



Environmental
Assessment Office

Suspensions and Extensions of Prescribed Time Limits

Appropriate uses of Sections 24 (2), 24 (4) and 30 (1) of the Act

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INTRODUCTION

The purpose of this document is to clarify when it is appropriate to apply S. 24 (2) of the *Environmental Assessment Act* (the Act) to suspend the prescribed time limits for and when to apply S. 24 (4) of the Act to extend it. This applies primarily in relation to the 180 day time limit for the review of applications.

Suspensions under S. 30 (1) of the Act, which authorizes the suspension of the application review process due to an inquiry or investigation external to the EAO, are also discussed.

SUSPEND 180 DAY APPLICATION REVIEW PERIOD: SECTION 24 (2)

Once accepting an application for an EAC, the EAO must submit an assessment report to Ministers for decision within 180 days.

Section 24 (2) of the Act authorizes the Executive Director to suspend the 180-day time limit under the Act. A suspension may be issued under the following scenarios:

- The proponent requests a delay of the application review (most common reason for suspension);
- The EAO requires the proponent to provide more information, and it is the opinion of EAO staff that the request warrants additional time; or
- A required action has not been taken by a proponent, prompting the EAO to suspend the prescribed time limit for application review.

Suspensions are not used when the EAO requires more time to complete application review, or in response to an error or omission of the EAO; in these cases, extensions under Section 24 (4) of the Act are more appropriate (see below).

It is the EAO's policy that suspensions are granted and remain in effect until the information required is submitted or an action is completed by the proponent, and deemed acceptable to the EAO (e.g. working group comment responses are received, response to formal information request is received). It is no longer the EAO's practice to issue a suspension for a specified period of time.

Suspensions are established by way of letter signed by the Executive Director, and detail what action is being requested of the proponent, and under what conditions the Executive Director would consider

Statutory Authorities

Under Section 3 (b) of the Prescribed Time Limits Regulation (PTLR), an application for a certificate must be assessed within 180 days of the EAO receiving a completed application from a proponent.

Section 24 (2) of the Act authorizes the Executive Director to suspend the prescribed S. 3 (b) time limit.

More than one Section 24 (2) suspension may be granted to a particular review period. However, the total period may not exceed three years (PTLR S. 6 (1)).

resuming the environmental assessment (EA). The letter is posted to EPIC with a “What’s New” item on the EAO’s front page. For example: [Woodfibre LNG](#).

The total time an application can be suspended is for a maximum of three years, calculated by adding together time elapsed under each suspension. The total time spent in suspension must be tracked to ensure the three year maximum is not exceeded.

LIFTING A SUSPENSION

Once the EAO is satisfied with the information submitted, the suspension is lifted, and the time limit resumes. The EAO will send a letter to the proponent indicating when a suspension is lifted. The letter is posted to EPIC with a “What’s New” item on the EAO’s front page. For example: [Woodfibre LNG Lifting Suspension](#).

EXTENSION OF ANY PRESCRIBED TIME LIMIT UNDER THE ACT SECTION 24 (4)

S. 24 (4) of the Act authorizes the Minister or Executive Director to extend any time limit prescribed under the Act. This power is not delegated to EAO staff.

APPLICATION TO PRESCRIBED TIME LIMITS:

Occasionally, more time will be required for:

1. The EAO to complete the 30 day application evaluation (screening) period; or
2. The EAO to review an application - for example, to consult on the draft assessment report and table of conditions; and/or
3. Ministers to reach a decision on an application for an environmental assessment certificate (certificate).

In any of these scenarios, a time limit extension Order under S. 24 (4) of the Act will be used to extend the prescribed time limit when it is the EAO or the Ministers who require additional time for completion of a particular step of the EA (as opposed to a suspension under S. 24 (2) of the Act that gives the proponent additional time to complete an action) For example: [Cache Creek Landfill Extension](#). S. 24 (4) has recently been used to extend timelines to accommodate a public comment period on the draft assessment report. For example: [Kemess Underground](#).

A time limit extension order can be made even if the respective time limit has already expired (i.e. retroactive extension).

SUSPENSION OF ASSESSMENT PROCESS PENDING OTHER INQUIRIES - SECTION 30 (1)

APPLICATION OF SECTION 30 (1)

Section 30 (1) of the Act enables the Minister to issue an Order suspending applicable time limits for an EA, up to the point of making a certificate decision under Section 17 (3); or, a decision under Section 19 (3) in respect of an application to amend a certificate, pending the outcome of an investigation, inquiry, hearing or other process, being carried out by any level of government (including an assessment being conducted by the Canadian Environmental Assessment Agency). Note that Section 30 (1) cannot be used to suspend an assessment to await the conclusion of a court proceeding.

EXAMPLES OF ORDERS ISSUED UNDER SECTION 30 (1)

The following are examples of past Orders under Section 30 (1), suspending the time limits for a decision by Ministers.

Vancouver Airport Fuel Delivery Project

In this [example](#), the EA of the proposed Vancouver Airport Fuel Delivery Project was suspended in 2013 while the BC government developed policies for both land based and marine spills. The pending implementation of these policies was seen to potentially have a material impact on the outcome of the EA, and the S. 30 (1) provision was used to suspend the project review until these government policies were finalized.

Morrison Copper/Gold Mine Project

In response to the August 2014 breach of the tailings dam at the Mount Polley Mine near Likely, BC, the BC government appointed an Independent Expert Engineering Investigation and Review Panel to establish the causes of the dam breach and make recommendations.

At that point in time, the Application for the Morrison Copper/Gold Mine Project was under review. Because the findings of the panel had the potential to materially impact the decision, the Minister of Environment suspended the time limit on the decision making period.