

Regulations Designating Physical Activities under the *Canadian Environmental Assessment Act, 2012* Finalized and Filed

Threshold for Pits and Quarries raised to 3.5 million tonnes per year

Changes to the *Regulations Designating Physical Activities* (the Project List) under the federal *Canadian Environmental Assessment Act, 2012* (CEAA 2012) were finalized and filed by the federal Minister of the Environment last week.

OSSGA and the Cement Association of Canada worked during the public comment period last spring to bring concerns of industry regarding the proposed threshold of tonnage to the attention of the federal Minister, MPs and other federal officials. This effort was successful in affecting significant changes to the final regulations filed. Thank you to the Cement Association of Canada for their leadership on this file.

Background:

On July 6, 2012, the *Canadian Environmental Assessment Act* was repealed and replaced with the new *Canadian Environmental Assessment Act, 2012*. Under CEAA 2012, a federal environmental assessment may be required if the project is designated in CEAA 2012's project list, otherwise known as the *Regulations Designating Physical Activities*.

Directly impacting aggregate producers, these regulations originally listed "stone quarry or gravel or sand pit projects" with a production capacity of one million tonnes annually or more. These proposed *Regulations Designating Physical Activities* were released for public comment by the Government of Canada on April 12, 2013.

OSSGA and the Cement Association of Canada argued that the new regulations would add unnecessary legislative overlap to Ontario's already comprehensive approvals process. This overlap would result in more inefficiency in the licensing process and reduced investment in the aggregate industry.

Based on these concerns, and comments expressed by other stakeholders, the federal Minister of the Environment finalized the amendments to the Project List last week, on October 24, 2013. The final regulation reflected an increase to the annual tonnage threshold for inclusion in CEAA 2012 from one million tonnes per year to 3.5 million tonnes per year.

DATE: October 29, 2013

NEW Regulation: *Canadian Environmental Assessment Act*

The regulations amending the *Regulations Designating Physical Activities* and the *Regulatory Impact Analysis Statement* (RIAS) will be published in the Canada Gazette, Part II on November 6, 2013.

Updated Regulations: (which come into force once published in the Canada Gazette)

The final regulations are as follows:

16. The construction, operation, decommissioning and abandonment of a new:
(g) stone quarry or sand or gravel pit, with a production capacity of 3 500 000 t/year or more
17. The expansion of an existing:
(g) stone quarry or sand or gravel pit that would result in an increase in the area of mine operations of 50% or more and a total production capacity of 3 500 000 t/year or more

Further Information:

Public Notice: Amendments to the Regulations Designating Physical Activities

<http://www.ceaa-acee.gc.ca/default.asp?lang=en&xml=0DDF9560-6A8A-4403-B33A-B906AC6A1D93>

OSSGA Contact:

Mike Scott

Policy & Legislation Manager, OSSGA

Phone: (905) 507-0711 ext. 7

msscott@ossiga.com