

Environmental Assessment Act  
Loi sur les évaluations environnementales

## **ONTARIO REGULATION 101/07**

### **WASTE MANAGEMENT PROJECTS**

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This Regulation is made in English only.

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## PART I

### INTERPRETATION

#### Definitions

1. (1) In this Regulation,

“change” includes, with respect to a waste disposal site, an alteration, enlargement or extension of the site;

“energy” includes electricity or steam;

“Environmental Screening Process for Waste Management Projects” means Part B of the Ministry of the Environment publication entitled “Guide to Environmental Assessment Requirements for Waste Management Projects” and dated March 15, 2007;

“forest products operations” includes the operations of a lumber mill, saw mill, pulp mill or similar facility;

“landfilling site” means a waste disposal site where landfilling occurs;

“renewable energy generation facility” has the same meaning as in the Electricity Act, 1998;

“renewable energy source” has the same meaning as in the Electricity Act, 1998;

“thermal treatment” includes incineration, gasification, pyrolysis or plasma arc treatment;

“thermal treatment site” means a waste disposal site where thermal treatment is used;

“total waste disposal volume” means, for a landfilling site or dump, the maximum volume of waste, including the volume of any daily or intermediate cover, to be deposited at the landfilling site or dump in the space extending from the base of the waste fill zone or the top of any engineered facilities located on the base of the landfilling site or dump to the bottom of the final cover;

“waste disposal site” has the same meaning as in Part V of the Environmental Protection Act. O. Reg. 101/07, s. 1 (1); O. Reg. 361/09, s. 1 (1).

(2) In this Regulation, the following words and expressions have the same meanings as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Environmental Protection Act:

1. Revoked: O. Reg. 361/09, s. 1 (2).

2. “Hazardous waste”.
3. “Liquid industrial waste”.
4. “Municipal waste”.
5. “Woodwaste”. O. Reg. 101/07, s. 1 (2); O. Reg. 361/09, s. 1 (2).

#### PART I.1

#### APPLICATION — RENEWABLE ENERGY GENERATION FACILITIES

##### Application

1.1 (1) This Regulation does not apply in respect of a waste disposal site that is a renewable energy generation facility. O. Reg. 361/09, s. 2.

(2) Despite subsection (1), this Regulation applies in respect of an undertaking designated under this Regulation that is a waste disposal site that is a renewable energy generation facility if,

(a) on a day before the day that subsection 4 (1) of Schedule G to the Green Energy and Green Economy Act, 2009 comes into force,

(i) the proponent was authorized under Part II or II.1 of the Act to proceed with the undertaking,

(ii) a notice of completion was issued or published by the proponent in respect of the undertaking and the proponent of the undertaking entered into a power purchase agreement with the Ontario Power Authority in respect of the supply of renewable energy from the undertaking, or

(iii) a statement of completion was filed with the Director of the Environmental Assessment and Approvals Branch in respect of the undertaking and all of the approvals, permits and other instruments mentioned in subsection 47.3 (1) of the Environmental Protection Act that are required to construct, install, operate or use the facility have been obtained;

(b) the facility has a name plate capacity of less than or equal to 500 kW and on an annual basis, less than 90 per cent of the electricity generated at the facility is generated from a renewable energy source;

(c) the facility has a name plate capacity of greater than 500 kW and on an annual basis, less than 95 per cent of the electricity generated at the facility is generated from a renewable energy source; or

(d) the undertaking consists of the changing of a facility mentioned in clause (a), (b) or (c). O. Reg. 361/09, s. 2.

#### PART II

#### DESIGNATION OF UNDERTAKINGS — ENVIRONMENTAL ASSESSMENT UNDER PART II OF ACT

##### Establishment of site

2. (1) The establishing of any of the following waste disposal sites is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies:

1. A landfilling site or dump with a total waste disposal volume of more than 100,000 cubic metres.

2. A thermal treatment site that uses coal, oil or petroleum coke as a fuel for thermal treatment at the site.

3. A thermal treatment site, if,

- i. the site does not use coal, oil or petroleum coke as a fuel for thermal treatment at the site,
- ii. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 10 tonnes, and
- iii. of the energy or fuel generated by thermal treatment at the site that is used, all of the energy or fuel is used to dispose of waste.

4. A waste disposal site at which hazardous waste or liquid industrial waste is finally disposed of. O. Reg. 101/07, s. 2 (1).

(2) Subsection (1) does not apply to the establishing of a thermal treatment site described in paragraph 2 of that subsection if,

- (a) the site is located at a commercial, industrial or manufacturing facility;
- (b) the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste;
- (c) more than 100 tonnes of waste are received at the facility per day; and
- (d) of the energy or fuel generated by thermal treatment at the site that is used,
  - (i) all of the energy or fuel is used at the facility, and
  - (ii) not all of the energy or fuel is used to dispose of waste. O. Reg. 101/07, s. 2 (2).

Change that results in site described in s. 2 (1)

3. (1) A change to a waste disposal site that is not described in subsection 2 (1) that would result in it becoming a waste disposal site described in that subsection is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies. O. Reg. 101/07, s. 3 (1).

(2) Subsection (1) does not apply to a change to a landfilling site or dump, if,

- (a) the change would result in the landfilling site or dump becoming a landfilling site or dump with a total waste disposal volume of more than 100,000 cubic metres; and
- (b) the total waste disposal volume of the landfilling site or dump after the change would exceed by 100,000 cubic metres or less the total waste disposal volume that the landfilling site or dump was authorized to have under the Environmental Protection Act before the change. O. Reg. 101/07, s. 3 (2).

Change to landfilling site or dump, increase in total waste disposal volume

4. A change to a landfilling site or dump is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the total waste disposal volume of the landfilling site or dump after the change would exceed by more than 100,000 cubic metres the total waste disposal volume that the landfilling site or dump was authorized to have under the Environmental Protection Act before the change. O. Reg. 101/07, s. 4.

Change to landfilling site or dump, excavation of waste

5. A change to a landfilling site or dump is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if,

(a) the change involves the excavation of waste that was previously disposed of at the landfilling site or dump; and

(b) the excavation would increase by more than 100,000 cubic metres the amount of waste that could be deposited at the landfilling site or dump without any increase in the total waste disposal volume that the landfilling site or dump is authorized to have under the Environmental Protection Act. O. Reg. 101/07, s. 5.

Change to landfilling site or dump, hazardous waste or liquid industrial waste

6. A change to a landfilling site or dump at which hazardous waste or liquid industrial waste is finally disposed of is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if,

(a) the total waste disposal volume of the landfilling site or dump after the change would exceed the total waste disposal volume that the landfilling site or dump was authorized to have under the Environmental Protection Act before the change; or

(b) the change involves the excavation of waste that was previously disposed of at the landfilling site or dump. O. Reg. 101/07, s. 6.

Change to thermal treatment site, use of energy or fuel

7. A change to a thermal treatment site is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if,

(a) of the energy or fuel generated by thermal treatment at the site that is used before the change, not all of the energy or fuel is used to dispose of waste; and

(b) of the energy or fuel generated by thermal treatment at the site that would be used after the change, all of the energy or fuel would be used to dispose of waste. O. Reg. 101/07, s. 7.

Change to thermal treatment site, increase in amount of waste

8. (1) A change to a thermal treatment site described in paragraph 2 or 3 of subsection 2 (1) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the amount of waste that would be subject to thermal treatment at the site on any day after the change would exceed the amount of waste that was authorized under the Environmental Protection Act to be subject to thermal treatment at the site before the change. O. Reg. 101/07, s. 8 (1).

(2) A change to a thermal treatment site at which hazardous waste or liquid industrial waste is subject to thermal treatment is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the amount of waste that would be subject to thermal treatment at the site on any day after the change would exceed the amount of waste that was authorized under the Environmental Protection Act to be subject to thermal treatment at the site before the change. O. Reg. 101/07, s. 8 (2).

Exceptions

9. (1) Despite sections 2 to 8, the establishing or changing of a waste disposal site is not designated under this Part as an undertaking to which the Act applies if,

(a) pursuant to the regulations made under the Environmental Protection Act, the establishing or changing of the site is exempt from section 27 of that Act; or

(b) pursuant to the regulations made under the Ontario Water Resources Act, the establishing or changing of the site is exempt from section 53 of that Act. O. Reg. 101/07, s. 9 (1).

(2) For greater certainty, nothing in this Part designates the acquisition or disposition of a waste disposal site or a change in the owner or person having charge, management or control of a waste disposal site as an undertaking to which the Act applies. O. Reg. 101/07, s. 9 (2).

### PART III

### DESIGNATION OF UNDERTAKINGS — ENVIRONMENTAL SCREENING PROCESS AVAILABLE

#### Environmental Screening Process

10. (1) An undertaking that is designated under this Part as an undertaking to which the Act applies is exempt from Part II of the Act if the undertaking is carried out in accordance with the Environmental Screening Process for Waste Management Projects. O. Reg. 101/07, s. 10 (1).

(2) If the proponent of an undertaking submitted an environmental assessment or proposed terms of reference in respect of the undertaking to the Ministry before March 23, 2007, subsection (1) does not apply to the undertaking unless, not later than 60 days after, March 23, 2007 the Director of the Ministry's Environmental Assessment and Approvals Branch has received written notice from the proponent stating that the undertaking will be carried out in accordance with the Environmental Screening Process for Waste Management Projects. O. Reg. 101/07, s. 10 (2).

(3) Subsection (1) ceases to apply to an undertaking if, in accordance with the Environmental Screening Process for Waste Management Projects, the Director gives the proponent a notice to prepare an environmental assessment. O. Reg. 101/07, s. 10 (3).

(4) If the proponent of an undertaking gives the Director a notice under subsection (2) and the Director subsequently gives the proponent a notice under subsection (3), subsections (2) and (3) do not affect the validity of anything done before March 23, 2007. O. Reg. 101/07, s. 10 (4).

(5) If, pursuant to subsection (1), Part II of the Act does not apply to an undertaking and proceeding with the undertaking conflicts with a condition imposed by an approval under the Act that applies to another undertaking, subsections 5 (4) and 12.2 (6) and section 38 of the Act do not apply to the condition to the extent of the conflict. O. Reg. 101/07, s. 10 (5).

#### Establishment of site

11. (1) The establishing of any of the following waste disposal sites is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies:

1. A landfilling site or dump with a total waste disposal volume of 40,000 cubic metres or more but not more than 100,000 cubic metres.

2. A thermal treatment site, if,

i. the site does not use coal, oil or petroleum coke as a fuel for thermal treatment at the site, and

ii. of the energy or fuel generated by thermal treatment at the site that is used, not all of the energy or fuel is used to dispose of waste.

3. A thermal treatment site, if,

i. the site does not use coal, oil or petroleum coke as a fuel for thermal treatment at the site,

ii. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is 10 tonnes or less, and

iii. of the energy or fuel generated by thermal treatment at the site that is used, all of the energy or fuel is used to dispose of waste.

4. A waste disposal site at which waste is handled, treated or processed, if, on an annual basis, an average of more than 1,000 tonnes of waste per day is transferred from the site for final disposal. O. Reg. 101/07, s. 11 (1).

(2) The establishing of a thermal treatment site that uses coal, oil or petroleum coke as a fuel for thermal treatment at the site is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if,

(a) the site is located at a commercial, industrial or manufacturing facility;

(b) the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste;

(c) more than 100 tonnes of waste are received at the facility per day; and

(d) of the energy or fuel generated by thermal treatment at the site that is used,

(i) all of the energy or fuel is used at the facility, and

(ii) not all of the energy or fuel is used to dispose of waste. O. Reg. 101/07, s. 11 (2).

Change that results in site described in s. 11 (1) or (2)

12. (1) A change to a waste disposal site that is not described in subsection 11 (1) or (2) that would result in it becoming a waste disposal site described in subsection 11 (1) or (2) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies. O. Reg. 101/07, s. 12 (1).

(2) Subsection (1) does not apply to a change to a landfilling site or dump, if,

(a) the change would result in the landfilling site or dump becoming a landfilling site or dump with a total waste disposal volume of 40,000 cubic metres or more but not more than 100,000 cubic metres; and

(b) the total waste disposal volume of the landfilling site or dump after the change would exceed by less than 40,000 cubic metres the total waste disposal volume that the landfilling site or dump was authorized to have under the Environmental Protection Act before the change. O. Reg. 101/07, s. 12 (2).

Change to landfilling site or dump, increase in total waste disposal volume

13. A change to a landfilling site or dump is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the total waste disposal volume of the landfilling site or dump after the change would exceed by 40,000 cubic metres or more but not more than 100,000 cubic metres the total waste disposal volume that the landfilling site or dump was authorized to have under the Environmental Protection Act before the change. O. Reg. 101/07, s. 13.

Change to landfilling site or dump, excavation of waste

14. A change to a landfilling site or dump is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if,

(a) the change involves the excavation of waste that was previously disposed of at the landfilling site or dump; and

(b) the excavation would increase by 40,000 cubic metres or more but not more than 100,000 cubic metres the amount of waste that could be deposited at the landfilling site or dump without any increase in the total waste disposal volume that the landfilling site is authorized to have under the Environmental Protection Act. O. Reg. 101/07, s. 14.

Change to landfilling site or dump, increase in rate of fill

15. A change to a landfilling site or dump described in paragraph 1 of subsection 2 (1) or paragraph 1 of subsection 11 (1), or to a landfilling site or dump that is a waste disposal site described in paragraph 4 of subsection 2 (1), is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the rate at which the landfilling site or dump is filled after the change would exceed the rate at which the landfilling site or dump was authorized to be filled under the Environmental Protection Act before the change. O. Reg. 101/07, s. 15.

Change to thermal treatment site, increase in amount of waste

16. A change to a thermal treatment site described in paragraph 2 or 3 of subsection 11 (1) or subsection 11 (2) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the amount of waste that would be subject to thermal treatment at the site on any day after the change would exceed the amount of waste that was authorized under the Environmental Protection Act to be subject to thermal treatment at the site before the change. O. Reg. 101/07, s. 16.

Change to site that transfers waste, increase in amount of waste

17. A change to a waste disposal site described in paragraph 4 of subsection 11 (1) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if, on an annual basis, the average amount of waste transferred from the site per day after the change would exceed by more than 1,000 tonnes the average amount of waste that was authorized to be transferred from the site for final disposal under the Environmental Protection Act before the change. O. Reg. 101/07, s. 17; O. Reg. 361/09, s. 3.

Change to geographic area

18. A change to a waste disposal site described in subsection 2 (1) or 11 (1) or (2) is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies, if the geographic area from which the site receives waste after the change would include any area from which the site was not authorized to receive waste under the Environmental Protection Act before the change. O. Reg. 101/07, s. 18.

Exceptions

19. (1) Sections 11 to 18 do not apply to the establishing or changing of a waste disposal site if the establishing or changing of the site is designated under Part II of this Regulation as an undertaking to which the Act applies. O. Reg. 101/07, s. 19 (1).

(2) Despite sections 11 to 18, the establishing or changing of a waste disposal site is not designated under this Part as an undertaking to which the Act applies if,

(a) pursuant to the regulations made under the Environmental Protection Act, the establishing or changing of the site is exempt from section 27 of that Act; or

(b) pursuant to the regulations made under the Ontario Water Resources Act, the establishing or changing of the site is exempt from section 53 of that Act. O. Reg. 101/07, s. 19 (2).

(3) For greater certainty, nothing in this Part designates the acquisition or disposition of a waste disposal site or a change in the owner or person having charge, management or control of a waste disposal site as an undertaking to which the Act applies. O. Reg. 101/07, s. 19 (3).

#### PART IV MISCELLANEOUS

##### Application of O. Reg. 116/01

20. Ontario Regulation 116/01 (Electricity Projects) made under the Act does not apply to anything that is designated under Part II or III of this Regulation as an undertaking to which the Act applies. O. Reg. 101/07, s. 20.

##### Undertakings otherwise subject to the Act

21. (1) Subject to subsection (2), Parts II and III do not affect the application of the Act to an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities. O. Reg. 101/07, s. 21 (1).

(2) Section 10 applies, with necessary modifications, to an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, if the undertaking would be designated under Part III as an undertaking to which the Act applies were it not an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities. O. Reg. 101/07, s. 21 (2).

(3) Clause 5 (2) (a) of Regulation 334 of the Revised Regulations of Ontario, 1990 (General) made under the Act does not apply to an undertaking by a municipality or municipalities, if the undertaking would be designated under Part II or III of this Regulation as an undertaking to which the Act applies were it not an undertaking by a municipality or municipalities. O. Reg. 101/07, s. 21 (3).

(4) If an undertaking is designated under another regulation made under the Act as an undertaking to which the Act applies and is also designated under Part III of this Regulation as an undertaking to which the Act applies, section 10 of this Regulation applies to the undertaking unless the undertaking is exempt from subsection 5 (1) of the Act under another regulation made under the Act. O. Reg. 101/07, s. 21 (4).

##### Exemption from s. 12 of Act

22. Section 12 of the Act does not apply to a change to an undertaking in respect of a waste disposal site. O. Reg. 101/07, s. 22.

##### Exemptions from Part II of Act

23. Despite any provision of the Act or Part II or III of this Regulation, Part II of the Act does not apply to any of the following things:

1. An undertaking in respect of a waste disposal site by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, unless, if the undertaking were not an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, the undertaking would be designated under Part II or III as an undertaking to which the Act applies.

2. A change to a waste disposal site, if,

i. the change is required by an order made under the Environmental Protection Act or the Ontario Water Resources Act, or

ii. the change involves the excavation of waste that was previously disposed of at the waste disposal site and a Director appointed under section 5 of the Environmental Protection Act or section 5 of the Ontario Water Resources Act is of the opinion that,

A. the primary purpose of the excavation is not to increase the amount of waste that will be deposited at the site, and

B. all of the purposes of the excavation are appropriate.

3. The establishing of a thermal treatment site, if the site would cease operation within 12 months after waste is first received at the site.

4. The establishing or changing of a thermal treatment site, if,

i. the site is located at a commercial, industrial or manufacturing facility,

ii. the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste,

iii. not more than 100 tonnes of waste are received at the facility per day, and

iv. of the energy or fuel generated by thermal treatment at the site that is used,

A. all of the energy or fuel is used at the facility, and

B. not all of the energy or fuel is used to dispose of waste.

5. The establishing or changing of a thermal treatment site, if,

i. the site is located at a commercial, industrial or manufacturing facility,

ii. the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste,

iii. all the waste that is subject to thermal treatment at the site is generated at the facility, and

iv. of the energy or fuel generated by thermal treatment at the site that is used, all of the energy or fuel is used to dispose of waste.

6. The changing of a landfilling site, if,

i. the change is an increase in the service area of the landfilling site or an increase in the rate at which waste may be received at the landfilling site from areas within its service area, and

ii. the increase referred to in subparagraph i is exempt, under section 5.2 of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Environmental Protection Act, from being the subject matter of a hearing under section 20.15 of that Act.

7. The establishing or changing of a waste disposal site, other than a waste disposal site where liquid industrial waste or hazardous waste is disposed of, if the Director is of the opinion that the establishing or changing of the waste disposal site will alleviate an emergency situation that exists by reason of,

i. danger to the health or safety of any person,

ii. impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it, or

iii. injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

8. The establishing or changing of a landfilling site or dump owned by a person engaged in forest products operations, if,

i. no hazardous waste or liquid industrial waste is deposited at the landfilling site or dump,

ii. the only waste deposited at the landfilling site or dump is produced by the person who owns the landfilling site or dump or by other persons engaged in forest products operations, and

iii. the waste deposited at the landfilling site or dump is predominantly solid process waste, such as woodwaste, effluent treatment solids, hog fired boiler ash, recycling process rejects, lime mud, grits or dregs.

9. The establishing or changing of a waste disposal site, if the only waste deposited, disposed of, handled, stored, transferred, treated or processed at the site is waste that, under Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Environmental Protection Act, is exempt from Part V of that Act. O. Reg. 101/07, s. 23; O. Reg. 361/09, s. 4; O. Reg. 250/11, s. 1.

Undertakings subject to class environmental assessments

24. (1) Despite subsection 10 (1) and section 23, Part II of the Act applies to an undertaking that is designated under this Regulation as an undertaking to which the Act applies if the undertaking is of a type that is subject to an approved class environmental assessment. O. Reg. 101/07, s. 24 (1).

(2) Subsection (1) does not prevent a proponent from proceeding with an undertaking that the proponent is otherwise authorized to proceed with in accordance with the approved class environmental assessment. O. Reg. 101/07, s. 24 (2).

(3) Subsections (1) and (2) apply, with necessary modifications, to an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, if the undertaking is of a type that is subject to an approved class environmental assessment. O. Reg. 101/07, s. 24 (3).

Application for approval to proceed

25. (1) Despite subsection 10 (1) and section 23, Part II of the Act applies to an undertaking that is designated under this Regulation as an undertaking to which the Act applies if the proponent applies to the Minister for approval to proceed with the undertaking. O. Reg. 101/07, s. 25 (1).

(2) Subsection (1) applies, with necessary modifications, to an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, if the proponent applies to the Minister for approval to proceed with the undertaking. O. Reg. 101/07, s. 25 (2).

Transition: establishing

26. (1) An undertaking that is designated under this Regulation as an undertaking to which the Act applies and that is the establishing of a waste disposal site is exempt from Part II of the Act if,

(a) construction of the waste disposal site lawfully began before March 23, 2007; or

(b) any approvals required to begin construction, and any approvals required under the Environmental Protection Act or the Ontario Water Resources Act to operate the waste disposal site, were obtained before March 23, 2007. O. Reg. 101/07, s. 26 (1).

(2) Subsection (1) applies, with necessary modifications, to an undertaking that is the establishing of a waste disposal site, if the undertaking is by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities. O. Reg. 101/07, s. 26 (2).

(3) For the purpose of clause (1) (a), construction is deemed to have begun,

(a) on the date on which the first contract was awarded for carrying out part or all of the construction, if any contracts were awarded for that purpose; and

(b) on the date on which the construction started, if no contracts were awarded for carrying out part or all of the construction. O. Reg. 101/07, s. 26 (3).

(4) Subsections (1) and (2) cease to apply to an undertaking on the fifth anniversary of March 23, 2007, unless construction of the waste disposal site is substantially completed before that date. O. Reg. 101/07, s. 26 (4).

Transition: changing

27. (1) An undertaking that is designated under this Regulation as an undertaking to which the Act applies and that is the changing of a waste disposal site that was constructed before March 23, 2007 is exempt from Part II of the Act if,

(a) the change of the waste disposal site lawfully began before March 23, 2007; or

(b) any approvals required to begin the change of the waste disposal site, and any approvals required under the Environmental Protection Act or the Ontario Water Resources Act to operate the waste disposal site after the change, were obtained before March 23, 2007. O. Reg. 101/07, s. 27 (1).

(2) Subsection (1) applies, with necessary modifications, to an undertaking that is the changing of a waste disposal site, if the undertaking is by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities. O. Reg. 101/07, s. 27 (2).

(3) For the purpose of clause (1) (a), the change is deemed to have begun,

(a) on the date on which the first contract was awarded for carrying out part or all of the change, if any contracts were awarded for that purpose; and

(b) on the date on which the change started, if no contracts were awarded for carrying out part or all of the change. O. Reg. 101/07, s. 27 (3).

(4) Subsections (1) and (2) cease to apply to an undertaking on the fifth anniversary of March 23, 2007, unless the change of the waste disposal site is substantially completed before that date. O. Reg. 101/07, s. 27 (4).

Transition: previous approvals

28. (1) Despite subsection 10 (1), section 23 and subsections 26 (1) and 27 (1), Part II of the Act applies to an undertaking that is designated under this Regulation as an undertaking to which the Act applies if, before March 23, 2007, an approval was issued for the undertaking under the Act. O. Reg. 101/07, s. 28 (1).

(2) Subsection (1) applies, with necessary modifications, to an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities if, before March 23, 2007, an approval was issued for the undertaking under the Act. O. Reg. 101/07, s. 28 (2).

(3) If Part II of the Act applies to an undertaking under subsection (1) or (2), the proponent shall proceed with the undertaking in accordance with the approval. O. Reg. 101/07, s. 28 (3).

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