

Building More Mines Act, 2023

FACT SHEET

March 2024

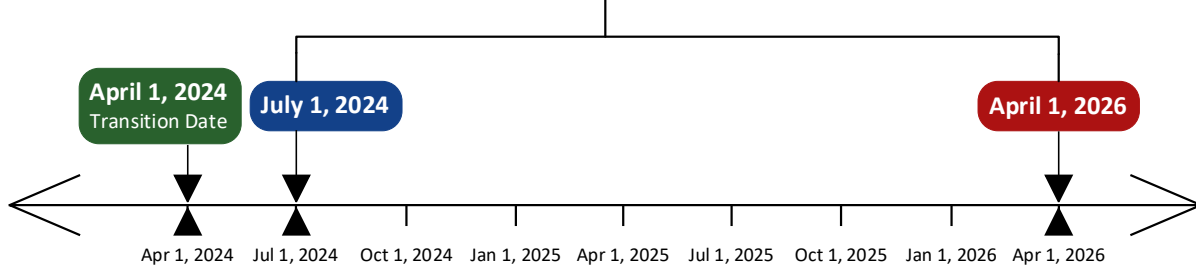
Transition Timeline

As of **April 1, 2024** the requirements under Ontario Regulation 35/24 will come into effect and apply to all new closure plans (CPs) and closure plan amendments (CPAs).

A proponent is not required to provide up-front qualified person (QP) certificates of conformance* in the following situations:

- Where a Notice of Project Status (NPS) for a CP is submitted on or before **July 1, 2024** and the CP to which that NPS relates is submitted on or before **April 1, 2026**; and
- Where a Notice of Material Change (NMC) for a CPA is submitted on or before **July 1, 2024** and the CPA to which that NMC relates is submitted on or before **April 1, 2026**.

Proponents including one or more certified alternative measures** in their CP or CPA **are always required** to provide up-front QP certificates of conformance for those measures, regardless of when an NPS or NMC is submitted to the Ministry.



The requirement to provide up-front QP certificates of conformance applies when a proponent submits an NPS or NMC after **July 1, 2024**.

Regardless of when an NPS or NMC was submitted, the requirement to provide up-front QP certificates of conformance applies when a proponent submits a CP associated with the NPS or a CPA associated with the NMC after **April 1, 2026**.

Regardless of when an NPS or NMC was submitted, proponents may choose to include up-front QP certificates of conformance at any time following the transition date.

* Up-front QP certificates of conformance are described in subparagraph 2 ii of Schedule 2 of O. Reg. 35/24. Where required, these certificates must be provided to the Ministry with the CP or CPA. **Other requirements to provide technical certifications through the closure planning process remain unchanged and still in effect.**

** Certified alternative measures are described in subsection 4 (3) of O. Reg. 35/24.

Transition Rules Under O. Reg. 35/24

The Rehabilitation of Lands regulation, O. Reg. 35/24, takes effect on April 1, 2024. To support a smooth transition from the previous framework into the new framework, the new regulation includes transition provisions which will be explained through this fact sheet.

Transition Period

The Ministry is providing a two-year transition period, from April 1, 2024 to April 1, 2026.

As illustrated in the above infographic, there are two key dates to be aware of during the transition period – July 1, 2024 and April 1, 2026.

Whether the new requirement to provide up-front qualified person (QP) certificates of conformance will apply is based on when specific regulatory items are submitted to the Ministry in relation to these dates.

Proponents are reminded that other requirements to provide technical certifications through the closure planning process remain in effect.

Transition Rules

- A. The proponent **is not required** to provide up-front QP certificates of conformance for the initial submission of the closure plan (CP) if:
 - i. there is no filed CP with respect to a project on the transition date,
 - ii. the proponent submits a notice of project status (NPS) on or before July 1, 2024, and
 - iii. the proponent submits a CP associated with the NPS on or before April 1, 2026.

 - B. The proponent **is not required** to provide up-front QP certificates of conformance for the closure plan amendment (CPA) to which the notice of material change (NMC) relates if:
 - i. there is a filed CP with respect to a project on the transition date,
 - ii. the proponent submits an NMC before the transition date or on or before July 1, 2024, and
 - iii. the proponent submits a CPA associated with the NMC on or before April 1, 2026.
- ➔ For clarity, where a proponent is making amendments to a CP, they **are required** to provide up-front QP certificates of conformance with the CPA **only for the Parts of the Code relevant to the amendment.**

- C. The proponent **is required** to provide up-front QP certificates with the CP or CPA if they submit an NPS or NMC after July 1, 2024.
- D. The proponent **is required** to provide up-front QP certificates with the CP or CPA if they submit a CP or CPA after April 1, 2026, regardless of when an NPS or NMC was submitted.
- E. The proponent **is always required** to provide up-front QP certificates of non-conformance if they intend to include certified alternative measures in the CP or CPA.
- F. Although the up-front QP certificates of conformance **are not required** during the transition period in situations described above under A and B, the proponent has the flexibility to include these certifications of conformance with the CP or CPA submission, should they choose.
- G. Under the new framework, the Ministry will be ending its practice of completing advanced review of draft CPs and CPAs. Ministry advanced review of draft CPs and CPAs **will only be completed** during the transition period where a proponent meets the transition rules described above under A and B.

Example scenario 1:

An NPS is submitted to the Ministry February 1, 2024, the CP is submitted May 1, 2025 and will not include any certified alternative measures.

- ➔ Up-front QP certificates of conformance **are not required** to be provided to the Ministry along with the CP.

Example scenario 2:

An NPS is submitted to the Ministry May 1, 2024, the CP is submitted May 1, 2025 and **will** include a certified alternative measure.

- ➔ Up-front QP certificates of non-conformance **are required only** for the certified alternative measures.

Example scenario 3:

An NMC is submitted to the Ministry August 1, 2024.

- ➔ Up-front QP certificates of conformance **are required** to be provided to the Ministry along with the CPA for the Parts that are relevant to the changes in the CPA.