018. However, for these installations, any project to increase the maximum daily liquefaction capacity is subject to the procedure. or regasification of 50% or more, if this increase causes it to reach or exceed, as the case may be, a maximum daily capacity for regasification of 4,000 m<sup>3</sup> or liquefaction of 100 m<sup>3</sup> of liquefied natural gas.

## **9 . OIL AND GAS PIPELINE**

The following projects are subject to the procedure:

- (1 ) the construction of an oil or gas pipeline over a length of 2 km or more;
- 2 ° the construction of an oil or gas pipeline in whole or in part within an urbanization perimeter identified in the land use planning and development plan applicable to the territory concerned or to an Indian reserve;
- (3 ) the construction of an oil pipeline in an intermediate protection area delimited in application of the Regulation respecting water withdrawals and their protection ( Q-2, r. 35.2 ) for any Category I groundwater or surface water withdrawal;
- 4 ° the carrying out of works, constructions or works intended for the conversion of a gas pipeline into an oil pipeline or the reversal of the flow direction of an oil pipeline;

However, the construction of an oil or gas pipeline in an existing right-of-way serving the same purposes is exempt from the application of subparagraph 1 of the first paragraph.

In addition, the construction of a gas pipeline less than 300 mm in diameter and designed for a pressure less than 4,000 kPa is exempted from the application of paragraphs 1 and 2 of the first paragraph.

## **10 . ELECTRICAL ENERGY TRANSPORT AND TRANSFORMATION STATION**

The following projects are subject to the procedure:

- (1 ) the construction, over a distance of more than 2 km, of an electrical energy transmission and distribution line with a voltage equal to or greater than 315 kV;
- (2 ) the construction of a switching or transforming station with a voltage equal to or greater than 315 kV, including any electricity transmission line of the same voltage.

However, the project aiming only at the construction of a transmission and distribution line of electrical energy buried and located in the right-of-way of a road or a railway or contiguous is exempted from the application of this

article. to one of these including, in the case where the road or the railway crosses a water course, the passage of such a line under this one.

## **11 . ELECTRICAL ENERGY PRODUCTION**

The following projects are subject to the procedure:

(1 ) construction for the purpose of producing electrical energy:

*a* ) a hydroelectric power station or a tidal farm with a capacity equal to or greater than 5 MW;

*b* ) a power station or other type of installation running on fossil fuels with a capacity equal to or greater than 5 MW;

*c* ) a wind farm or any other type of power plant or installation with a capacity equal to or greater than 10 MW;

2 ° the reconstruction of a work referred to in paragraph 1;

(3 ) any increase in the power of a power station, park or other type of installation, as the case may be, intended to produce electrical energy if their power, before the increase or after of this, is equal to or greater than:

*a* ) 5 MW in the case of a hydroelectric power station or a tidal farm;

*b* ) 5 MW in the case of a power station or other type of installation operating on fossil fuels;

*c* ) 10 MW in the case of a wind farm or any other type of power plant or installation;

(4 ) the addition of a turbo-alternator to a combustion device not previously used for the production of electrical energy if the power of the alternator is equal to or greater than:

*a* ) 5 MW in the case of a combustion appliance burning fossil fuels;

*b* ) 10 MW in the other cases referred to in this article.

The installation of emergency generators in an establishment other than a power plant, the installation of solar panels on the roof of existing infrastructures as well as, in the case of an emergency, are exempt from the application of this article. hydroelectric power station, the replacement or modification of technical equipment related to such a structure which will not entail any modification of the minimum and maximum operating levels.

For the purposes of this section, the power of a power station or any fleet means the total nominal power that their production equipment can provide, taking into account the following:

1 ° in the case of a hydroelectric power station, the power corresponds to the nominal power of the alternator of the turbo-generator established on the basis of a water temperature equal to 15 ° C;

2 ° in the case of a power station running on fossil fuels, biomass or biogas, it corresponds to the nominal power of such an alternator established on the basis of an air temperature equal to 15 ° C and an atmospheric pressure of 1 bar;

3 ° in the case of a wind farm or tidal turbine, it corresponds to the sum of the nominal powers of the respective set of wind turbines or tidal turbines connected to a transformer station. The number of wind turbines or tidal turbines considered to establish this power is the maximum number of wind turbines or tidal turbines that the fleet is authorized to establish.

## **12 . NUCLEAR TRANSFORMATION AND RADIOACTIVE WASTE MANAGEMENT**

The following projects are subject to the procedure:

- 1 ° the construction of a nuclear fission or fusion establishment;
- (2) the construction of a nuclear fuel manufacturing, processing or reprocessing plant;
- (3) the construction of a site for the elimination or storage of radioactive waste;
- (4) any modification which has the effect of increasing the maximum processing, treatment, reprocessing, elimination or storage capacity of an establishment, plant or place mentioned in this section;
- 5 ° the decommissioning of a nuclear fission or fusion establishment.

### **13 . HYDROCARBON EXPLORATION AND EXPLOITATION**

The following projects are subject to the procedure:

- (1) the work covered by the Hydrocarbons Act ( chapter H-4.2 ) which is related to the production and storage of hydrocarbons;
- 2 ° any oil or gas drilling in wetlands and bodies of water within the meaning of section 46.0.2 of the Act, in an urbanization perimeter identified in the land use planning and development plan applicable to the territory concerned or in a Indian reserve as well as less than 1,000 m from such perimeter or reserve.

### **14 . OIL, GAS AND COAL TREATMENT**

The following projects are subject to the procedure:

- 1 ° the construction of an oil refinery, a petrochemical plant, a liquid petroleum gas fractionation plant, a gas transformation or synthesis plant with energy potential or a processing plant or synthesis of products derived from coal;
- 2 ) any increase in the maximum daily production or processing capacity of 25% or more of such a refinery or plant;
- (3) any increase in the maximum daily production or processing capacity resulting in an expansion of more than 25% of the operating area of such a refinery or plant.

### **15 . PULP AND PAPER MANUFACTURERS**

The following projects are subject to the procedure:

- (1) the construction of a mill within the meaning of the Regulation respecting pulp and paper mills ( chapter Q-2, r. 27 ) whose maximum annual production capacity is equal to or greater than 40,000 metric tons;
- (2) any increase in the maximum annual production capacity of a factory causing it to reach or exceed 40,000 metric tons;
- (3) in the case of a factory whose maximum annual production capacity is equal to or greater than 40,000 metric tons:
  - (a) any increase in this capacity of 50% or more;

(b) any increase in that capacity which results in an expansion of 25% or more of the factory's operating area.

Subparagraph 2 of the first paragraph does not apply to a factory existing on March 23, 2018. However, for these factories, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 40,000 metric tons.

For the purposes of this article, the maximum annual production capacity is calculated by considering a maximum water content of the finished product of 10%.

## **16 . SQUARING**

The following projects are subject to the procedure:

- (1) the establishment of a dismembering plant, “melting plant” category, within the meaning of section 1.3.4.2 of the Regulation respecting food ( chapter P-29, r. 1 ), with the maximum hourly receiving capacity would be equal to or greater than 1 metric ton;
- (2) increasing the maximum hourly reception capacity of such a workshop by 25% or more;
- (3) any increase in the maximum hourly capacity of a dismembering plant mentioned in paragraph 1 causing it to reach or exceed 1 metric ton.

Paragraph 3 of the first paragraph does not apply to a dismembering plant existing on March 23, 2018. However, for these workshops, any project to increase the maximum hourly reception capacity by 25% or more, if this increase causes it to reach or exceed 1 metric ton.

## **17 . EXTRACTIVE METALLURGY**

The following projects are subject to the procedure:

- (1) the construction of an extractive metallurgy plant with a maximum annual production capacity equal to or greater than 40,000 metric tons;
- (2) any increase in the maximum annual production capacity of such a plant to reach or exceed 40,000 metric tons;
- (3) in the case of a plant whose maximum annual production capacity is equal to or greater than 40,000 metric tons:
  - (a) any increase in this capacity of 50% or more;
  - (b) any increase in this capacity which results in an expansion of 25% or more of the plant's operating area;
- (4) the construction of an extractive metallurgy plant for the production of rare earths or rare earth compounds, any increase in the maximum annual production capacity or any extension of the operating area of such a plant;
- 5 ° the construction of an extractive metallurgy plant for the production of radioactive elements or radioactive compounds or for refining or enriching uranium, as well as any increase in the maximum annual production capacity or any expansion of the area operating such a plant.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 40,000 metric tons.

### **18 . CEMENT AND LIVE LIME MANUFACTURING**

The following projects are subject to the procedure:

- (1 ) the construction of a cement or quicklime manufacturing plant;
- 2 ° any increase in the maximum daily production capacity of cement or quicklime of such a plant by 50% or more;
- (3 ) any increase in the maximum daily production capacity of cement or quicklime resulting in an expansion of 25% or more of the operating area of such a plant.

### **19 . MANUFACTURING OF EXPLOSIVES**

The following projects are subject to the procedure:

- (1 ) the construction of a factory for the manufacture of explosives, detonators for explosives or explosive devices;
- (2 ) an increase in the maximum daily production capacity of 10% or more of such a plant;
- (3 ) an increase in the maximum daily production capacity resulting in an expansion of 25% or more of the operating area of such a plant.

However, projects relating to factories for the manufacture of ammunition and detonators for ammunition as well as the manufacture of pyrotechnics are exempt from the application of this section.

### **20 . MANUFACTURING OF CHEMICALS**

The following projects are subject to the procedure:

- (1 ) the construction of a chemical product manufacturing plant with a maximum annual production capacity equal to or greater than 50,000 metric tons;
- (2 ) any increase in the maximum annual production capacity of a chemical products manufacturing plant causing it to reach or exceed 50,000 metric tons;
- (3 ) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 metric tons:
  - (a ) any increase in this capacity of 50% or more;
  - b ) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 50,000 metric tons.

## **21 . HEAVY WATER PRODUCTION**

The following projects are subject to the procedure:

- (1 ) the construction of a heavy water production plant;
- 2 ° any increase in the maximum daily production capacity of such a plant.

## **22 . MINING ACTIVITY**

For the purposes of this article, the following definitions apply:

- 1 ° “ mine ” : all the surface and underground infrastructures necessary for the extraction of ore, including the ore storage areas, the handling areas, the tailings accumulation areas, the death deposits -ground and treatment and retention basins for mining wastewater;
- 2 ° “ operating area ” : the area occupied at ground level by the mine. For a mine existing on March 23, 2018, the operating area corresponds, as the case may be:
  - a* ) to that authorized under section 22 and, where applicable, section 31.5 of the Act;
  - b* ) to that existing on that date if the establishment and, where applicable, its expansion, has not required prior authorization under the Act.

The following projects are subject to the procedure:

- (1 ) the establishment of a uranium or rare earth mine;
- (2 ) the establishment of a mine whose maximum daily extraction capacity for any other metalliferous ore is equal to or greater than 2,000 metric tons;
- (3 ) the establishment of any other mine with a maximum daily ore extraction capacity equal to or greater than 500 metric tons;
- 4 ° the establishment of a mine in whole or in part within an urbanization perimeter identified in the land use planning and development plan applicable to the territory concerned or in an Indian reserve, as well as less than 1,000 m of such a perimeter or such reserve, regardless of the ore extracted and the extraction capacity;
- (5 ) any increase in the maximum daily extraction capacity of a mine referred to in paragraph 2 or 3 causing it to reach or exceed, as the case may be, one of the thresholds provided for therein;
- (6 ) any expansion of 50% or more of the operating area of a mine in the following cases:
  - a* ) a uranium or rare earth mine;
  - b* ) the maximum daily extraction capacity of a mine referred to in paragraph 2 or 3, as the case may be, is reached or exceeded;
  - c* ) the mine is located in whole or in part within an urbanization perimeter identified in the land use planning and development plan applicable to the territory concerned or in an Indian reserve, as well as less than 1,000 m from a such perimeter or such reserve.

Paragraph 5 of the second paragraph does not apply to a mine existing on March 23, 2018. However, for these mines, any project to increase the maximum daily extraction capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed one of the thresholds provided for in paragraph 2 or 3 of the same paragraph, as the case may be.

For the purposes of subparagraphs 1 to 4 of the second paragraph, the resumption of operation of a mine is considered to be the establishment of a new mine when the following conditions are met:

- 1 ° the mine has undergone dismantling or restoration work after the cessation of its operation;
- (2) the establishment of the mine did not require prior authorization under the Act.

However, the following are excluded from the application of this article:

- (1) work subject to the Regulation respecting petroleum, natural gas and underground reservoirs ( chapter M-13.1, r. 1 );
- (2) quarries and sand pits within the meaning of the Regulation respecting quarries and sand pits ( chapter Q-2, r. 7 ).

### **23 . ORE PROCESSING**

For the purposes of this article, the following definitions apply:

- 1 ° “ treatment ” : any activity of enrichment of an ore, of a concentrate or of a mining residue by a mineralurgical process which allows the separation of minerals as well as the activities of manufacture of agglomerates;
- 2 ° “ treatment plant ” : all the infrastructures necessary for the treatment of ore, including handling areas, storage areas, mine tailings accumulation areas and treatment and water retention basins mining waste.

The following projects are subject to the procedure:

- (1) the construction of a treatment plant for one of the following materials:
  - (a) uranium ore;
  - (b) rare earth ore;
  - (c) any other metalliferous ore with a maximum daily processing capacity equal to or greater than 2,000 metric tons;
  - (d) any other ore whose maximum daily processing capacity is equal to or greater than 500 metric tons;
  - (e) any ore, in the event that the processing plant is located, in whole or in part, in an urbanization perimeter determined in the land use planning and development plan applicable to the territory concerned or in an Indian reserve as well as less than 1,000 m from such a perimeter or such reserve;
- (2) any increase in the maximum daily treatment capacity of a plant referred to in subparagraph *c* or *d* of paragraph 1 causing it to reach or exceed, as the case may be, one of the treatment thresholds therein planned;
- (3) any expansion of 50% or more of a treatment plant in the following cases:
  - (a) the processing of uranium or rare earth ore;
  - (b) the maximum daily treatment capacity of the plant referred to in one of subparagraph *c* or *d* of subparagraph 1 of the second paragraph is reached or exceeded;



*c*) the ore processing plant is located, in whole or in part, within an urbanization perimeter determined in the land use planning and development plan applicable to the territory concerned or in an Indian reserve, as well as less 1,000 m from such a perimeter or such reserve.

Subparagraph 2 of the second paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum daily treatment capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed one of the thresholds provided for in subparagraph *c* or *d* of paragraph 1 of the same paragraph.

#### **24 . PHYSICAL METALLURGY**

The following projects are subject to the procedure:

- (1) the construction of a physical metallurgy plant for the transformation or treatment of metal products with a maximum annual production capacity equal to or greater than 20,000 metric tons;
- (2) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 20,000 metric tons;
- (3) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons:
  - a*) any increase in this capacity of 50% or more;
  - b*) any increase in this capacity resulting in an expansion of more than 25% of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 20,000 metric tonnes.

#### **25 . MANUFACTURE OF WOOD-DERIVED MATERIALS**

For the purposes of this section, “ composite materials derived from wood ” means a product made from fibers, wood particles or strips agglomerated using a binder.

The following projects are subject to the procedure:

- (1) the construction of a factory for the manufacture of chipboards from woody materials or for the manufacture of other composite materials derived from wood with a maximum annual production capacity equal to or greater than 50,000 m<sup>3</sup> ;
- (2) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 50,000 m<sup>3</sup> ;
- (3) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 m<sup>3</sup> :
  - a*) any increase in this capacity of 50% or more;
  - b*) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the second paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 50,000 m<sup>3</sup>.

## **26 . MANUFACTURING OF MOTORIZED OR OTHER VEHICLES**

The following projects are subject to the procedure:

- (1) the construction of a vehicle manufacturing plant, including the manufacture of parts for such vehicles, the maximum annual production capacity of which would be equal to or greater than 100,000 metric tons;
- (2) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 100,000 metric tons;
- (3) in the case of a plant whose maximum annual production capacity is equal to or greater than 100,000 metric tons:
  - a*) any increase in this capacity of 50% or more;
  - b*) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 100,000 metric tons.

## **27 . BRICK MANUFACTURING**

The following projects are subject to the procedure:

- (1) the construction of a factory for the manufacture of clay bricks or refractory bricks with a maximum annual production capacity equal to or greater than 20,000 metric tons;
- (2) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 20,000 metric tons;
- (3) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons:
  - a*) any increase in this capacity of 50% or more;
  - b*) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 20,000 metric tonnes.

## **28 . GLASS MANUFACTURING**

The following projects are subject to the procedure:

- (1 ) the construction of a glass plant with a maximum annual production capacity equal to or greater than 50,000 metric tons;
- (2 ) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 50,000 metric tons;
- (3 ) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 metric tons:
  - (a ) any increase in this capacity of 50% or more;
  - (b ) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 50,000 metric tonnes.

## **29 . MANUFACTURING OF TIRES**

The following projects are subject to the procedure:

- (1 ) the construction of a tire manufacturing plant with a maximum annual production capacity equal to or greater than 20,000 metric tons;
- (2 ) any increase in the maximum annual production capacity of a plant causing it to reach or exceed 20,000 metric tons;
- (3 ) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons:
  - (a ) any increase in this capacity of 50% or more;
  - (b ) any increase in this capacity that results in an expansion of 25% or more of the plant's operating area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on March 23, 2018. However, for these plants, any project to increase the maximum annual production capacity by 50% or more is subject to the procedure, if this increase causes it to reach or exceed 20,000 metric tonnes.

However, the plant intended solely for retreading or refurbishing tires is excluded from the application of this article.

## **30 . ANIMAL PRODUCTION**

The following definitions apply in this section:

- 1 ° " place of animal production " : a set of breeding facilities and storage facilities owned by the same owner or by several owners who manage them jointly or who use the same storage facilities, if the distance between these works or breeding facilities is less than 150 m;
- 2 ° " management on liquid manure " and " management on solid manure " : have the meaning provided for in section 3 of the Regulation respecting agricultural operations ( [chapter Q-2, r. 26](#) ).

The following projects are subject to the procedure:

- (1) the establishment of a new animal production site that may contain a number equal to or greater than 800 animal units under management on liquid manure or 1,300 animal units under management on solid manure;
- 2 ° any increase in the number of animal units in an animal production site causing it to reach or exceed 800 animal units under management on liquid manure or 1,300 animal units under management on solid manure;
- 3 ° for a site that has already been authorized by the Government under section 31.5 of the Act, the addition of each additional tranche of at least 400 animal units under management on liquid manure or 650 animal units under management on solid manure;

In addition, livestock production projects that involve mixed manure management are subject to the procedure when the result of the equations below, as applicable, is equal to or greater than 1:

- 1 ° for a project to set up a new animal production site or a project to increase the number of animal units in an existing production site:

$$\frac{NL}{800} + \frac{NS}{1300} \geq 1$$

Or:

“NL” represents the number of animal units projected under management on liquid manure;

“NS” represents the number of animal units projected under management on solid manure;

- (2) for a project to increase the number of animal units in a production site that has already been authorized by the Government under section 31.5 of the Act:

$$\frac{NLs}{400} + \frac{NSs}{650} \geq 1$$

Or:

"NLs" represents the number of additional animal units projected under management on liquid manure;

“NSs” represents the number of additional animal units projected under solid manure management.

In the case of a place of animal production that existed before 23 March 2018, paragraph 2 of the second subparagraph as well as paragraph 1 of the third subparagraph apply to this place when the project is also referred to in Article 42 of the Regulation respecting agricultural operations.

For the purposes of the third paragraph, an animal production site is considered under mixed manure management when the site plans to operate, at all times, according to a liquid and solid manure management method.

For the application of this article, the number of animal units in a place of animal production is determined according to the following table, according to each of the categories of animals provided for therein:

<b>Determination of the number of animal units</b>	
Animal categories	Number of animals equivalent to

	one animal unit
<b>Cattle</b>	
Taurus	
Beef cow and her calf	
Dairy cow and her 14 day old calf	1
Dairy or butcher's heifer (> 15 months)	
Finishing cattle (> 400 kg)	
Semi-finishing cattle (268 to 400 kg)	
Dairy or meat heifer (<15 months)	2
Finishing grain-fed veal (> 95 kg)	
Milk-fed veal	3
Nursery grain-fed veal ( $\leq$ 95 kg)	7
<b>Swine</b>	
Sow and her unweaned piglets	4
Boar	
Fattening pig (male or female)	5
Gilt	
Weaned piglet	25
<b>Poultry</b>	
Heavy turkey (male or female, over 9.9 kg)	45
Broiler turkey (male or female, with a final weight less than or equal to 9.9 kg)	100
Laying hen - hatching eggs	175
Roasting chicken	225
Broiler chicken (male or female, with a final weight less than or equal to 3 kg)	275

Laying hen - eggs for consumption

Chicken - hatching eggs

Chicken - table eggs 350

**Any other category of animals**

For an animal which, at the end of the breeding period, will have a weight equal to or greater than 600 kg or for a group of animals of the same species whose total weight will be 600 kg 1

For the purposes of this table, an animal's weight is its expected weight at the end of the rearing period.

**31 . APPLICATION OF PESTICIDES**

Any program or project for the application, by means of an aircraft, including a drone, of pesticides referred to in section 1 of the Pesticides Act ( [chapter P-9.3](#) ), is subject to the procedure. farming over an area of 600 ha or more.

This article does not however apply to the application of an insecticide whose only active ingredient is *Bacillus thuringiensis* (variety *kurstaki*) or *Bacillus thuringiensis* (variety *israelensis*). However, in the latter case, the program or project must be carried out by a local municipality and the target area must be 5,000 ha or less.

**32 . CONSTRUCTION OF STORAGE TANKS**

The following projects are subject to the procedure:

(1 ) the construction of one or more tanks with a total storage capacity equal to or greater than 10,000 m<sup>3</sup> when the tanks are intended to receive one of the following materials:

(a ) a liquid or gaseous material, with the exception of water, food products or liquid wastes from an animal production operation;

b ) any other matter referred to in section 3 of the Regulation respecting hazardous materials ( [chapter Q-2, r. 32](#) ) or in one of paragraph 6 or 7 of section 4 of that regulation;

(2 ) any construction of one or more reservoirs aimed at increasing the total storage capacity of one or more of the materials mentioned in paragraph 1 to reach or exceed 10,000 m<sup>3</sup>;

3 ° when the total storage capacity of a storage site existing on March 23, 2018 is 10,000 m<sup>3</sup> or more, the construction of reservoirs that would increase this capacity by at least 10,000 m<sup>3</sup>, whether this threshold is reached on the occasion of one or more separate projects.

Subparagraph 2 of the first paragraph does not apply to the increase in the storage capacity of a storage site existing on March 23, 2018. However, for such a site, the construction of tanks is subject to the procedure. which aims to increase this capacity by at least 10,000 m<sup>3</sup>, whether this threshold is reached during one or more separate projects.

### **33 . INCINERATION OF NON-HAZARDOUS RESIDUAL MATERIAL**

For the purposes of this section, the term “incinerator” has the meaning provided for in section 101 of the Regulation respecting the purification of the atmosphere ( chapter Q-2, r. 4.1 ).

The following projects are subject to the procedure:

- (1) the construction or installation of a residual materials incinerator with a maximum hourly capacity equal to or greater than 2 metric tons and any subsequent increase of 10% or more of the maximum hourly capacity of such an incinerator;
- (2) any increase in the maximum hourly capacity of a residual materials incinerator to reach or exceed 2 metric tons;
- 3 ° the construction or installation of an incinerator intended to receive all or part of biomedical waste as defined in section 1 of the Regulation respecting biomedical waste ( chapter Q-2, r. 12 ), or conversion of an existing incinerator for this purpose, and any modification aimed at increasing the maximum hourly capacity of such an incinerator by more than 10%.

However, the construction of a residual materials incinerator on the site of an industrial establishment is exempt from the application of subparagraphs 1 and 2 of the second paragraph, insofar as this incinerator will be reserved exclusively for the incineration of residual materials of this establishment.

In addition, installations for the treatment, by disinfection, of biomedical waste or the installation of a biomedical waste incinerator on the site of their production are excluded from the application of paragraph 3 of the second subparagraph, to the extent that this incinerator is intended exclusively for the incineration of biomedical waste from this place and that the incineration capacity per hour is less than 100 kg.

### **34 . RESIDUAL MATERIAL LANDFILL SITE**

Projects for the establishment or expansion of a technical landfill referred to in section 2 of chapter II of the Regulation respecting the landfilling and incineration of residual materials ( chapter Q-2 ) are subject to the procedure. , r. 19 ), with the exception of a place the use of which is reserved exclusively for the burial of residual materials resulting from an industrial process.

For the purposes of this article, the expansion of a landfill site includes any modification having the effect of increasing its landfill capacity.

### **35 . PLACE OF FINAL DEPOSIT OF DANGEROUS MATERIALS**

The following projects are subject to the procedure:

(1 ) the development of a site used, in whole or in part, for the final deposit of hazardous materials within the meaning of section 1 of the Act or for the final deposit of materials resulting from a stabilization and solidification treatment of residual hazardous materials, including vitrification;

(2 ) the expansion of a place mentioned in paragraph 1.

For the purposes of this section, the expansion of a site includes any modification having the effect of increasing the capacity for the final deposit of hazardous materials.

However, is exempt from the application of this article, the development or expansion, on land, of a place used exclusively for the final deposit of residual hazardous materials extracted from this land or for the deposit of materials resulting from the treatment of materials. hazardous materials thus extracted when this development is carried out as part of rehabilitation work authorized under the Act for sites used before June 26, 1985 for the deposit of such materials.

### **36 . TREATMENT AND INCINERATION OF RESIDUAL HAZARDOUS MATERIALS**

The following projects are subject to the procedure:

(1 ) the installation of one or other of the following treatment processes for residual hazardous materials when the treatment of these materials is carried out outside the place of their production:

*a* ) physico-chemical treatment, thermal or not, to stabilize and solidify residual hazardous materials, including vitrification;

*b* ) the thermal treatment of residual hazardous materials aimed at the extraction or recovery of metals when the maximum annual metal production capacity is equal to or greater than 40,000 metric tons;

*c* ) the thermal treatment of residual hazardous materials for the production of fuels, combustibles or lubricants, when the maximum annual treatment capacity of residual hazardous materials is equal to or greater than 50,000 metric tons;

(2 ) any increase in the maximum annual treatment capacity of a process referred to in subparagraph *a* of paragraph 1;

(3 ) any increase in the maximum annual treatment capacity of a process referred to in subparagraph *b* or *c* of paragraph 1 causing it to reach or exceed the applicable threshold provided for in one of those subparagraphs;

(4 ) the construction or installation of an incinerator used, in whole or in part, for the incineration of residual hazardous materials, or the conversion for this purpose of an existing incinerator, as well as any increase in the maximum capacity of such an incinerator.

For the purposes of paragraph 4 of the first subparagraph, the term “incinerator” includes any incineration, gasification, pyrolysis, plasma treatment or other heat treatment installation the main result of which is to transform residual hazardous materials into gas, ash, pyrolytic coals or pyrolytic oils.

### **37 . DEFINITIVE DEPOSIT AND THERMAL TREATMENT OF CONTAMINATED SOILS**

The following projects are subject to the procedure:



1 ° the establishment or expansion of a landfill used, in whole or in part, for the final disposal of soils that contain one or more substances whose concentration is greater than the limit values set in Schedule II of Regulation respecting the protection and rehabilitation of land ( chapter Q-2, r. 37 ) as well as the final deposit of such soil in a landfill already established and for which no prior authorization was required under the Law to allow its filing;

(2) the installation of equipment used, in whole or in part, for the heat treatment of soils that contain any of the following materials:

(a) more than 1,500 mg of organochlorines per kilogram of soil;

b) more than 5 mg of polychlorinated biphenyls (PCBs) per kilogram of soil;

c) a total concentration of dioxins and furans greater than 5 µg per kilogram of soil (expressed in toxic equivalent at 2, 3, 7, 8-TCDD).

For the purposes of subparagraph 1 of the first paragraph, the expansion of a landfill site used for the final disposal of soil includes any modification having the effect of increasing the disposal capacity of that site.

However, the establishment or expansion, on land, of a landfill used exclusively for the final disposal of contaminated soil extracted from that land or of soil containing a landfill, is exempt from the application of subparagraph 1 of the first paragraph. or several substances from this land as part of rehabilitation work carried out in accordance with section IV.2.1 of chapter IV of title I of the Law.

The following are exempt from the application of subparagraph 2 of the first subparagraph:

(1) the installation of an *in situ* heat treatment unit ;

2 ° the installation of mobile equipment used exclusively for the thermal treatment of contaminated soils on the land from which they are extracted, or on land located within a radius of 500 m from this land, as part of the rehabilitation work carried out in accordance with Section IV.2.1 of Chapter IV of Title I of the Law.

For the application of this article, soil analyzes to determine its composition must be carried out by a laboratory accredited in accordance with the provisions of Chapter XI of Title I of the Act.

### **38 . EMISSIONS OF CERTAIN GREENHOUSE GASES**

The following projects are subject to the procedure:

(1) the construction of a plant or any other type of establishment or installation which, once in operation, would generate process or combustion emissions, other than those which would result from mobile equipment, of up to 100,000 metric tons or more per year of greenhouse gases in CO<sub>2</sub> equivalent ;

2 ° any modification to a plant or any other type of establishment or facility in operation that would generate process or combustion emissions, other than those resulting from mobile equipment, additional 100,000 metric tonnes of greenhouse gas of greenhouse in CO<sub>2</sub> equivalent or more per year.

### **MISCELLANEOUS**

	<p>Articles 8, 12, 14 to 21, 23 to 29, 33, 36 and subparagraph 2 of the first paragraph of article 37 of part II of this annex are exempted from the construction project of a establishment or installation of equipment the purpose of which is to assess the performance of a new technology or a new mode of operation, provided that:</p> <p>1 ° the construction or equipment would be located on the site of an existing industrial establishment or within an industrial land use area determined in the land use planning and development plan applicable to the territory concerned;</p> <p>(2 ) the project requires the authorization of the Minister under subsection 1 of section II of chapter IV of title I of the Act.</p> <p>The project authorization request made to the Minister must be accompanied, in addition to the information and documents provided for in section 23 of the Act, by an experimental protocol describing, in particular, the nature, extent and objectives of the research and experimentation project, its anticipated impact on the environment and, where applicable, the environmental protection and impact monitoring measures required.</p> <p>The third and fourth paragraphs of section 29 of the Act apply, with the necessary modifications, to the processing of such an application for authorization.</p>
Saskatchewan	<p><i>* NOTE: There is no legislated Project List.</i></p> <p>“Development” is simply defined under <i>The Environmental Assessment Act</i><sup>41</sup> as follows:</p> <p><b>(2)(d) “development”</b> means any project, operation or activity or any alteration or expansion of any project, operation or activity which is likely to:</p> <ul style="list-style-type: none"> <li>(i) have an effect on any unique, rare or endangered feature of the environment;</li> <li>(ii) substantially utilize any provincial resource and in so doing pre-empt the use, or potential use, of that resource for any other purpose;</li> <li>(iii) cause the emission of any pollutants or create by-products, residual or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation;</li> <li>(iv) cause widespread public concern because of potential environmental changes;</li> <li>(v) involve a new technology that is concerned with resource utilization and that may induce significant environmental change; or</li> </ul>

<sup>41</sup> <https://www.canlii.org/en/sk/laws/stat/ss-1979-80-c-e-10.1/latest/ss-1979-80-c-e-10.1.html?autocompleteStr=the%20environmental%20asses&autocompletePos=1>

	<p>(vi) have a significant impact on the environment or necessitate a further development which is likely to have a significant impact on the environment;</p> <p>There are also <a href="#">Technical Proposal Guidelines</a>, which provide guidance on what constitutes a “development”.</p>
<b>Yukon</b>	<p>* <i>SEE Schedule 1 of the Assessable Activities, Exceptions and Executive Committee Projects Regulations, SOR/2005-379</i><sup>42</sup></p>

<sup>42</sup> <https://www.canlii.org/en/ca/laws/regu/sor-2005-379/latest/sor-2005-379.html>