



Français

Environmental Bill of Rights, 1993

ONTARIO REGULATION 73/94

GENERAL

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Legislative History: [+]

This is the English version of a bilingual regulation.

**PART I
APPLICATION OF ACT**

APPLICATION OF PART II OF ACT — PUBLIC PARTICIPATION IN GOVERNMENT DECISION-MAKING

1. The provisions of Part II of the Act, except section 15 and sections 19 to 26, apply in relation to the following ministries:

1. Ministry of Agriculture, Food and Rural Affairs.
2. Ministry of Economic Development, Job Creation and Trade.
3. Ministry of Education.
4. Ministry of Energy.
5. Ministry of the Environment, Conservation and Parks.
6. REVOKED: O. Reg. 518/22, s. 1 (2).
7. Ministry of Health.
8. Ministry of Indigenous Affairs.
9. Ministry of Infrastructure.
10. Ministry of Labour, Immigration, Training and Skills Development.
 - 10.1 Ministry of Long-Term Care.
 - 10.2 Ministry of Mines.
11. Ministry of Municipal Affairs and Housing.
12. Ministry of Natural Resources and Forestry.
 - 12.1 Ministry of Northern Development.
 - 12.2 Ministry of Public and Business Service Delivery.
13. Ministry of Tourism, Culture and Sport.
14. Ministry of Transportation.
15. Treasury Board Secretariat. O. Reg. 257/03, s. 1; O. Reg. 60/05, s. 1; O. Reg. 217/07, s. 1; O. Reg. 215/08, s. 1; O. Reg. 363/09, s. 1; O. Reg. 227/12, s. 1; O. Reg. 235/13, s. 1; O. Reg. 305/14, s. 1; O. Reg. 117/16, s. 1; O. Reg. 21/17, s. 1; O. Reg. 48/19, s. 1; O. Reg. 518/22, s. 1.

PROPOSALS FOR POLICIES AND ACTS

2. Section 15 of the Act applies in relation to the following ministries:

1. Ministry of Agriculture, Food and Rural Affairs.
2. Ministry of Economic Development, Job Creation and Trade.
3. Ministry of Education.
4. Ministry of Energy.
5. Ministry of the Environment, Conservation and Parks.
6. REVOKED: O. Reg. 518/22, s. 2 (2).
7. Ministry of Health.
8. Ministry of Indigenous Affairs.
9. Ministry of Infrastructure.
10. Ministry of Labour, Immigration, Training and Skills Development.
- 10.1 Ministry of Long-Term Care.
- 10.2 Ministry of Mines.
11. Ministry of Municipal Affairs and Housing.
12. Ministry of Natural Resources and Forestry.
- 12.1 Ministry of Northern Development.
- 12.2 Ministry of Public and Business Service Delivery.
13. Ministry of Tourism, Culture and Sport.
14. Ministry of Transportation.
15. Treasury Board Secretariat. O. Reg. 257/03, s. 1; O. Reg. 60/05, s. 2; O. Reg. 217/07, s. 2; O. Reg. 215/08, s. 2; O. Reg. 363/09, s. 2; O. Reg. 227/12, s. 2; O. Reg. 235/13, s. 2; O. Reg. 305/14, s. 2; O. Reg. 117/16, s. 2; O. Reg. 21/17, s. 2; O. Reg. 48/19, s. 2; O. Reg. 518/22, s. 2.

PROPOSALS FOR REGULATIONS

3. (1) The following Acts are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*:

1. *Aggregate Resources Act*.
- 1.1 *Clean Water Act, 2006*.
- 1.2 REVOKED: O. Reg. 48/19, s. 3.
2. *Conservation Authorities Act*.
3. *Crown Forest Sustainability Act, 1994*.
4. REVOKED: O. Reg. 227/12, s. 3 (1).
5. REVOKED: O. Reg. 363/09, s. 3 (2).
6. *Environmental Assessment Act*.
7. *Environmental Bill of Rights, 1993*.
8. *Environmental Protection Act*.
- 8.1 *Far North Act, 2010*.
9. *Fish and Wildlife Conservation Act, 1997*.
- 9.1 *Great Lakes Protection Act, 2015*.
10. REVOKED: O. Reg. 48/19, s. 3.
- 10.1 *Invasive Species Act, 2015*.

- 11. *Lakes and Rivers Improvement Act.*
- 11.1 *Lake Simcoe Protection Act, 2008.*
- 12. *Mining Act.*
- 13. *Niagara Escarpment Planning and Development Act.*
- 13.1 *Nutrient Management Act, 2002.*
- 14. *Oil, Gas and Salt Resources Act.*
- 14.1 *Ontario Heritage Act.*
- 15. *Ontario Water Resources Act.*
- 16. *Pesticides Act.*
- 16.1 *Places to Grow Act, 2005.*
- 17. *Planning Act.*
- 18. *Provincial Parks and Conservation Reserves Act, 2006.*
- 19. *Public Lands Act.*
- 19.1 *Resource Recovery and Circular Economy Act, 2016.*
- 20. *Safe Drinking Water Act, 2002.*
- 21. REVOKED: O. Reg. 235/13, s. 3 (1).
- 21.1 *Toxics Reduction Act, 2009.*
- 22. *Waste Diversion Transition Act, 2016.*
- 23. REVOKED: O. Reg. 227/12, s. 3 (3).

O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 2 (1, 2); O. Reg. 41/06, s. 1; O. Reg. 215/08, s. 3 (1-3); O. Reg. 363/09, s. 3; O. Reg. 159/10, s. 1 (1); O. Reg. 227/12, s. 3 (1-3); O. Reg. 235/13, s. 3 (1); O. Reg. 117/16, s. 3; O. Reg. 21/17, s. 3; O. Reg. 48/19, s. 3.

(2) Clauses 29 (1) (a) and (c) and section 34 of the *Building Code Act, 1992* are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 1.

(3) Despite subsection (2), a regulation made under section 34 of the *Building Code Act, 1992* is exempt from section 16 of the *Environmental Bill of Rights, 1993* unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. O. Reg. 129/01, s. 1; O. Reg. 227/12, s. 3 (4); O. Reg. 235/13, s. 3 (2).

(3.0.1) The *Endangered Species Act, 2007* is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 3 (4).

(3.0.2) Despite subsection (3.0.1), a regulation made under section 7 or 8.1 of the *Endangered Species Act, 2007* is not prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 3 (4); O. Reg. 518/22, s. 3.

(3.0.3) The *Food Safety and Quality Act, 2001* is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*,

- (a) generally, with respect to matters related to the disposal of deadstock as defined in section 2 of the *Food Safety and Quality Act, 2001*; and
- (b) specifically, with respect to any proposed amendment to or replacement of Ontario Regulation 105/09 (Disposal of Deadstock) made under the *Food Safety and Quality Act, 2001*. O. Reg. 159/10, s. 1 (2).

(3.1) The *Greenbelt Act, 2005*, except subsection 16 (1), is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 3.

(3.1.1) Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the *Health Protection and Promotion Act* are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 3 (4).

(3.1.2) Despite subsection (3.1.1), a regulation made under subsection 96 (1) or (2) of the *Health Protection and Promotion Act* is exempt from section 16 of the *Environmental Bill of Rights, 1993* unless it relates to small drinking water systems within the meaning of the *Health Protection and Promotion Act*. O. Reg. 215/08, s. 3 (4).

(3.1.3) Subsection 75.1 (7) of the *Highway Traffic Act* is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 184/22, s. 1.

(3.2) The *Oak Ridges Moraine Conservation Act, 2001*, except clauses 22 (1) (d) and 23 (1) (g), is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 3.

(4) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 104/03, s. 1.

(5) The *Technical Standards and Safety Act, 2000* is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*,

(a) generally, with respect to matters referred to in section 42 of the *Technical Standards and Safety Act, 2000*; and

(b) specifically with respect to any proposed amendment to or replacement of Ontario Regulation 217/01 (Liquid Fuels) made under the *Technical Standards and Safety Act, 2000*. O. Reg. 257/03, s. 2 (3); O. Reg. 235/13, s. 3 (3).

(6) The *Water Opportunities Act, 2010*, except Part II, is prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*. O. Reg. 227/12, s. 3 (5).

PROPOSALS FOR INSTRUMENTS

4. (1) Sections 19 to 26 of the *Environmental Bill of Rights, 1993* apply in relation to the following ministries:

1. REVOKED: O. Reg. 518/22, s. 4 (1).
2. Ministry of the Environment, Conservation and Parks.
3. Ministry of Mines.
4. Ministry of Municipal Affairs and Housing.
5. Ministry of Natural Resources and Forestry.
6. Ministry of Public and Business Service Delivery. O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 3; O. Reg. 217/07, s. 4; O. Reg. 215/08, s. 4; O. Reg. 363/09, s. 4; O. Reg. 227/12, s. 4 (1); O. Reg. 305/14, s. 3; O. Reg. 21/17, s. 4; O. Reg. 48/19, s. 4; O. Reg. 518/22, s. 4.

(2) Despite subsection (1), an instrument made under clause 29 (1) (a) or (c) of the *Building Code Act, 1992* is exempt from sections 19 to 26 of the *Environmental Bill of Rights, 1993* unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. O. Reg. 129/01, s. 2; O. Reg. 227/12, s. 4 (2); O. Reg. 235/13, s. 4.

APPLICATION OF PART IV OF ACT — APPLICATION FOR REVIEW

5. The following ministries are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*:

1. Ministry of Agriculture, Food and Rural Affairs.
2. Ministry of Education.
3. Ministry of Energy.
4. Ministry of the Environment, Conservation and Parks.
5. REVOKED: O. Reg. 518/22, s. 5 (2).
6. Ministry of Health.
- 6.1 Ministry of Long-Term Care.

6.2 Ministry of Mines.

7. Ministry of Municipal Affairs and Housing.

8. Ministry of Natural Resources and Forestry.

8.1 Ministry of Northern Development.

8.2 Ministry of Public and Business Service Delivery.

9. Ministry of Transportation. O. Reg. 179/98, s. 2; O. Reg. 257/03, s. 4; O. Reg. 217/07, s. 5; O. Reg. 215/08, s. 5; O. Reg. 363/09, s. 5; O. Reg. 227/12, s. 5; O. Reg. 235/13, s. 5; O. Reg. 305/14, s. 4; O. Reg. 21/17, s. 5; O. Reg. 359/17, s. 1; O. Reg. 48/19, s. 5; O. Reg. 518/22, s. 5.

6. (1) The Acts referred to in subsections 3 (1), (5) and (6) of this Regulation are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 2; O. Reg. 129/01, s. 3 (1); O. Reg. 257/03, s. 5 (1); O. Reg. 227/12, s. 6.

(1.1) Clauses 29 (1) (a) and (c) and section 34 of the *Building Code Act, 1992* are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 3 (2).

(1.1.0.1) The *Endangered Species Act, 2007* is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 6.

(1.1.0.2) The *Kawartha Highlands Signature Site Park Act, 2003* is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 6.

(1.1.1) The *Greenbelt Act, 2005* is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 6.

(1.1.1.1) Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the *Health Protection and Promotion Act* are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 6.

(1.1.2) The *Oak Ridges Moraine Conservation Act, 2001* is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 6.

(1.2) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 104/03, s. 2.

(2) REVOKED: O. Reg. 21/17, s. 6.

7. (1) A regulation made under an Act or provision that is prescribed by section 6 of this Regulation is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 2; O. Reg. 129/01, s. 4 (1).

(2) Despite subsection (1), a regulation made under section 34 of the *Building Code Act, 1992* is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993* unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. O. Reg. 129/01, s. 4 (2); O. Reg. 227/12, s. 7; O. Reg. 235/13, s. 6.

(2.0.1) Despite subsection (1), a regulation made under section 7 of the *Endangered Species Act, 2007* is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 7.

(2.0.2) Despite subsection (1), a regulation made under subsection 96 (1) or (2) of the *Health Protection and Promotion Act* is exempt from Part IV of the *Environmental Bill of Rights, 1993* unless it relates to small drinking water systems within the meaning of the *Health Protection and Promotion Act*. O. Reg. 215/08, s. 7.

(2.1) For the purposes of subsection (1), a regulation made under an Act or provision includes a regulation made under the Act or provision before the Act or provision was first prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

O. Reg. 129/01, s. 4 (2).

(3) Despite subsection (1), a provision of a regulation made on or before November 15, 1994 under section 29 or clause 39 (f) of the *Environmental Assessment Act*, as that section or that clause read at the time the regulation was made, is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 2.

8. (1) An instrument is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993* if a proposal for the instrument would be a Class I, II or III proposal for the purposes of the Act. O. Reg. 73/94, s. 8 (1).

(2) Despite subsection (1), an approval of an undertaking issued on or before November 15, 1994 under the *Environmental Assessment Act* is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 73/94, s. 8 (2).

8.1 An agreement entered into under section 23 of Ontario Regulation 242/08 (General) made under the *Endangered Species Act, 2007* is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*. O. Reg. 159/10, s. 2; O. Reg. 48/19, s. 6.

APPLICATION OF PART V OF ACT — APPLICATION FOR INVESTIGATION

9. (1) The following Acts are prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*:

1. *Aggregate Resources Act*.
2. *Conservation Authorities Act*.
3. *Crown Forest Sustainability Act, 1994*.
4. *Endangered Species Act, 2007*.
- 4.1 REVOKED: O. Reg. 363/09, s. 6.
5. REVOKED: O. Reg. 227/12, s. 8 (1).
6. *Environmental Assessment Act*.
7. *Environmental Protection Act*.
- 7.1 *Far North Act, 2010*.
8. *Fish and Wildlife Conservation Act, 1997*.
- 8.1 REVOKED: O. Reg. 48/19, s. 7.
- 8.2 *Invasive Species Act, 2015*.
9. *Kawartha Highlands Signature Site Park Act, 2003*.
10. REVOKED: O. Reg. 257/03, s. 6 (1).
11. *Lakes and Rivers Improvement Act*.
12. *Mining Act*.
13. *Oil, Gas and Salt Resources Act*.
14. *Ontario Water Resources Act*.
15. *Pesticides Act*.
16. *Provincial Parks and Conservation Reserves Act, 2006*.
17. *Public Lands Act*.
- 17.1 *Toxics Reduction Act, 2009*.
18. REVOKED: O. Reg. 227/12, s. 8 (3).

O. Reg. 179/98, s. 3; O. Reg. 257/03, s. 6 (1); O. Reg. 215/08, s. 8; O. Reg. 363/09, s. 6; O. Reg. 159/10, s. 4; O. Reg. 227/12, s. 8; O. Reg. 117/16, s. 4; O. Reg. 48/19, s. 7.

(2) The *Technical Standards and Safety Act, 2000* is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*, but only with respect to matters referred to in section 42 of the *Technical Standards and Safety Act, 2000*. O. Reg. 257/03, s. 6 (2).

10. (1) A regulation made under an Act referred to in section 9 is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 3.

(2) For the purposes of subsection (1), a regulation made under an Act includes a regulation made under the Act before the Act was first prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 3.

11. (1) An instrument is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993* if a proposal for the instrument would be a Class I, II or III proposal for the purposes of the Act. O. Reg. 73/94, s. 11.

(2) Despite subsection (1), an instrument made under clause 29 (1) (a) or (c) of the *Building Code Act, 1992* is not prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 5.

11.1 An agreement entered into under section 23 of Ontario Regulation 242/08 (General) made under the *Endangered Species Act, 2007* is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*. O. Reg. 159/10, s. 3; O. Reg. 48/19, s. 8.

APPLICATION OF PART VII OF ACT — EMPLOYER REPRISALS

12. (1) The Acts referred to in subsections 3 (1), (5) and (6) of this Regulation are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 179/98, s. 4; O. Reg. 129/01, s. 6 (1); O. Reg. 257/03, s. 7; O. Reg. 227/12, s. 9 (1).

(2) Clauses 29 (1) (a) and (c) and section 34 of the *Building Code Act, 1992* are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 6 (2).

(2.0.0.1) The *Endangered Species Act, 2007* is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 9.

(2.0.1) The *Greenbelt Act, 2005* is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 7.

(2.0.1.1) Subsections 96 (1) and (2), clauses 96 (3) (m) to (t) and subsection 96 (3.1) of the *Health Protection and Promotion Act* are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 215/08, s. 9.

(2.0.1.2) Despite subsection (2.0.1.1), a regulation made under subsection 96 (1) or (2) of the *Health Protection and Promotion Act* is not prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993* unless it relates to small drinking water systems within the meaning of the *Health Protection and Promotion Act*. O. Reg. 215/08, s. 9.

(2.0.2) The *Oak Ridges Moraine Conservation Act, 2001* is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 217/07, s. 7.

(2.1) Clauses 88 (1) (a.1) to (g) of the *Ontario Energy Board Act, 1998* are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 104/03, s. 3.

(3) A regulation or instrument is prescribed for the purposes of paragraphs 4 and 5 of subsection 105 (3) of the *Environmental Bill of Rights, 1993* if it was made under an Act or provision that is prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 6 (2).

(4) Despite subsection (3), an instrument made under clause 29 (1) (a) or (c) of the *Building Code Act, 1992* or regulation made under section 34 of that Act is not prescribed for the purposes of paragraphs 4 and 5 of subsection 105 (3) of the *Environmental Bill of Rights, 1993* unless it relates to the construction, demolition, maintenance or operation of sewage systems as defined in Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*. O. Reg. 129/01, s. 6 (2); O. Reg. 227/12, s. 9 (2); O. Reg. 235/13, s. 7.

(5) For the purposes of subsection (3), a regulation or instrument includes a regulation or instrument made under an Act or provision before the Act or provision was first prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*. O. Reg. 129/01, s. 6 (2).

PART II MISCELLANEOUS

ENVIRONMENTAL REGISTRY

13. The Minister of the Environment, Conservation and Parks shall operate the registry. O. Reg. 179/98, s. 5; O. Reg. 305/14, s. 5; O. Reg. 48/19, s. 9.

14. A notice given in the registry shall be left in the registry for sixty days or such other period of time as the registrar considers appropriate. O. Reg. 73/94, s. 14.

EXEMPTIONS FROM PART II OF ACT

15. The requirements of Part II of the *Environmental Bill of Rights, 1993*, other than sections 3 to 37, do not apply to a proposal to issue, amend or revoke a renewable energy approval under Part V.0.1 of the *Environmental Protection Act*. O. Reg. 363/09, s. 7.

15.1 REVOKED: O. Reg. 104/03, s. 4.

15.2 The requirements of Part II of the *Environmental Bill of Rights, 1993*, other than section 36, do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the *Environmental Protection Act*. O. Reg. 680/94, s. 2.

15.3 (1) The requirements of Part II of the *Environmental Bill of Rights, 1993* do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if an application for the issuance, amendment or revocation is received by the ministry on or before the later of,

(a) the day on which section 22 of the *Environmental Bill of Rights, 1993* begins to apply to the ministry; and

(b) the day on which a regulation that classifies the proposal for the instrument comes into force. O. Reg. 719/94, s. 1.

(1.1) The exemption provided by subsection (1) does not apply to a proposal that was classified by Ontario Regulation 681/94 before March 7, 1995 but that was not implemented before that date, unless the proposal is a Class III proposal for an instrument in respect of which a notice of hearing has been given under any Act before that date. O. Reg. 108/95, s. 1.

(2) The requirements of Part II of the *Environmental Bill of Rights, 1993* do not apply in relation to a proposal to issue, amend or revoke an instrument under consideration in a ministry if a notice of intention in respect of the issuance, amendment or revocation is issued by the ministry on or before the later of,

(a) the day on which section 22 of the *Environmental Bill of Rights, 1993* begins to apply to the ministry; and

(b) the day on which a regulation that classifies the proposal for the instrument comes into force. O. Reg. 719/94, s. 1.

15.4 The requirements of Part II of the *Environmental Bill of Rights, 1993*, do not apply in relation to a proposal to issue, amend or revoke a certificate of property use in respect of a modified generic risk assessment that has been accepted under clause 168.5 (1) (a) of the *Environmental Protection Act*. O. Reg. 513/09, s. 1.

15.5 Part II of the *Environmental Bill of Rights, 1993* does not apply to a proposal to make an order under subsection 47 (1) of the *Planning Act* or to amend or revoke an order under subsection 47 (8) of that Act if the proposal has not been implemented by the time this section comes into force. O. Reg. 325/99, s. 1.

REGULATIONS AND INSTRUMENTS

16. The following documents shall be deemed to be regulations for the purposes of the *Environmental Bill of Rights, 1993* and the regulations made under it:

1. An order made under subsection 3.1 (3) of the *Environmental Assessment Act*.
2. An order made under section 3.2 of the *Environmental Assessment Act*.
3. An order made before January 1, 1997 under section 29 of the *Environmental Assessment Act*, as that section read at the time the order was made. O. Reg. 179/98, s. 7.

APPEALS UNDER PART II OF ACT

17. (1) Despite the provisions of the *Statutory Powers Procedure Act*, an application for leave to appeal under Part II of the *Environmental Bill of Rights, 1993* shall be made and disposed of wholly in writing, except to the extent that the appellate body directs otherwise. O. Reg. 680/94, s. 3.

(2) REVOKED: O. Reg. 48/19, s. 10 (1).

(3) Service of a document under subsection (2) shall be made on or before the day on which the application is filed with the appellate body. O. Reg. 680/94, s. 3.

(4) The appellate body shall make its decision within 30 days after the day on which the application is filed, unless the appellate body determines that, because of unusual circumstances, a longer period is needed. O. Reg. 680/94, s. 3.

(5) If the appellate body determines that a longer period is needed, it shall give notice of that determination to the applicant and any other person that the appellate body considers should receive the notice. O. Reg. 680/94, s. 3; O. Reg. 48/19, s. 10 (2).

(6) Notice under subsection (5) shall state when the appellate body expects that it will make a decision on the application. O. Reg. 680/94, s. 3.

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