

Municipal Engineers Association
**2010 Amendments to Municipal Class Environmental
Assessment (2007)**

Consultation Report

Prepared for:

Municipal Engineers Association

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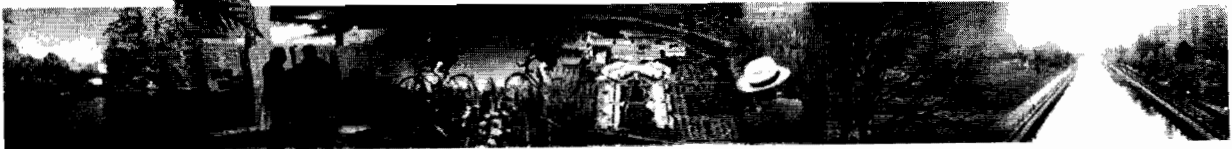


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1.0 Introduction

The Municipal Class Environmental Assessment (MCEA) is a living document. In 2006/07, MEA supported by its volunteer members, partners from the Transit Community and the Ministry of Environment, developed a series of amendments to address comments from the five year review and to expand the scope and improve the function of the Municipal Class EA (MCEA). Ongoing dialogue with stakeholders identified that additional modifications are required to the MCEA.

Under the MEA Class EA, proponents carrying out a municipal project are able to take advantage of an integration provision that allows the relevant assessment work conducted during planning processes to be considered during an environmental assessment. By combining environmental assessment and land use planning requirements into a single process, proponents can streamline their efforts and more effectively meet the requirements of both the Planning Act and Environmental Assessment Act. The Municipal Engineers Association (MEA) of Ontario, in partnership with the Ontario Ministry of the Environment (MOE), is undertaking a process to amend the MEA Class Environmental Assessment.

The amendments will serve to clarify, enhance and promote the use of the integration provision with the Planning Act in the Class EA. The enhanced, integrated process would recognize the inter-relationships among economic, environmental and social factors that are currently considered through existing planning processes. At the same time, it is an opportunity to update the Schedule definitions based on input received from stakeholders.

2.0 Consultation Overview

A vital step in the process was to ask for input from key stakeholders to help guide the formulation of the amendments. Several methods of consultation were developed to aid the process and included a comment-questionnaire and series of web-based focus groups. The following sections describe the consultation process undertaken, the material circulated and a summary of the results.

3.0 MEA Website Notification

On January 15, 2010 the MEA posted "Notice of Proposed Amendments and Clarifications for 2007 MCEA" at <http://www.municipalengineers.on.ca/>. The information included a 117 page document explaining the proposed new schedule clarifications, process examples, and proposed wording amendments to improve the 2007 MCEA. The information was posted on the MCEA News page of the web site where postings are made for the general public.

4.0 Comment-Questionnaire

A Comment-Questionnaire was developed to elicit comments and recommendations from varied stakeholders of the MCEA. The questionnaire focused on the integrated review process and other minor modifications to the project schedules which had been prepared by the MEA in draft format. A copy of the Comment-Questionnaire is attached as Appendix A.

4.1 Notification and Distribution

The Comment-Questionnaire was circulated to industry stakeholders using various email distribution techniques by the consulting project manager and project team on behalf of the MEA. Over 1000 individuals including municipalities, associations and organizations were contacted including:

- Email circulation to municipalities of Ontario;
- Email circulation to recognized industry organizations and practitioners operating in the Province of Ontario; and
- Email blast by the Ontario Professional Planner Institute.

A consultation deadline was set for September 10th, 2010 allowing for an approximate two week review and comment period.

4.2 Response Rate

Comments received through this consultation method were distributed among municipalities, practitioners/industry professionals and associations as illustrated below. It should be noted that responses received from the municipalities and associations provided a united response from numerous municipal staff and association members.

Municipalities:	Practitioners/Professionals:	Associations:
Municipality of Red Lake	Triton Engineering (Fergus, Ontario)	Ontario Society of Professional Engineers (OSPE)
County of Perth	Graham Bird and Associates (Ottawa, On)	Ontario Professional Planners Institute (OPPI)
City of Clarence-Rockland	Minto Development Inc. (Ottawa, On)	Residential and Civil Construction Alliance of Ontario (RCCAO)
Municipality of Port Hope	Anthony Usher Planning Consultant (Toronto, On)	Association of Municipalities of Ontario (AMO)
City of Toronto	Amos Environment and Planning (Bracebridge, On)	
City of Hamilton	AMEC (Burlington, On)	
City of Ottawa		
City of Brampton		
York Region		
City of Ottawa		
Town of Whitby		
Region of Peel		

4.3 Completed Comment Questionnaires

Comment-Questionnaires were completed and returned via email. The following is a detailed listing of the comments received.

Are there other aspects of the integration provisions that you believe requires clarifications?

The objective of reviewing the integrative provisions is to clarify, enhance, and promote the use of the integration provision in the MCEA and to reduce potential duplication, delays and unnecessary costs to the developer and municipalities. A total of 15 individual comments were received in response to improvements to the integration provisions in the Class EA. The majority of the responses provided support for the review and the need for additional clarifications. Frequent comments focused on the following subject areas:

- A lack of clarity in Appeal provisions;
- The range of planning applications that could follow the integrative process
- A lack of direction on boundary variation situations; and
- Project change or amendment processes.

A detailed list of comments/recommendations and the number of similar responses is provided in Table 4-1. A response from the study team as to how the comment has or will be dealt with is also provided.

Table 4-1: Integration Provision Comments/Recommendations

Comment	Number of Responses	Review Comments
Generally in support of review.	7	Noted
Opportunities for Appeal: - Requires much more clarification including appeal process. - What powers does the OMB have.	3	- A legal opinion on the powers of the OMB relating to EA projects has been requested from the Ministry of Municipal Affairs and Housing.
Types of Planning Act Applications that apply: - The types of Planning Act applications should not be adjusted from those currently identified. Other applications are to low on the hierarchy and are implementation tools. - There should be flexibility in the type of Planning Act applications that can currently follow the integrated process.	3	- Reviewed by the project team and no changes are proposed.
Boundary Variation: - There should be flexibility to allow for different boundaries between EA projects and planning application boundaries. How this is accomplished needs to be clarified in the Class EA document	3	- This review aims to clarify the boundary conditions in the Integration Process. See revisions to Section A.2.9
Could clarify how and when a proponent could issue an interim statement of completion to allow people to review the Master Plan, provide comments and let the proponent then call phases 1 and 2 to a close.	2	- An interim statement is not required; this would be covered in the Notice of Completion. Subsequent phases of the EA process (3 & 4) would require additional notices. See sample notices.
Change Process/Implementation: - Once a project is approved via a Planning Act approval, the proponent would make changes through further planning act processes and approvals. This was a negotiated solution in the 1999 task force to add clarity and an incentive of the integrated approach. The rationale was that Planning Act instruments are reviewed and updated every 5 years while subdivisions would be implemented in a relatively short time frame. - Utilize the processes that would otherwise apply to each instance (EA or Planning Act) depending on the aspect of the project that requires the change.	2	- This review aims to clarify the change/amendment process in the Class EA document
Clarification on which processes/reviews are supposed to fulfill the Class EA if pre-approved.	1	- Pre-Approved projects are not subject to EA documentation.
A professional planner should form part of the team.	1	- Planners and engineers need to work together to effectively manage the EA process. The Education and Outreach program will be aimed at both practitioner groups to facilitate a better understanding of the EA requirements
Integration is a challenge when you consider the level of detail required for various level of planning documents (i.e. Secondary Plans cannot consider alternative designs and by the time you get to plans of subdivision you are usually beyond alternative solutions. Consider the benefits of coordination vs. integration. eg. Growth Related Integrated Development Strategy, Hamilton.	1	- Those planning processes that follow an integrated process must meet the documentation and consultation requirements of both the Planning Act and the EA Act. Those OP and Secondary Plan studies that do not provide enough detail cannot be integrated or may fulfill only certain phases of the Class EA with the

Comment	Number of Responses	Review Comments
		understanding that further studies are required to meet subsequent phases of the Class EA.
The ability to file phases 1 and 2 as part of a Master Plan would improve the current situation so that solutions reached during the master plan process could not be challenged during Phase 3 or 4, only the design solutions.	1	- A Notice of Completion is filed following the completion of Phase's 1 and 2 of the Master Planning process. Additional work would be required on schedule C projects.
There is a disconnect between the requirements of a Class EA and the process required by the Planning Act. A clear understanding of when a Planning Act approval is sufficient is required.	1	- This review aims to clarify the change/amendment process in the Class EA document
Incentives for using the integrated approach should be apparent in the clarified text.	1	- This review aims to clarify the integration process in the Class EA document. See revisions to Section A.2.9
Clarifications should be test piloted on "real planners" and EA practitioners with real scenarios	1	- Professional planners and EA practitioners are part of the stakeholders consulted for this review.
Class EA should provide titles for reports ie. <i>Transportation Report in support of Integrated Approach, Water (or wastewater) Report in support of Integrated Approach.</i>	1	- To be addressed in this review. See revisions to Section A.2.9
Sample notices are necessary	1	- Sample notices are being prepared as part of this review.
Add clarification that Master Plans are a valid form of the integrated approach and provide sample notices	1	- Master Plans are presently noted as a study that can follow the integrated process (Approach 1). Sample notices are contained in the Class EA.
Means to address clarifications required for the integrated approach needs to continue into a code of practice for the integrated approach.	1	- Revisions to the Code of Practice are being prepared as part of this review.
Provide clarification that the problem statement for the integrated approach should address the specific servicing needs of the proposed development and avoid proponents from evaluation a do-nothing alternative.	1	- The Integrated process does not eliminate the evaluation of a Do Nothing Alternative. The Do Nothing alternative provides a baseline for evaluating alternatives.
Provide a typical integrated approach chronology flow chart.	1	- A typical integrated approach flow chart is being prepared as part of this review. See revisions to Section A.2.9
Re-wording suggestions: - Section A.2.9, Paragraph 1: "... <i>This Class EA recognizes the desirability of co-ordinating or integrating the planning processes and approvals under the EA Act with the processes and approvals under the Planning Act...</i> " - Section A.2.9 Paragraph 2 ii): "... <i>meets the intent of the Class EA by fulfilling the applicable requirements as outlined in this section during the Planning Act Process.</i> " - Section A.2.9.2, Paragraph 1 B), bullet 1: <i>As applicable, consultation as described in section A.3 with potentially affected parties...</i> and bullet 2: "... <i>identification and consideration of the effects of each alternative on all aspects of the environment as defined in the EA Act (see glossary or EA Act).</i> "	1	- Will be evaluated as part of revisions to Section A.2.9.

Schedules: Do you have any comments on the proposed changes?

MEA had prepared a preliminary list of possible changes to the activity schedules for roads, water, wastewater, and transit projects. The aim of the revisions is to:

- Redefine local activities as Schedule A projects;
- Identify minor activities with follow-up approvals redefined as Schedule A projects;
- Recognition of more project types under an integration process; and
- Modifications for 40 year old structures.

The majority of the comments focused on Activity 23 under the Roads Schedule and the proposal to allow collector and arterial roads as Schedule A projects. A large number of additional activities were also identified as requiring review by reason of also being local projects or requiring follow up approvals under other Acts.

A detailed list of comments/recommendations and the number of similar responses is provided in Table 4-2. A response from the study team as to how the comment has or will be dealt with is also provided.

Table 4-2: Project Schedule Comments/Recommendations

Comment	Number of Responses	Review Comments
<p><i>Activity 23 Roads:</i></p> <ul style="list-style-type: none"> - Agree arterial and collector roads as part of a CDP should be EA approved. - Proponency needs to be clarified. - Should only apply to new roads. - Could apply to associated water and wastewater projects - Integration is an alternative way to fulfill Class EA requirements. If the project is an A then there is no need for an integrative process. - Normally collector and arterial roads service areas larger than those contained on a site plan, consent, plan of subdivision, plan of condo or development permit. Although OP's and secondary plans reference these plans the level of assessment and consultation as part of the planning process is very limited. EA's are usually undertaken for these roads identified in these plans. Reference to OP and Secondary Plans should be removed. - Four approaches to undertaking Master Plans if approach 3 or 4 of MCEA process undertaken it should be acknowledged. Suggested wording as follows: <i>"Construction of local roads and collector or arterial roads that are identified in a Master Plan that was prepared in accordance with Approach 3 or 4 of the MCEA process, and which are..."</i> - Could be broken into two items: <ol style="list-style-type: none"> 1. Delete reference to Master Plan which is a class EA study completed in compliance with section A.2.7 and instead refer to Master Environmental Servicing Plans which are created in support of instructure for OP's and Secondary Plans. Clarify that arterial and collector roads construction would not need to be added as a condition of approval for other planning act applications since this would confuse 	12	<p>Has been addressed.</p> <ul style="list-style-type: none"> - Agreed. A legal opinion as to whether or not a private developer can be a proponent for Schedule B projects has been requested from the Ministry of the Environment. - To be evaluated as part of this review - OP and Secondary Planning processes that follow an integrative process must meet the documentation and consultation requirements of both the Planning Act and the EA Act. Those OP and Secondary Plan studies that do not provide enough detail cannot be integrated or may fulfill only certain phases of the Class EA with the understanding that further studies are required to meet subsequent phases of the Class EA. - To be evaluated as part of review. - To be evaluated as part of review.

Comment	Number of Responses	Review Comments
<p>whether a private or municipal proponent could use this provision (only developers are subject to conditions of approval under the planning act). Suggested Wording: <i>"Construction of local roads and collector or arterial roads that are identified in a Master <u>Environmental Servicing Plan, an Official Plan or Official Plan Amendment or a Secondary Plan approved as an Official Plan Amendment</u>"</i></p> <p>2. Clarify that local roads are schedule A when they are a condition of approval <i>"Local Roads which are required as a condition of approval on a site plan, consent, plan of subdivision, plan of condominium, or development permit which will come into effect under the Planning Act prior to the construction of the road."</i></p> <ul style="list-style-type: none"> - There are instances where an integrated process for new local roads in areas that are to be comprehensively developed may be redundant but planning may also benefit from an EA type approach, involving reviewing alternatives, where sensitive features and crossings are involved. - Add OPA to list of planning tools. - Support the expansion of the Schedule A list of projects to include collector and arterial roads - Masterplans should also be considered as a planning application where certain projects are pre-approved. 		<ul style="list-style-type: none"> - To be evaluated as part of review. - Official Plan Amendments are already recognized as planning tools that could benefit from the integrated process. - To be evaluated as part of review - Beyond the scope of this review, to be evaluated in future reviews.
<p><i>Activity 9 Wastewater:</i> Installation of standby power equipment where new equipment is located in a new building or structure. Now subject to O.Reg 116/01. Should also apply to potable water treatment plants and should also be a schedule A Activity (Activity #6 under water projects).</p>	3	<ul style="list-style-type: none"> - Change to be part of this review
<p><i>Activity 30 Roads and new Activity Definition:</i></p> <ul style="list-style-type: none"> - It is suggested that the proposed new activity definition be altered so that the descriptions are similar except for the historical significance of the structure. <p><i>"Reconstruction or alteration of a structure or grading adjacent to it when the structure is over 40 years old but the structure is not historically significant, where the proposed work will alter the basic structure system, overall configuration or appearance of the structure."</i></p> <ul style="list-style-type: none"> - Perhaps this could be simplified by saying anything that is historically significant is a B/C and anything that is not is an A. Perhaps the reference to 40 years old is irrelevant. - Consideration should be given for addressing such bridges under the Heritage Act rather than the EA Act. In such cases heritage bridges could be classified as schedule A+. - The screening process should be clarified. 	4	<ul style="list-style-type: none"> - Recommendation to be evaluated as part of this review - 40 year timeframe is agreed to by the Ministry of Culture - The <i>Heritage Act</i> only deals with designated structures - Screening criteria will be developed by the Ministry of Culture

Comment	Number of Responses	Review Comments
<p>Changes to Patrol Yards and Maintenance and Service Facilities (Activity 30, 37, 38 Roads, 12, 14 Wastewater, 7, 9 Water):</p> <ul style="list-style-type: none"> - Serious concern with changing activity to schedule A – most municipal zoning by-laws work yards and similar facilities are classed as infrastructure projects or public uses that are exempt from zoning requirements. These lands can be developed and expanded with no requirement for consultation or Planning Act approvals - Support for change but would also support change to A+ 	2	<ul style="list-style-type: none"> - Rationale for change has been reconfirmed with Project Steering Committee.
<p>Activity 11 Roads:</p> <ul style="list-style-type: none"> - Add street trees and sidewalk improvements to the description - Support this change to A+ 	2	<ul style="list-style-type: none"> - Trees are included with the landscaping component. Sidewalk improvements have been added.
<p>Activity 12 Roads:</p> <ul style="list-style-type: none"> - Guard rails should remain as A not A+ - Support Guard rail change from B to A+ 	2	<ul style="list-style-type: none"> - Change to be part of this review
<p>Activity 15 Roads: Installation of safety projects – similar in scope to item 13. Dollar amount could be raised to \$8.7m and/or that >2.2m be a A+ activity.</p>	1	<ul style="list-style-type: none"> - May be considered with the scope of the 5 years MCEA review
<p>Significant overlap between road and transit schedules - a culvert is a culvert.</p>	1	<ul style="list-style-type: none"> - Activities are repeated to focus on nature of the project (i.e. roads, water, etc.) No change to be made
<p>Activity 18 & 26 Roads:</p> <ul style="list-style-type: none"> - If a ditch or large culvert is A+ why is a small bridge B or C - Support change from B to A+. Storm water management systems are also regulated by MOE pursuant to Ontario Water Resources Act and require a Certificate of approval for construction and operation. 	1	<ul style="list-style-type: none"> - Definition of culvert has been added to the glossary - Definition aims to clarify that the impacts of drainage works are evaluated by follow up approvals under the OWRA and not directly connected to the activity associated with the culvert.
<p>Agree streetscaping status changed to an A. However, we suggest for projects that have a streetscaping component, the cost associated with streetscaping should not be included in the overall project costs. Suggest the following wording for streetscaping projects:</p> <p><i>“Streetscaping (e.g. decorative lighting, benches, landscaping not part of another project). Should streetscaping be part of another project the resulting project schedule will be that of the other project as long as the other project schedule is A+ or higher. In addition, where streetscaping is part of another project, the cost of the streetscaping component of the overall project is not to be included in determining the overall project schedule.”</i></p>	1	<ul style="list-style-type: none"> - May be considered with the scope of the 5 years MCEA review
<p>Activity 5 Transit: Agrees with B to A+</p>	1	<ul style="list-style-type: none"> - Change to be part of this review
<p>Based on the rationale give for changing projects to A+, the following have a similar rationale:</p> <ul style="list-style-type: none"> - Roads: Activity 9 (similar to 37); 13 & 15 (similar to 12); 14 (similar to 38) - Wastewater, Schedule B: Activity 2 & 3 (similar to 18) - Transit: Update for O.Reg 231/98: Activity 7 & 10 (similar to 5); 30 (similar to 38 for roads). 	1	<ul style="list-style-type: none"> - Trying not to mix up normal or emergency operational activities with projects

Comment	Number of Responses	Review Comments
<i>Activity 7 Water:</i> Municipal proponents are not technically subject to conformity with local Planning Act requirements and thus this is problematic but agree with the general thrust of the change. Proposed wording: <i>"Expansion, improvement or modification to existing patrol yard equipment or material storage facility and maintenance facilities where land acquisition is required <u>provided project conforms to local Planning Act requirements.</u>"</i>	1	- Minor change to wording has been incorporated
<i>Activity 14 Wastewater and Activity 9 Water:</i> - Add examples of new service facilities (i.e. including patrol yards, storage and maintenance facilities, parking lots for service vehicles) as found in the MCEA to be clear. - Agree with change to schedule A for new service facilities.	1	- Change to be part of this review
<i>Activity 17 Wastewater:</i> Add phrases to be clear that approval pursuant to the Planning Act and technical requirements for new or expanded SWM facility are confirmed through C of A Process. These are matters of local interest vs. provincial interest. Suggested wording: <i>"Construction of <u>new or expanded</u> stormwater management facilities <u>including those of a type listed in Schedule C, Activity 7</u> which are required as a condition...."</i>	1	- Change to be part of this review
Could reference be made to roundabouts within an existing item	1	- Refer to Activities relating to traffic calming or intersection modifications (Activity 12 Roads). No change required.
Activity 39 Roads: The impact of retiring an existing road may have significant consequences (i.e. traffic operations perspective) or adjacent facilities/properties...thus A+ may not be appropriate in this scenario.	1	- To be discussed with Project Steering Committee
Could an Activity be revised to make reference to "modifications of an existing intersection to restrict some traffic movements (i.e. eliminating lanes)	1	- To be discussed with Project Steering Committee
New item: consideration should be given to the following case of replacing a storm water quality pond with an oil/grit separator. The pond may have been constructed at a time when oil/grit separators were unable to perform adequately but now may be suitable.	1	- An oil and grit separator is a component of an overall management system and should not have EA requirements individually. The requirement for a new water quality pond is a Schedule C.
Activity 16 Roads: Support change to A	1	- Change to be part of this review
Activity 7 Wastewater, Activity 4 Water: Support Change to A.	1	- Change to be part of this review
Activity 5 Transit: Support change to A	1	- Change to be part of this review
Threshold dollar values should be indexed on an annual basis to an objective construction cost index applicable to the Province of Ontario. Specifically recommend the Ontario Ministry of Transportation's Construction Price Index used in relation to MTO highway construction projects and tenders.	1	- The schedule dollar amounts are updated annually and posted on the MEA website

Other General Comments on the Class EA

A number of other comments were received during the Comment-Questionnaire process with regard to other minor amendments/clarifications proposed by MEA. A detailed list of the comments/recommendations and the number of similar responses is provided below.

General Comments

Changes to definitions proposed wording for Project Identification and Piecemealing:

From the problem statement, the proponent will develop a project. In assessing the magnitude and extent of a problem and the resulting scope of the project, it is important that the project not be broken down, or piecemealed, into component parts or phases, with each part being addressed in a separate project. If the component parts are being planned together, and are dependent on each other, then all the components must be combined and dealt with as a single project for the purposes of the Municipal Class EA. For example, if a proponent is planning a new project to be built in phases across a new development area, the entire project should be planned via the Class EA process most appropriate for the project at the onset. Nothing in this approach hinders the proponent from implementing a project in phases."

The wording returns the statement substantially to its original version. The proposed revision was flawed in that it spoke to separate studies, not the purpose of the planning project components together for the purposes for the class EA. Would like to review proposed changes to the First Nations Consultation sections.

NB This section has been deferred to a later stage

Other comments received are beyond the scope of this review of the Class EA document. The comments and recommendations received have been provided to MOE/MEA for further review during subsequent interim or statutory reviews of the Class EA document. These include:

- Trenchless Technologies warrant consideration in the Class EA
- There are inconsistencies in the advice/guidance given between MOE jurisdictions
- Ferry services are not considered under either roads or transit schedules
- Definitions/scope for major/minor amendments could be clearer
- Class EA document should be available for free download from the MEA website or MOE website.
- Staff qualifications for MOE need to include greater Planning Act experience to better address issues around the integrated approach
- There continues to be a need for an accessible registry of Class EA approval processes to facilitate monitoring of how Class EA's are occurring and to share good professional practice. The EBR already supports some approvals – why not Class EA's.
- A decision by a municipality as to whether to carry out a Class EA process is not appealable. There should be some form of appeal or adjudication process available to resolve such situations when they arise.
- Class EA definitions can be updated to include more examples of projects – this would be more effective
- The Director of the Environmental Assessment and Approvals Branch should be delegated the power to refuse a Part II Order Request that is being used to frustrate the implementation of a project that has already had extensive public consultation.
- The way in which the Class EA is structured and implemented may re-enforce the status quo in terms of existing municipal and engineering standards that apply to active transportation and enhanced transit. Projects to implement such initiatives are Schedule C projects. In that sense the document might be an obstacle to the application of project designs needed to support healthy communities, especially where new municipal facilities are needed beyond those that are typically found in design manuals and mandated by the Highway Traffic Act.
- The Director of the Environmental Assessment and Approvals Branch should be delegated the power to refuse a Part II Order Request that is being used to frustrate the implementation of a project that has already had extensive public consultation.

- The Class EA should include a more comprehensive description of the way projects may relate to provincial policies such as the PPS, the Growth Plan for GGH, the Oak Ridge's Moraine Plan and the Lake Simcoe Protection Plan, as well as municipal policies in such areas as defining "need" and evaluating the environmental effects of infrastructure. It should also recognize the transit regulation and EA planning process.
- Efforts should be taken to streamline/shorten the Municipal Class EA process ie. similar to the process for Transit Project Assessment process.
- The appeal process for infrastructure subject to the EA Act that also require Certificates of Approval or Permits to Take Water are also truncated by regulations that exempt them from hearing requirements under the Environmental Protection Act and Ontario Water Resources Act, and that also exempts these projects from notice and leave to appeal applications under the EBR. The credibility of the Parent Class EA would benefit from a streamlined appeal process. (refer to recommendations made by the Minister's EA Advisory Panel (2005).
- Guidance to achieve harmonization between MCEA and CEAA and aboriginal obligations would be helpful.
- Would like an opportunity to participate as a proponent (section A.1.3).
- Should be able to consider an alternative to multiple newspaper publications when there is more than one daily paper.

5.0 Aboriginal Notification

An Information Bulletin was distributed by email and post to over 170 Aboriginal communities across Ontario. The Bulletin (Appendix B) provided information on the scope of the proposed amendments and provided contact details for questions of comments. The MOE and MEA recognize that the the Aboriginal Consultation section of the MEA Class EA requires review and updating. They will be working together to develop material on how project proponents should consult Aboriginal communities while planning projects under the MEA Class EA. An integral part of the proposed amendments of the upcoming 5-year review of the MEA Class EA will include consultation with Aboriginal communities about how they wish to be notified of MEA Class EA projects and consulted during the planning and decision-making process.

6.0 Workshop Consultation

Web-based focused workshops were organized to solicit additional comments and recommendations for use in preparing the amendments to the Class EA document.

6.1 Notification and Distribution

Four webinar based workshops were organized with the objective of introducing the MCEA review project and discuss the minor and/or major amendments being reviewed and formulated. The workshops were organized as focus groups based on the different stakeholder types including:

- Municipalities;
- Practitioners and Planning and Engineering Professionals; and
- Industry Associations

Workshop participants were targeted based on the project team's knowledge of their familiarity with the Class EA process and specific stakeholders identified by the Project Steering Committee.

6.2 Webinar Materials

A presentation was developed to facilitate the on-line workshops hosted by the consulting team. The presentation focused on the following areas:

- Project Background
- Stakeholder Consultation
- MCEA Amendments
 - Integration Provisions
 - Schedule Definitions and changes
 - Other minor amendments
- Future Education and Outreach Strategy
- Next Steps

A copy of the workshop presentation is provided in Appendix C.

6.3 Webinar Results

Each workshop was facilitated by a member of the project team and lasted approximately two hours. Minutes were recorded by the project team leader at each session. The main discussion points are summarized below. Each participant was encouraged to also complete a Comment-Questionnaire with additional questions or comments that might have evolved from the focused discussions.

Municipalities:

A workshop organized for municipal stakeholders on September 3, 2010. Ten people participated with representation from the Cities of London and Peterborough as well as the Region of Durham. The main focus of the discussions was the proposed changes to the schedules. The following key points were recorded during the workshop.

- Municipalities and the development industry need to work in a co-operative manner respecting design criteria, schedules and budgeting.
- Boundaries should not be constrained by application area boundaries but adjacent landowners and municipalities need to be consulted
- The integrated process is not well used because it is not well understood. There is no mechanism to access examples or learn from previous undertakings
- Large projects such as arterial roads should not be schedule A projects. Official Plans describe projects on a broad basis and do not provide the support for details required in Phases 3 and 4 of the Class EA process
- Better definitions and more examples would be of benefit in the project schedule definitions
- Proponency responsibilities need to be better defined

Industry Associations:

A workshop was organized for industry associations that took place on Tuesday, August 31st, 2010 and included 6 participants representing eastern and central Ontario and included representatives from Building Industry and Land Development Association (BILD), Minto Development Ltd. and the Residential and Civil Construction Alliance of Ontario (RCCAO). The following key points were recorded during the workshop.

- There are inconsistencies between MOE branches on how rules are interpreted
- The ability to address EA requirements as part of a Site Plan Control Application when Site Plans are bundled with a Zoning By-law Amendment is critical. Must ensure mandatory consultation and appeal provisions.
- More latitude should be given following an approval to permit minor modifications
- It is unclear of municipalities EA responsibilities in large developments for Schedule B projects
- Sample notices are essential and make clear appeal rights

- Municipalities need to be shown that the integration provisions are good (ie. common understanding between planning and engineering staff)
- With Secondary Plans – there needs to be more detail/helpful guidance on what studies need to be completed and what phases of the EA process are completed.
- Case studies are essential for Education and Outreach

Practitioners and Planning and Engineering Professionals:

A workshop was organized for planning practitioners and professionals who work with the EA process on a regular basis. On Wednesday, August 25th, 2010, 3 participants (private practitioner, lawyer and development industry planner) took part in the webinar. The following key points were recorded during the workshop.

- Everyone had some previous experience with the integrated process with varying degrees of success. A general lack of understanding from all aspects of the process (municipal, consulting, agency review) contributed to confusion
- A registry would be a useful tool as a resource for both the integration process and the Class EA in general
- Boundaries do not need to match and entire projects should be considered and not piecemealed
- Approvals should continue under the process of original approval during implementation period
- Proponency is being interpreted differently by region and needs to be clarified
- Patrol yards can be large scale project and their development may not necessarily involve public consultation or notification. A Schedule A definition is not appropriate for these types of projects

A workshop was organized for planning and engineering professionals that took place on Wednesday, September 1st, 2010 and included 3 participants representing eastern and central Ontario. The following key points were recorded during the workshop.

- The internal functioning of a municipality (ie. between planning and engineering divisions) is unclear and should be better coordinated to facilitate integrated processes
- Planning Act boundaries and EA project boundaries should not need to match so long as it is made clear the extent of the coordinated project boundaries
- It is unclear as to who is the proponent for Schedule B projects for larger Planning Applications (i.e. Subdivision, Secondary Plan, etc.)
- It is unclear how EA projects are dealt with through the appeal project – does the OMB truly deal with them
- Public understanding of an integrated process needs to be made clearer through notification and consultation events
- There should be some monitoring of whether or not municipalities are duly completing their EA requirements since the MCEA is a self-evaluation process
- On-going education is required for MCEA user groups. An on-going discussion group and use of case studies would be beneficial

7.0 Key Stakeholder Consultation

During the course of the amendment process several key stakeholder and steering committee meetings were held to guide the process. The following table summarizes the meetings.

Table 7-1: Key Stakeholder Summary

Meeting: Date	Attendance	Summary
Steering Committee Web conference Aug 16, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Project Initiation Meeting <u>Next Steps</u> <ul style="list-style-type: none"> MEA to prepared draft consultation materials Legal clarifications Future bi-weekly meetings to be arranged
Steering Committee Web conference Aug 30, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Progress Meeting <u>Next Steps</u> <ul style="list-style-type: none"> Survey results Legal clarifications Ongoing workshops
Steering Committee Web conference Sep 8, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Progress Meeting <u>Next Steps</u> <ul style="list-style-type: none"> Survey results Legal clarifications Aboriginal Notification Revisions to Amendment materials
Steering Committee Face-to-face Sep 23, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Progress Meeting <u>Next Steps</u> <ul style="list-style-type: none"> Revisions to Amendment materials
Steering Committee Web conference Oct 4, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Progress Meeting <u>Next Steps</u> <ul style="list-style-type: none"> Revisions to Amendment materials
Steering Committee Web conference Oct 13, 2010	MOE MMAH MEA	<ul style="list-style-type: none"> Progress Meeting <u>Next Steps</u> <ul style="list-style-type: none"> Revisions to Amendment materials
Oct 26/10 Teleconference	BILD MOE MMAH	<ul style="list-style-type: none"> General discussion of draft MEA Class EA integration provisions (document). BILD representatives on the call provided initial comments. <u>Next Steps</u> <ul style="list-style-type: none"> MOE schedule a MOE-BILD face-to-face meeting in advance of the meeting with MEA. Purpose of MOE-BILD meeting for BILD to gain a better understanding of proposed changes to the MEA Class EA and for BILD to provide specific comments on draft document. MOE schedule a face to face meeting (BILD, MEA, MOE & MMAH) prior to MEA submitting revised MEA Class EA for EBR posting.
Steering Committee Web conference Nov 9, 2010	MOE MEA	<ul style="list-style-type: none"> BILD meeting update

Meeting: Date	Attendance	Summary
Nov 2/10 Face- to-face	BILD MOE	<ul style="list-style-type: none"> MOE provided a brief overview of the MEA Class EA and "a walk through" comparison chart (prepared by MOE) of the existing and revised integration provisions and answered questions from BILD. BILD provided specific comments and wording changes to clarify changes and for more consistent wording. <p><u>Next Steps:</u></p> <ul style="list-style-type: none"> MOE email comparison chart to Joe to provide to BILD team member expert panel Joe meet with BILD members week of Nov 15 (TBC) MOE schedule meeting with BILD & MEA for week of Nov 15 (TBC)
Nov 19, 2010 Teleconference	BILD MOE MMAH	<ul style="list-style-type: none"> MOE identified changes to draft document which had been made as a result of comments received from both BILD and MEA BILD provided feedback and recommended minor wording changes. <p><u>Next Steps:</u></p> <ul style="list-style-type: none"> MOE revise document based on comments provided by BILD at Nov 19 meeting and recent MEA comments. MOE send revised draft to BILD. Joe share revised document with 3 BILD member expert panel MOE schedule face-to-face combined meeting with BILD-MEA-MOE-MMAH (week of Nov 22 or 29 TBC with MEA & BILD availability) MEA formally submits revised MEA Class EA to MOE & for EBR posting comment period
Nov 22, 2010 Teleconference	MOE MMAH	<ul style="list-style-type: none"> BILD meeting update Revisions to Amendment materials
Dec 3, 2010 Face-to-face	BILD MOE MMAH MEA	<ul style="list-style-type: none"> Discussed Nov 28 comments BILD emailed to MOE. Discussed how changes in integration provisions and project schedule streamline and provide clarity to meet requirements under EA Act & Planning Act to avoid duplication. MEA & BILD provided comments for consistent and clear language <p><u>Next Steps:</u></p> <ul style="list-style-type: none"> Week of Dec 6 – MOE (EAAB) revise draft integration provisions to reflect additional comments (Dec 3 meeting) and discussion to further clarify integrated approach and for more consistent wording. By Dec 8 MMAH to work with Delcan to prepare chart/samples of considerations for Notices under EA Act and Planning Act By Dec 10 EAAB-Delcan to circulate to meeting participants a revised Integration Provision section (based on agreed to changes from Dec 3 meeting and minor editing recommended by York Region) Week of Dec 13 – MEA members meet prior to formally submitting revised MEA Class EA to MOE By Dec 15 - BILD email to MOE (Jeff Hurdman & Eugene Macchione) confirmation that draft circulated Dec 10 acceptable to BILD for EBR posting By Dec 17 – MEA formally submits revisions of MEA Class EA to MOE for EBR posting/consultation

8.0 Environmental Bill of Rights

On January 11, 2011, the MOE posted information on the proposed amendments to the Environmental Bill of Rights (EBR) registry (Appendix D). The EBR does not require this notice to be placed on the Environmental Registry, however, section 6 of the Act does allow the Environmental Registry to be used to share information about the environment with the public.

Comments were received and modifications made to the proposed amendments which were then resubmitted to the Minister of the Environment.

Appendix A: Comment-Questionnaire

Comment-Questionnaire

The Municipal Class Environmental Assessment (MCEA) is a living document. In 2006/07, MEA supported by its volunteer members, partners from the Transit Community and the Ministry of Environment, developed a series of amendments to address comments from the five year review and to expand the scope and improve the function of the Municipal Class EA. Ongoing dialogue with stakeholders identified that additional modifications are required to the MCEA.

Revisions to the MCEA are necessary to clarify the integration provisions between projects that are approved under the *Planning Act* and further approval requirements under the *Environmental Assessment Act*. Clarifications might include:

- Types of Planning Act applications that apply
- Study Area boundaries variation
- Change process/implementation
- Shelf-life/timeline
- Proponency
- Opportunities for appeal
- Public consultation and notification requirements

Are there other aspects of the integration provisions that you believe requires clarification

Other minor modifications to the schedules are also being reviewed. A summary of these have been prepared and is attached to this comment-questionnaire.

Are there are project descriptions or criteria you believe requires further review or revision?

If you wish, please provide:

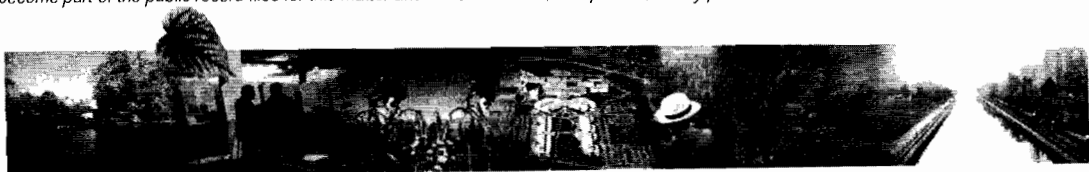
<i>Name</i>	<i>Representing (if applicable)</i>
<i>Address</i>	<i>Postal Code</i>
<i>Telephone</i>	<i>Fax</i>
	<i>Email</i>

Thank you for your participation

If you would like to provide us with additional comments, submissions should be sent by September 1st, 2010 to:

Kelly Roberts
 Manager of Environmental Planning
 Delcan Corporation
 1223 Michael Street, Ottawa, On K1J 7T2
Phone: 613.738.4160
Fax: 613.739.7105
E-mail: pknowles@carletonplace.ca

Under the Freedom of Information and Protection of Policy Act and the Environmental Assessment Act, unless otherwise stated in the submission, any personal information such as name, address, telephone number and property location included in a submission will become part of the public record files for this matter and will be released, if requested, to any person.



Appendix B: Information Bulletin

Overview

This *Information Bulletin* has been prepared to provide a common understanding of the Municipal Engineers Association Class EA (MCEA) Amendments 2010.

Background

Ontario Government has committed to work with the development industry, municipalities, practitioners and interested parties to implement a more effective process for infrastructure projects.

The MEA together with the Ministry of the Environment (MOE) is proposing that changes be made to the MCEA. There are three main components for the Amendment:

- Enhanced and clarify Integration Provisions for efficiencies
- Revise Schedule definitions
- Other housekeeping amendments

Following completion of the Amendments an Outreach and Education program will be developed and delivered, including web based training modules.

Integration Provisions

By combining environmental assessment and land use planning requirements into a single process, proponents can streamline their efforts and more effectively meet the legislative requirements. Clarification of the integration provisions will be made to make sure they are understandable and can be used effectively by project proponents. The process includes

- Consultation
- MCEA Revisions
- Code of Practice Revisions
- Education and Outreach Program

Schedule Definitions

Modifications to the project Schedule definitions have been proposed based on stakeholder consultation and ongoing process monitoring by the Province and MEA. The key changes include:

- Modifications for 40 year old structures
- Local projects redefined as Schedule A
- Minor projects with follow up approvals redefined as Schedule A
- Recognition of more project types under an integrated process

Consultation, in the form of workshops and survey questionnaires will gather feedback on the proposed changes. These changes will be incorporated into the amended MCEA.

Other amendments

Consultation and monitoring also identified the need for minor amendments to some definitions as well as administrative contact information. First Nation consultation practices and procedures for proponents of MCEA projects will also be updated based on current best practices identified in related approved documents

Schedule

- Complete Consultation
 - September 5, 2010
- Education and Outreach Strategy
 - October 1, 2010
- MCEA Amendments
 - October 1, 2010
- Education and Outreach Delivery
 - Sessions March 31, 2011
 - Web based training modules January 21, 2011

Contact Information

If you have questions or comments please contact any of the following individuals.

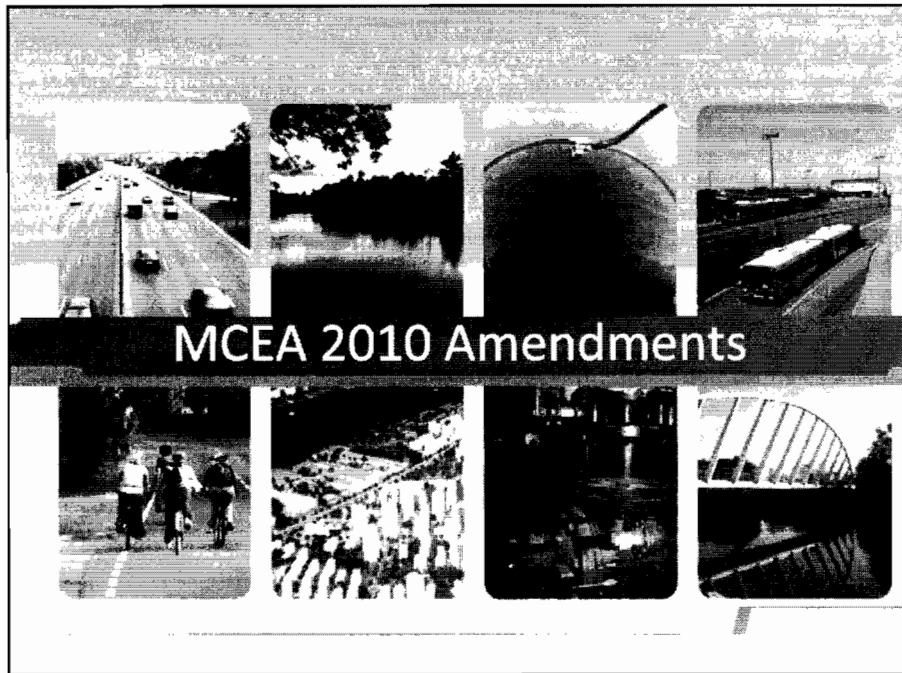
Paul Knowles, P. Eng, Chair, MCEA Monitoring Committee
Town of Carleton Place
175 Bridge Street
Carleton Place, ON K7C 2V8
Phone: 613-257-6207
E-mail: pknowles@carletonplace.ca

Jeffrey Dea, Ministry of the Environment
Project Officer - Project Co-ordination Section
14th Flr 2 St Clair Ave W
Toronto ON M4V1L5
Phone: 416-314-7213
Email: jeffrey.dea@ontario.ca

Kelly Roberts, Environmental Planner
Delcan Corporation
100-1223 Michael Street
Ottawa ON, K1J 7T2
Phone: 613-738-4160
Email: k.roberts@delcan.com

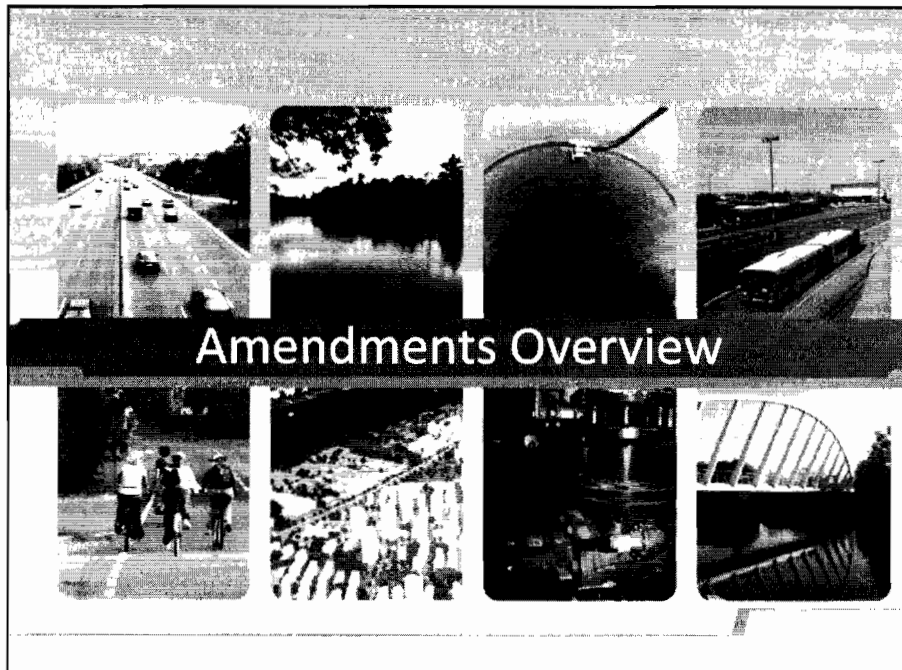


Appendix C: Workshop Presentation



Agenda

- Introductions
- Overview of Amendments
- Workshop
 - Part 1 Integration
 - Part 2 Schedule Updates
- Discussion
- Next Steps



Background

- 2007 Amendments added Transit and extended shelf life to 10 years
- Annual updates to cost posted on MEA website

Ontario's Business Sector Strategy

- Ontario Government has committed to work with the development industry, municipalities, practitioners and interested parties to implement a more effective process for infrastructure projects
- By combining environmental assessment and land use planning requirements into a single process, proponents can streamline their efforts and more effectively meet the legislative requirements

Ministry Stakeholder Consultation

- Integration provisions could be enhanced and clarified for efficiencies
- Schedule definitions revisions
- Other housekeeping amendments

Integration

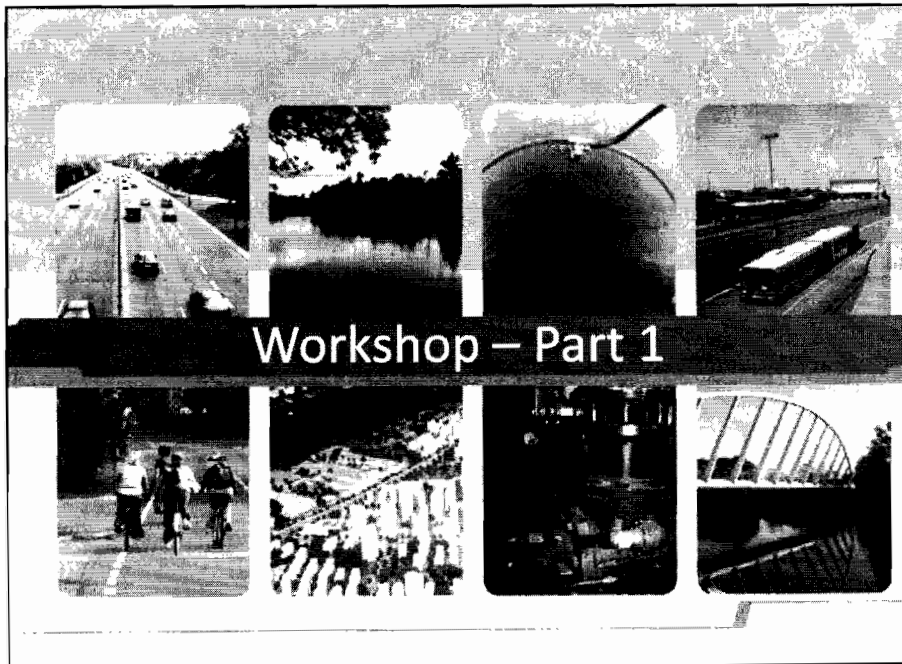
- Objective - clarify, enhance and promote the use of the integration provision in the MCEA
- Reduce potential duplication, delays and unnecessary costs
- Process
 - Consultation
 - MCEA Revisions
 - Code of Practice Revisions
 - Education and Outreach Program

Schedule Changes

- Modifications for 40 year old structures
- Local projects redefined as Schedule A
- Minor projects with follow up approvals redefined as Schedule A
- Recognition of more project types under an integrated process

Minor Amendments

- Clarity to Section A.2.2 piecemealing
- Add glossary item clarifying the meaning of dams and weirs
- Amend section A.3.7 to add clarity to First Nation consultation
 - Similar to Waterpower EA
 - Separate First Nations Consultation



Experiences

- Have you used the Integration Provisions?
- If not, why not?
- Was the process successful?
 - Why?
 - Why not?

Clarifications

- The following have been identified as areas requiring clarification
 - Types of Planning Act applications that apply
 - Study Area boundaries variation
 - Change process/implementation
 - Shelf-life/timeline
 - Proponency
 - Opportunities for appeal Public consultation and notification requirements

Types of Planning Act Applications

- * The following Planning Act applications are identified in the current MCEA:
 - OP, OPA, Secondary Plans adopted as OPAs, CIP, Plans of Condominium, Plans of Subdivision
- * Should there be consideration of:
 - Zoning By-laws, Development Permits, Consent/Severance
 - Site Plans, (no mandatory public involvement)

Study Area Boundaries

- * There are opportunities to include provisions to clarify the Integration Provisions regarding the requirement for Planning Act Application and EA Project boundaries
- * Do the boundaries of the Planning Act Application and the Project boundaries need to match?
 - Off-site pumping station and forcemain
 - Road widening associated with multiple developments for which separate applications are being submitted

Change Process/Implementation

- When there are changes to an approved project, should their approval be considered under the Planning Act or Environmental Assessment Act?
 - Requirement for additional roadway lanes due to changes in density

Proponency

- Private sector proponents are subject to EA requirements only for Schedule "C" projects servicing residential developments (O.Reg 345/93)
- EA requirements of associated Schedule "B" projects for residential development as well as "B" and "C" projects servicing non-residential developments, need to be addressed by the Municipality
- To best achieve integration, who should be the proponent? Should they be co-proponents?

Opportunities for Appeal

- * Currently EA projects approved under the integrated process, are not subject to specific appeals. Associated plans can be appealed to the OMB.
- * Should there be an appeal mechanism for the EA projects?

Consultation and Notification

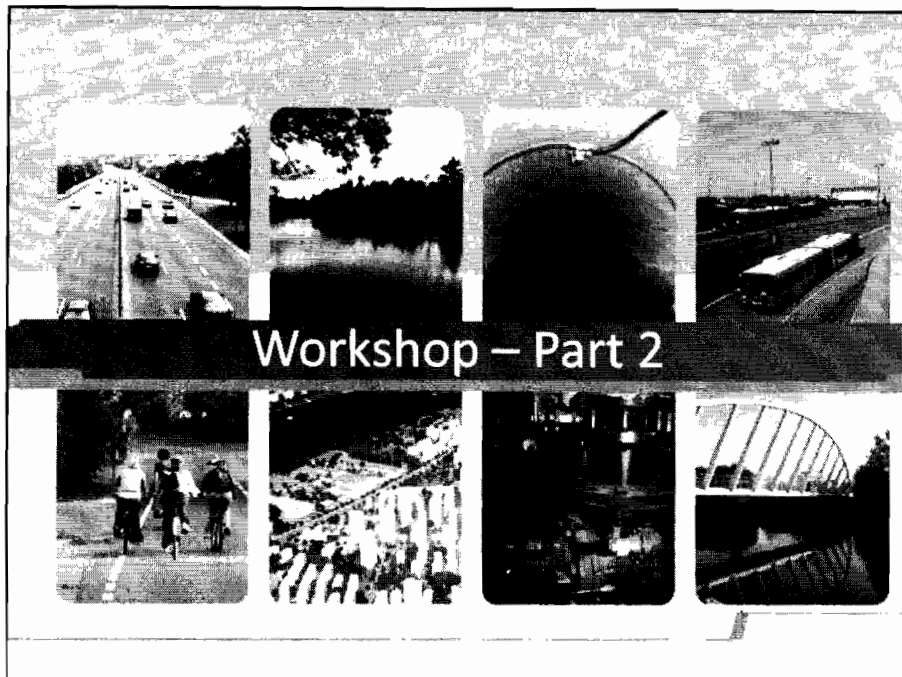
- * Currently the integration process outlines minimum mandatory consultation and notification requirements.
- * Are there opportunities to better integrate consultation and notification requirements?

Other Clarifications

- Are there any other areas that require clarification?

What Else?

- What needs to be done to promote integration of the MCEA with the Planning Act?



Schedules

- Schedule A
 - normal or emergency operational and maintenance activities
 - environmental effects usually minimal and these projects are pre-approved
- Schedule A+
 - Similar to Schedule A
 - Requires the public is to be advised prior to project implementation

Schedules

- Schedule B
 - generally includes improvements and minor expansions to existing facilities
 - potential for some adverse environmental impacts
 - required to proceed through a screening process (Phase 1 and 2) including consultation
 - Documentation and opportunities for Part II Orders

Schedules

- Schedule C
 - generally includes the construction of new facilities and major expansions to existing facilities
 - potential for adverse environmental impacts
 - Required to proceed through the EA planning process (Phase 1 through 4) including consultation
 - Documentation and opportunities for Part II Orders

40 Year Old Structures

- Added requirement for historically significant
 - Schedules remain the same
- Introduced a screening criteria (to be established by Ministry of Culture)
 - Change to Schedule A if criteria are met
- *Rationale*
 - Many structures constructed over 40 years ago followed standard templates and are not historically significant

Local Projects

- Streetscaping not part of another project and localized operational improvements
 - Changed to Schedule A+
- *Rationale*
 - Local rather than provincial interest
 - Impacted stakeholders should be notified but the final project details should be decided locally

Local Projects

- Roadside picnic park or picnic area
 - Changed to Schedule A
- *Rationale*
 - Municipalities commonly establish parks for the community
 - Roadside parks or picnic areas should follow the same local approval process

Other Approvals

- Increase in culvert size due to change in drainage area
 - Changed to Schedule A+
- *Rationale*
 - Technical requirements are confirmed through the Certificate of Approval process
 - Local rather than provincial interest
 - Impacted stakeholders should be notified but the final project details should be decided locally

Planning Integration-Roads

- Added collector and arterial roads in addition to local roads
- Added Master Plan, Official Plan and Secondary Plan to list of Planning Act approvals
 - Schedule stays as A
- *Rationale*
 - Recognize the work and approvals that have been completed as part of a planning process

Patrol Yards

- Added consideration of project conforming with local Planning Act requirements
 - Changed to Schedule A
- *Rationale*
 - Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts

Retirement of Facilities

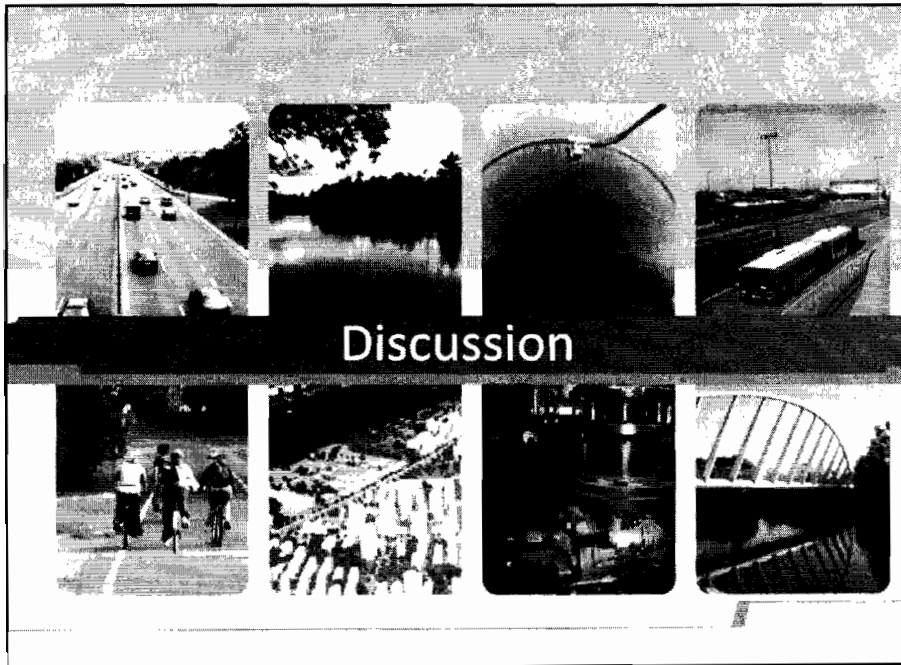
- Retire a water or wastewater facility
 - Changed to Schedule A+
- *Rationale*
 - Retiring a facility removes the impact
 - Community should be notified so they can be involved in a local decision regarding plans for any cleanup and the future use of the site

New Regulations

- Installation of Standby power Equipment
 - Changed to Schedule A
- *Rationale*
 - Work is now subject to a regulation – Ontario Regulation 116/01 – Electricity projects under the EAA

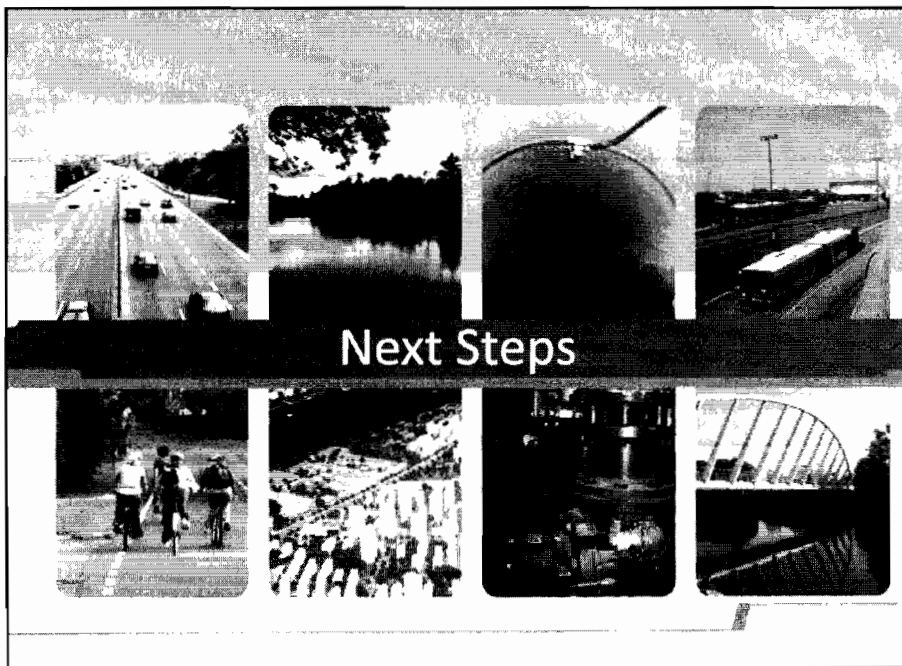
What Else?

- Are there any other modifications that should be considered to the schedule definitions?



Discussion

- Questions?
- Other Items?

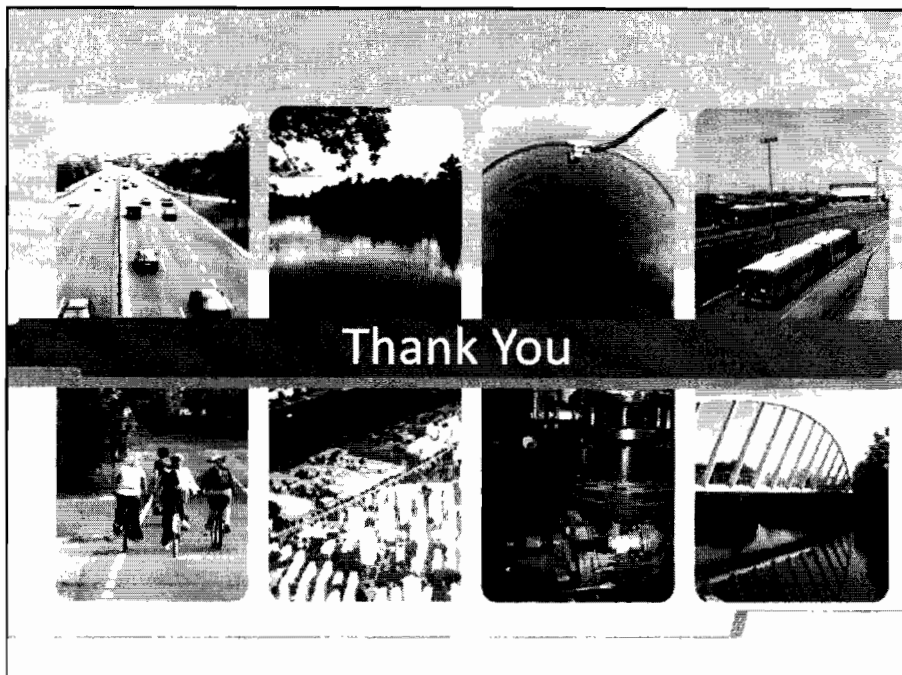


Next Steps

- Continue Focus Workshops
 - Municipal, Professional (2), Development Industry
- Compile Survey Results
 - Original distribution ~900
- Develop Education and Outreach Strategy
- Prepare Draft MCEA Amendments

Schedule

- Complete Consultation
 - September 5, 2010
- Education and Outreach Strategy
 - October 1, 2010
- MCEA Amendments
 - October 1, 2010
- Education and Outreach Delivery
 - Sessions March 31, 2011
 - Web based training modules January 21, 2011



Appendix D: EBR Registry Posting

Information Notice:**Title:**

Proposed Amendments to the Municipal Engineers Association's Municipal Class Environmental Assessment

EBR Registry Number: 011-1391**Ministry:**

Ministry of the Environment

Date Information Notice loaded to the Registry:

January 11, 2011

Keyword(s): Environment Assessment

This notice is for your information. The Environmental Bill of Rights does not require this notice to be placed on the Environmental Registry, however, section 6 of the Act does allow the Environmental Registry to be used to share information about the environment with the public.

Rationale for Exemption to Public Comment:

This proposal is not prescribed by Ontario Regulation 681/94 under the *Environmental Bill of Rights, 1993* as a classified proposal for purposes as prescribed under that Act. Therefore, MOE is not required to post this proposal on the Environmental Registry.

MOE is voluntarily posting this Notice on the Environmental Registry for information purposes to advise interested parties of the formal public consultation opportunities for this proposal in accordance with the Municipal Engineers Association's Municipal Class Environmental Assessment. To participate in that consultation process, the public is invited to submit comments to the contact person identified in this notice.

Description:

The Municipal Engineers Association has submitted changes to its Municipal Class Environmental Assessment, which comprise three main components:

- Enhancement and clarification to the Integration Provisions for improved efficiencies and ease of use
- Revised project schedule definitions
- Other housekeeping amendments.

Integration Provisions

By combining environmental assessment and land use planning requirements into a single process, proponents of municipal projects can streamline their efforts and more effectively meet legislative requirements. Clarification of the integration provisions are being proposed to ensure that the provisions are understandable and can be used effectively by project proponents.

The Municipal Engineers Association's proposed amendments regarding the integration provisions of the Municipal Class Environmental Assessment Class Environmental Assessment are a result of solutions developed as part of the Ministry of Economic Development and Trade's Ontario's Open for Business round table with the Building Industry and Land Development Association (BILD).

Schedule Definitions

Modifications to the project Schedule definitions have been proposed based on consultation with project proponents and ongoing process monitoring by MOE and the Municipal Engineers Association. The key changes include:

- Modifications for 40 year old structures
- Local projects redefined as Schedule A.
- Minor projects with follow up approvals redefined as Schedule A+.

Consultation in the form of workshops and survey questionnaires were used to gather feedback on the proposed changes from proponents using the Class Environmental Assessment.

Consultation and monitoring also identified the need for minor amendments to some definitions.

This notice will be updated as new information becomes available.

Public Consultation:

The purpose of this notice is to:

1. advise the public that the Municipal Engineers Association (proponent) has submitted to the MOE its proposed amendments; and,
2. provide and inform the public of the opportunity to submit comments on these amendments.

Comments will be accepted until **February 25, 2011** and can be submitted to EAABGen@ontario.ca or by mailing their comments to:

Mr. Jeffrey Dea
Project Officer
Ministry of the Environment
Operations Division
Environmental Assessment and Approvals Branch
Project Coordination Section
2 St. Clair Avenue West, Floor 12A
Toronto ON M4V 1L5

Additional Locations with Additional Information:**Contact:**

Jeffrey Dea
Project Officer
Ministry of the Environment
Operations Division
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto Ontario
M4V 1L5
Phone: (416) 314-8001
Toll Free Phone: (800) 461-6290

Additional Information:

The following government offices have additional information regarding this Notice. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment and Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto Ontario
M4V 1L5
Phone: (416) 314-8001
Toll Free Phone: (800) 461-6290

The documents linked below are provided for the purposes of enhancing public consultation.

All links will open in a new window.

1 [Ministry of the Environment - Environmental Assessment](#)

2 [Municipal Engineers Association Website](#)

You may view the Municipal Engineers Association's submission containing the full text of the proposed amendments at

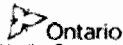
<http://www.ene.gov.on.ca/en/eaab/links.php>; or
<http://www.municipalengineers.on.ca/home.asp>, or

In person at the Environmental Assessment and Approvals Branch at:
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V1L5

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Table 1. Government Review Team Comment Summary Table

Proposal: Municipal Class EA (MCEA) Amendments
 Proponent: Municipal Engineers Association (MEA)

Submitter	Summary of Comments	Proponent's Response	Status
Provincial Agencies			
Ministry of Natural Resources (MNR)	<p>In integration situations - how is co-proponency established between the municipality and developer on an integrated process where the municipality is the approval authority on the <i>Planning Act</i> application?</p> <p>If other Class EA requirements (e.g. MNR's Class EA - Resource Stewardship and Facility Development) are to be integrated into this process, clarification could be added to this section.</p>	<p>Co-proponency refers to the EA documentation in support of the application. The division of responsibilities shall be determined by the proponents</p> <p>To be reinforced in the Outreach and Education program.</p> <p>The purpose of this amendment was integration with the Planning Act. Integration with other Class EAs can be addressed during future reviews.</p>	
	<p>In an integrated process, it should be clear to the proponent that the stronger environmental protection from the Provincial Policy Statement (PPS) (e.g. provincially significant wetlands) continues to be upheld. To do this, the Class EA project should clearer identify where the EA Act process applies for the purposes of the applying the PPS definition of development and site alteration.</p>	<p>The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. This does not change with the integrated process.</p>	
	<p>It is noted in this section that Schedule B and Schedule C projects can be integrated with a Planning Act application. This section could also clarify whether, and how, Class EA Schedule A projects can addressed in an integrated approach.</p>	<p>Schedule A projects are considered approved under the Class EA and may proceed to implementation without having to meet the full consultation and documentation requirements (i.e. Schedule C requirements) under this Class EA. No integration is required. To be reinforced in the Outreach and Education program.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>To clarify that the following statement is in regards to the <i>Environmental Assessment Act</i> and not the <i>Planning Act</i>, we suggest adding "under this Class EA" to the following sentence: Two or more municipalities and/or private sector developments may act as co-proponents <i>under this Class EA</i>.</p>	<p>All changes in the MCEA refer to the MCEA.</p>	
	<p>"Municipalities should not avoid.... A municipality may only require a private sector...." The language "should not" and "may only" should be strengthened to "can not" and "can only" respectively to ensure the integration provisions are used appropriately and consistently.</p>	<p>Non-compliance could result in MOE revisiting the EA approval of a specific project or revoking the proponent's privilege to use this Class EA. Stronger language is not considered necessary.</p>	
	<p>"There may be restrictions on the use of previous work by others." Examples of "restrictions" may help clarify the intent of this sentence.</p>	<p>Restriction referred to could be any limitations placed on the use of previous work by others including reliance, or copy right. To be reinforced in the Outreach and Education program. Clarified and amended A.2.9 (e.g. reliance, or copy right).</p>	
	<p>The five steps in the Integration Approach outline the Class EA process but does not outline the planning process and how the two can proceed together except in Step 5. In these proposed amendments, it appears that the two processes are working independently from each other.</p>	<p>Planning Act applications may be for many different types of approvals and process requirements vary greatly. It is still the responsibility of the proponents / municipalities to meet applicable procedural requirements of both acts. Add case study to outreach and Education program.</p>	
	<p>Step 2: The process could include a review of other legislation that could apply to the proposal such as the <i>ESA, 2007</i>. The inventory of the site could include species at risk as well as the evaluation of the alternative solutions which avoid species at risk and their habitats.</p>	<p>The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. This does not change with the integrated process. Site inventories include many things including species at risk.</p>	
	<p>In clause b) details should be provided on the difference between a Step 2 b) inventory of the</p>	<p>These steps mirror the Class EA flow chart which is explained in other sections of the MCEA and refer to any</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	environment versus a Step 3 a) detailed inventory of the environment.	additional inventories required to assess alternative design concepts.	
	Clause c) "alternative solutions on the environment" could also include wording to address the <i>ESA, 2007</i> and its legislative tests. This would carry through clause d).	The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. This does not change with the integrated process.	
	By including language (or footnote) to step 2 to address <i>ESA, 2007</i> , proponents will be aware of the need to undertake sufficient studies and analysis early in the process that specifically meets the legislative tests of <i>ESA, 2007</i> . The ministry is willing to work with the proponent to provide suitable wording on the above matter.	The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. This does not change with the integrated process.	
	Step 3: In this step, the following is stated: "Undertake a detailed inventory of the environment, including the natural, social, cultural and economic environments." Are there provisions in the integrated process (e.g. Step 2) where the potential of having an environmental effect on an <i>ESA, 2007</i> species/habitat would trigger a Schedule C process and require a detailed inventory? Comments on <i>ESA, 2007</i> also apply to Step 3.	Projects in this Class EA are classified into certain schedules according to potential environmental impacts. If a Schedule B project identified in Step 2 that there could be a potential for an impact on an <i>ESA</i> , it is at this phase that a Schedule C process could be triggered, not in Step 3.	
	The ministry notes the statement that: "required information that shows that all applicable legislative and regulatory notice requirements under the <i>Planning Act</i> and this Class EA have been met." Does this statement imply all the other legislation that developers usually have to comply with when carrying out these types of activities such as CAA, LRIA, PLA, <i>ESA</i> , etc?	This statement only refers to integration with the <i>Planning Act</i> . It is noted in the introduction that <i>it is the responsibility of the proponent to ensure that they have fulfilled all of the Planning Act and EA Act requirements for their project as well as obtaining any other necessary approvals or permits or the requirements of any other legislation.</i>	

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	<p>The final sentence prior to the Table for Appendix 8 states: "... the proponent is not required to provide any further notice of the project under the Class EA. This section could be clarified to address projects that are not implemented in a timely manner.</p>	<p>This statement only refers to Notifications for the purposes of using the integration provisions to meet requirements under the Class EA and is not in relation to the implementation time frames for specific projects.</p>	
	<p>Appendix 8 Are the requirements for the Municipal Class EA the same or different for schedule B, C and Individual EAs? The lead in for Table 8 could include messaging that states which Municipal Class EA schedules the table applies to.</p>	<p>Notification and consultation requirements for the different schedules are specified and remain the same as currently identified in the MCEA. Again there are many permutation and combinations that could occur.</p>	
	<p>Under the header "Content of Notice of Public Meeting", the "municipal proponent" could be a municipality, developer or a co-proponency as per section A.2.9.3. This should be recognized here.</p>	<p>This applies to all proponents.</p>	
	<p>Also, the proposed amendment states: In the case of Notices of Completion for both Schedule B and C projects: i) date by which comment/input is to be received by the proponent, and ii) advice for the public's right with regard to the provisions to request an order, with date by which the request must be received by the Minister and the address of the Minister. Does this therefore imply that all the other bullet points also apply to Schedule A and Individual EAs?</p>	<p>No - Schedule A projects are considered -approved and may proceed to implementation without having to meet the full consultation and documentation requirements (i.e. Schedule C requirements) under this Class EA.</p>	
	<p>Due to the language under the header "Content of Notice of Public Meeting" that references "provisions to request an order, with a date by which the request must be received by the Minister..." and the language under the header "Ontario Municipal Board" that references "Class EA matters involved in an integrated approach are</p>	<p>The table lists the separate requirements under the Class EA and the Planning Act, not the integrated notice requirements. OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made when using an integrated approach.</p>	

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	<p>appealed to the OMB", it is unclear how the mechanism of the appeal process for an integrated project might work. Is the intent for the concerned party to write to the minister of the environment and appeal to the OMB if their concern resides (solely) with the Class EA portion of a project?</p>	<p>Add a clear statement that appeal of the integration / planning application, including any issues with respect to related infrastructure will be to the OMB</p>	
	<p>What is meant by: "... the off-site infrastructure project must at a minimum involve the municipality as a co-proponent"? Does this imply the municipality can either be a proponent or co-proponent in the entire project or just the infrastructure component of the integrated process?</p>	<p>This refers to the Class EA process / EA documentation that must accompany the Planning Act applications for which municipalities will be the owner/operator of infrastructure projects associated with a Planning Act application both inside and outside the application boundaries. To be reinforced in the Outreach and Education program and training module on proponentcy.</p>	
	<p>For the project part of an integrated process, there should be a maximum lapse of time for those infrastructure projects that follow an integrated process to ensure that infrastructure projects – even within an integrated process – are reviewed on a regular schedule.</p>	<p>There is not a legislative requirement for a time lapse provisions associated with Planning Act approvals. A municipality may, however, include a time lapse provision in certain Planning Act approval(s) (e.g., a draft plan of subdivision) and/or seek reconsideration of matters through its regular planning review processes. To be reinforced in the Outreach and Education program.</p>	
	<p>"... how a project has met the conditions in section A.2.9 (+/- 2 pages) and copy..." The meaning of (+/- 2 pages) should be clarified as it appears to be reference to another number of pages.</p>	<p>The statement is intended to provide guidance that the submission should be approximately 2 pages.</p>	
	<p>For Dams and Weirs is there recognition that approvals under the LRIA and PLA are/may be required?</p>	<p>An extensive list of all subsequent approvals has not been developed for the various types of infrastructure. The proponent is responsible for obtaining all necessary approvals and permits prior to construction.</p>	
	<p>Wastewater row 14, water row 9: Changing the current schedule (B) for New service facilities to</p>	<p>The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and</p>	

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	<p>proposed schedule (A) provided project conforms to Planning Act requirements and with municipal and other requirements. What are new service facilities? If pre-categorized to an "A" then can new facilities be in provincially significant wetlands?</p>	<p>municipal legislation and municipal by-laws. To be reinforced in the Outreach and Education program</p>	
	<p><i>Water row 7:</i> Changing the current schedule (B) to the proposed schedule (A) for Expansion, improvement or modification to existing patrol yard equipment or material storage facilities and maintenance facilities where land acquisition is required provided project conforms to Planning Act requirements and with municipal and other requirements. Is this screened to an "A" because the environmental concerns would be addressed through the planning process therefore there is duplication by completing the Class EA process?</p> <p><i>Transit row 5:</i> Projects that have "the potential for some adverse environmental effects" should not be categorized as A+." Adequate inventory work, particularly on the natural environment, should be undertaken to address the "potential for some adverse environmental effects".</p>	<p>The MCEA classifies New Service Facilities as Projects that may include the following: patrol yards, maintenance facilities, parking lots and weigh scales. The Schedule A classification is contingent on conforming with Planning Act and municipal requirements. These would normally preclude development within a PSW.</p> <p>Yes. The Schedule A classification is contingent on conforming with Planning Act and municipal requirements.</p> <p>The rationale for the change was Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally. This rationale is consistent with the other changes that have been proposed for this amendment. However it is agreed that other transit activities with the potential for some adverse environmental effects have all remained as Schedule B activities. The assessment of environmental effects will be removed from the definition and rows 4 and 5 combined.</p>	
	<p><i>Transit row 12:</i> If the new culvert is in an area where there are Endangered Species Act concerns or in a provincially significant wetland, then the</p>	<p>The definition refers to an existing culvert (i.e., repair or replacements). The technical requirements for the new increased sized culvert are still to be confirmed through the</p>	

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	infrastructure project may not be a local issue rather there may be provincial interest in the project.	Certificate of Approval process.	
Ministry of the Environment (MOE), regional offices	It would be helpful to include flow charts of how integration could work with each separate process (i.e. official plans (OP), official plan amendments (OPA), Plans of Condominium (not even a Planning Act process), Plans of Subdivision, and Community Improvement Plans What is a CIP?	Planning Act applications may be for many different types of approvals for which process requirements will vary.- It is still the responsibility of the proponents / municipalities to meet applicable procedural requirements of both acts. Add case study to outreach and Education program	
	Stronger statements should be made about which specific types of projects should involve the municipality as a co-proponent as a minimum . Statements should perhaps be included about which types of projects may be inappropriate to integrate, and should instead be planned as a separate Class EA project with the municipality as the proponent.	A community improvement plan under section 28 of the Planning Act	
	A Planner should confirm how the notices can be successfully combined to meet EA and Planning processes, as no real examples were provided (i.e. a process that could work for OPs and OPAs, a separate process for Plans of Subdivision, and a separate process for Plans of Condominium). The proposed amendments appear to lump Plans of Subdivision and Plans of Condominium together, but they are not similar processes.	This amendment includes the provision for municipal co-proponency related to infrastructure projects that are beyond the boundaries of Planning Act applications and the requirements for infrastructure extending beyond the Planning Act application boundaries must be directly related to and required by the application(s). If the municipality does not feel it is justified to proceed with a co-proponent approach they may conduct the EA as a separate Class EA process	
	I understand that Plans of Condominium are not	Planning Act applications may be for many different types of approvals for which process requirements will vary. It is the responsibility of the proponents / municipalities to meet applicable procedural requirements of both acts. Add case study to Outreach and Education program.	
		If Planning Act approval is not required the process cannot	

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	<p>even subject to the Planning Act any more. You would need another column in Table for Appendix 8 to deal with Plans of Condominium. As mentioned above, I'm not sure how Community Improvement Plans fit into this process, so some explanation in A.2.9 would be helpful.</p>	<p>be integrated.</p> <p>The process for establishing CIPs (s. 28 of the Planning Act) is the same as the process for establishing official plans that are exempt from approval (s. 17 of the Planning Act). As such, the integration provisions could apply to CIPs</p> <p>For plans of condominium, if Planning Act approval is not required, the integration process cannot be applied.</p>	
	<p>States that the proponent of a project using the integrated approach is the same as the applicant under the Planning Act. However, the municipality is urged to be a co-proponent where appropriate. To my knowledge, the municipality is never the "applicant under the Planning Act" for plans of subdivision, so the statement about the proponent being the applicant is not accurate in those cases.</p>	<p>Co-proponency refers to the EA documentation in support of the application.</p>	
	<p>Where a Plan of Condominium is proposed, I believe the application isn't even under the Planning Act.</p>	<p>For plans of condominium, if Planning Act approval is not required the integration process cannot be applied.</p>	
	<p>Documentation – I agree with the statement that supporting technical reports must be provided to review agencies, but MEA should add "and be available for review by the public." The example provided re noise reports would be of interest to the public, but not review agencies. At the Regional office level, we do not have the expertise to review and comment on noise reports. EAAB has the expertise, but will only provide comments if there is a Part II Order request.</p>	<p>Documentation requirements as outlined in Section A.4 of the MCEA require the inclusion of reports to be made available in the supporting EA documentation. This is not changed in the proposed amendments.</p>	

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	<p>Project Notification – there is a summary of what should be included in combined notices as a minimum. Suggest that MEA include two additional bullets:</p> <ol style="list-style-type: none"> 1. "a clear statement that appeal of the planning application and related infrastructure will be to the OMB, and there is no opportunity to appeal to the Minister of the Environment for the sewage, water or road projects", and 2. a brief discussion about who can appeal. I understand that a concerned party cannot automatically appeal to the OMB; he or she must have first provided comments at a public meeting. I am not an expert on Land Use Planning, so I recommend you get comments on this issue from a planning expert. 	<p>Inclusion of bullet 1 will provide additional clarity for the appeal process.</p> <p>Appeal opportunities are already required to be identified under the Planning Act notification requirements.</p> <p>Add a clear statement that appeal of the planning application, including any issues with respect to related infrastructure, will be to the OMB</p>	
	<p>This section [project notification] also states that "when combining notices to meet the requirements under this Class EA and the Planning Act, the proponent must ensure the requirements of both are met". However, Table for Appendix 8, Content of Notice, bullet 6 (ii) refers to the Part II Order request process. The Table should include a footnote that this specific content requirement would not be met through the integration process as the only appeal is to the OMB.</p> <p>Project Boundaries – states that projects can include infrastructure that is located on lands beyond the boundaries of the Planning Act (or Condominium Act?) if the need for infrastructure "is triggered" by the project being planned. I agree</p>	<p>The table lists the requirements of each not the integrated notice requirements. The footnote could be added for clarity.</p> <p>Add footnote * if using the integrated process, an appeal to the OMB</p>	
	<p>Project Boundaries – states that projects can include infrastructure that is located on lands beyond the boundaries of the Planning Act (or Condominium Act?) if the need for infrastructure "is triggered" by the project being planned. I agree</p>	<p>Both schedule B and C projects can be integrated. Private sector proponents alone or in consultation with municipal proponents can choose to elevate projects to a Schedule C and can use the Municipal Class EA process to meet their obligations under the Ontario EA Act.</p>	

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	<p>with the statement that the off-site infrastructure should as a minimum involve the municipality as a co-proponent. I assume this would require the integrated planning process to include schedule B projects as well, since private proponents on their own are only subject to Class EA requirements for schedule C projects.</p> <p>Amendments should include more detail on proponenty, both for infrastructure projects outside Plan boundaries, and projects inside boundaries. For example, whether inside or outside a Plan of Subdivision, expansion of a municipally owned sewage or water treatment plant, or construction of a sewage or water treatment plant to service the subdivision and areas outside of it, should involve the municipality as the proponent (or at the very least, a co-proponent).</p>		
	<p>We have also had situations where the municipality refuses to be a co-proponent for an infrastructure project in cases where they are also the Planning Authority for the Planning Act approval (i.e. the City of Ottawa has apparently received legal advice that if they approve a Plan of Subdivision or OPA, they should not be a co-proponent for the servicing of that Plan, even where it involves expansion to the municipal sewage system (increasing sewage pumping station capacity outside Plan boundary, or a new drinking water supply to service both the subdivision and residents of the municipality outside the subdivision boundaries).</p>	<p>This amendment includes the provision for a municipality to be informed and determine its responsibility for related infrastructure projects that are beyond the boundaries of Planning Act applications and the requirements for infrastructure extending beyond the Planning Act application boundaries must be directly related to and required by the application(s).</p> <p>To be reinforced in the Outreach and Education program</p>	
	<p>Somewhere in the document there should be a statement that distribution of notices and</p>	<p>Municipalities may or may not choose to act as co-proponents in a project. If the requirement for mandatory co-proponency is in conflict with municipal legal counsel or standard operating procedures, it may result in a project not being able to be integrated and could result in piecemealing or delays. Municipal control of larger scale infrastructure projects under the integration process should still be endorsed.</p> <p>Add – A Municipality that chooses not to act as a co-proponent may still authorize a private sector developer to proceed with the project subject to their municipal review and approval.</p> <p>Consultation including notices is the responsibility of the proponents.</p>	

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	<p>documentation is the responsibility of the proponent, not the Planning Authority. Planning Act applications involve a "one-window" review and distribution of information. We have had situations where a proponent was relying on MMAH in one case, and the municipality in another case, to distribute information and obtain comments from provincial ministries and agencies. The Planning Authority is not responsible for either distributing information or coordinating the review of the sewage, water or road project – that responsibility rests with the proponent.</p>	<p>Under the Planning Act and its regulations, municipalities must meet statutory requirements including the issuance of Notices of Public Meeting and Notices of Decision.</p> <p>Add to section A.2.9.5 Consultation including notices is the responsibility of the proponents.</p> <p>To be reinforced in the Outreach and Education program</p>	
	<p>More discussion is needed on how review agencies can be involved if they have a concern. They cannot automatically appeal to the OMB; they must be championed by MMAH. Some municipalities put together Technical Advisory Committees, which can be useful. However, a review agency should not be cut out of the process if it elects not to sit on the TAC</p>	<p>Involvement of review agencies as outlined in the MCEA, such as TAC participation, have not changed with the integrated process. They however, would not be automatically involved in an OMB hearing versus a Part II Order review. The involvement of review agencies during an OMB hearing would be at the discretion of the appellant / applicant / MMAH</p>	
	<p>Most often a municipality or private sector proponent completes a Planning Act approval process, e.g. official plan amendment, and then seeks ministry concurrence after-the-fact that the Integration Provision has been met. The Region and District Offices need to be aware of all projects using integration provisions to effectively fulfill our responsibilities. This is an issue of the lack of effective notice and on-going communication as required by the present Integration Provision.</p>	<p>The amendments include the following recommendations if a proponent is considering whether to use the integrated approach to satisfy their requirements under the Planning Act and this Class EA, proponents are encouraged to notify MOE's Regional Office (Air Pesticides and Environmental Planning Supervisor) and the Director, EAAB and the applicable MMAH Municipal Services Office of their intention. Early notification is encouraged, but is not mandatory</p>	
	<p>No supplementary guidance documents on the MEA Class EA (beyond the Class EA itself) have</p>	<p>MOE and MEA are preparing an Outreach and Education program as part of this amendment and in general support</p>	

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	<p>been provided by either the MEA or the ministry, as far as regional staff are aware. If such guidance were available it would help to clarify integration and other provisions of the Class EA process. The lack of guidance documents means that EA Coordinators are dealing in policy/practice vacuums, with the result being inconsistent application across the province. We are aware of two attempts some time ago by both EAAB and MMAH to prepare guidance documents.</p>	<p>of the MCEA. Training modules will be available on the MEA web site.</p> <p>Training modules will be publically available</p>	
	<p>Consequently from the Planning Act side the messaging is do not seek ministry input whereas from the Integration Provision side the message is you must notify/consult with ministries.</p> <p>There may be a need to come to an understanding with MMAH on MOE's participation on declared integrated projects. This type of project involves our legislation. We believe there needs to be a clear understanding of the division of responsibility between MMAH and MOE for ensuring the process is respected; in other words a compliance component. Notices must be provided to both MOE and MMAH.</p>	<p>The amendments include the following recommendations <i>if a proponent is considering whether to use the integrated approach to satisfy their requirements under the Planning Act and this Class EA, proponents are encouraged to notify MOE's Regional Office (Air Pesticides and Environmental Planning Supervisor) and the Director, EAAB and the applicable MMAH Municipal Services Office of their intention. Early notification is encouraged, but is not mandatory</i></p>	
	<p>It is unclear how better integration of Planning Act and Environmental Assessment Act processes in the first paragraph will ensure improved environmental protection beyond what can be achieved now. Therefore in the absence of "proof" of this outcome, it is recommended that reference to improved environment protection be deleted if the linkage is not explained.</p> <p>Also in the first paragraph (and elsewhere) we</p>	<p>The integration provisions are intended to enhance protection of environmental features through a comprehensive assessment of the impacts of development and the services required for their support.</p>	
		<p>These amendments relate to the integration of the Planning</p>	

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	<p>think the third sentence should refer to the Planning Act and the Environmental Assessment Act if only to demonstrate equivalency. We note that the amended fourth paragraph refers to both pieces of legislation. In general wherever there is a reference to the Planning Act there should be a reference to the Environmental Assessment Act rather than Class EA processes. Where there is a reference to Class EA processes the equivalent should be planning approval processes.</p>	<p>Act with the MCEA and how using the provisions of the MCEA meet the requirements of the EA Act and reference to the MCEA is considered appropriate.</p>	
	<p>As expressed in a sidebar of Section A.2.9.1, to be consistent with the other sections of the Municipal Class EA and with other Class EAs, the initial point of contact within MOE for consultation purposes should be the individual who is the local subject matter expert and will have carriage of the file for submitting comments, tracking and – possibly – compliance. For these reasons, the reference to the "APEP Supervisor" should be replaced with "Regional EA Coordinator."</p>	<p>MOE contacts were identified by MOE.</p>	
	<p>We believe the second sentence of the third paragraph of A.2.9.2 should require that the infrastructure triggered by the development which is the subject of the concurrent planning approval process services only those lands. For example, if a proposed development requires an expansion of a municipal sewage plant of 50 m³, the "exemption" for private sector undertakings should not be used for a 100 m³ expansion for lands which are not the subject of the particular planning application. We understand this position appears to conflict with A.2.9.6.1, however the underlying</p>	<p>The provision to permit infrastructure beyond the boundaries of the Planning Act application is intended to streamline development applications and avoid piecemealing. The requirement to include the municipality in the Class EA requirements would eliminate Schedule B projects from being exempt due to municipal involvement. Clarify as follows delete "In other words, a municipality may only require a private sector developer to plan and implement municipal infrastructure if the need for that infrastructure is triggered by the development being planned by the private sector developer."</p>	

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	<p>issue as stated in the third paragraph of A.2.9.2 is that "Municipalities should not avoid their EA Act requirements through the use of conditions on a Planning Act approval where the appropriate proponent for the work is the municipality." A.2.9.6.1 attempts to address this by requiring the municipality to be co-proponent and by setting out somewhat confusing details around what is within and outside the boundaries of a planning application. We think this can be made much simpler by adopting the position that infrastructure servicing lands beyond those which are the subject of the planning application must be treated as municipal infrastructure and be subject to the applicable EA schedule on that basis. Municipal-Private co-proponency could occur with the municipality being the lead proponent.</p>	<p>add "Class EA requirements and schedules for co-proponency shall be those of the municipality and the higher schedule applies". To be reinforced in the Outreach and Education program.</p>	
	<p>The fourth paragraph could also state that co-proponents could name a lead proponent. It should be noted that the issue of co-proponency is addressed in the Glossary of Terms and so one should question the need for a co-proponency section in A.2.9.2.</p>	<p>Co-proponency is reinforced here not changed. .</p>	
	<p>There is no reference to a planning approval process in A.2.9.3 and that seems to defeat the fundamental purpose of integration. Presumably these steps are to begin when background material is being developed for the planning approval process and not sometime after a complete planning application has been submitted.</p> <p>Also, how do the mandatory points of consultation</p>	<p>The section is intended to be a step-by-step guide for the Class EA requirements for proponents planning a project using the integrated approach.</p> <p>The following section provides a step-by-step guide for the Class EA requirements for proponents planning a project using the integrated approach.</p> <p>Mandatory points of contact will vary depending on the</p>	

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	<p>relate to mandatory planning approval process points of public (and agency) contacts?</p>	<p>Planning Act application being made. It is the responsibility of the proponent / municipality to ensure the applicable requirements of both processes are met under both acts.</p>	
	<p>In our view the Key Decision Point (applicable schedule) must be followed very closely with consultation as it is a crucial decision which merits discussion with MOE, if only to ensure the proponent does not waste time, resources and dollars pursuing an inappropriate path. In this regard we strongly recommend pre-consultation with MOE and perhaps key agencies.</p>	<p>The amendments include the following recommendations <i>if a proponent is considering whether to use the integrated approach to satisfy their requirements under the Planning Act and this Class EA, proponents are encouraged to notify MOE's Regional Office (Air Pesticides and Environmental Planning Supervisor) and the Director, EAAB and the applicable MMAH Municipal Services Office of their intention. Early notification is encouraged, but is not mandatory</i></p>	
	<p>With regard to Mandatory Points of Consultation in A.2.9.3, given that notices will be under planning approval processes, the amended section must state what mandatory notices and other material shall be sent to the Ministry's Regional Office (again, the Regional EA Coordinator). As noted previously, by and large, site-specific and lower tier planning applications are not circulated to MMAH under Municipal Plan Review and therefore MMAH cannot be expected to keep Regional MOE aware of the existence or status of a planning application. Consequently there must be a clear requirement for notification and consultation directly with MOE Regions.</p>	<p>See above As outlined in section A.2.9.7 After proponents have completed a project using the integrated approach, proponents should briefly summarize how a project has met the conditions in section A.2.9 (+/- 2 pages) and copy this to MOE, Director, EAAB including copies of the mandatory public and review agency notices</p>	
	<p>The timing relationship between planning approval and Class EA processes could be made clearer, perhaps with a process chart. It is understood one of the purposes of these amendments is to reduce duplication and it appears to be achieved by having</p>	<p>Planning Act applications may be for many different types of approvals for which process requirements will vary. It is the responsibility of the proponents / municipalities to meet applicable procedural requirements of both acts. Add case study to outreach and Education program.</p>	

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	<p>both processes running simultaneously and presumably generating common background reports. However A.2.9.4 suggests the Class EA process will precede the planning approval process.</p>	<p>Timing and co-ordination of the various stages of the Class EA requirements will depend on the type of application being integrated and is at the discretion of the proponent(s).</p>	
	<p>It is noted that there is no recourse to a Part II Order Request for concerned persons and agencies. The only apparent recourse is an appeal of the planning application to the Ontario Municipal Board and this very likely will be viewed by the public and some agencies as too onerous.</p>	<p>The OMB is the appeal mechanism for integrated projects. MMAH and municipalities can offer advice and guidance to the process. It is however more judicial in nature than the requirements of a Part II Order request. The public and agencies still have opportunities to participate during the public consultation process.</p>	
	<p>In a related issue, MOE is able to exert influence on a Class EA process through its ability to make comment during the mandatory 30 day review period following issuance of the Notice of Completion. If the ministry identifies a concern within the 30 day period, the Class EA process remains incomplete until that concern is addressed and the ministry "signs off". This opportunity would seemingly be replaced by an appeal on the planning application, however, only MMAH has the authority to lodge an appeal.</p>	<p>Under the One-Window Protocol, partner ministries, including MOE, may ask MMAH to lodge an appeal. Notices are circulated to MOE, as applicable, and it is their discretion to determine the level of involvement. There is no MOE "sign-off" required during the 30 day review period.</p> <p>Clarify that there is no MOE- Class EA process "sign-off" during the 30 day public review during training and education</p>	
	<p>If these modifications are approved by the Minister, the determination as to whether EA "requirements" have been met will ultimately lie with the Ontario Municipal Board. Historically the Board has declined to tread into EA matters and if the expectation is that it will now, we believe, the Board must be better educated around EA interests. One potential issue that would need to be addressed through education, for example</p>	<p>The OMB has jurisdiction under the Planning Act to promote a healthy natural environment. The OMB has a responsibility to have regard to for matters of provincial interest such as, the protection of ecological systems, including natural areas, features and functions; the conservation and management of natural resources; the supply, efficient use and conservation of water. It is the responsibility of the proponent and ultimately the MOE through the review of monitoring provisions to determine</p>	

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	<p>historically the OMB has declined to consider alternatives to the project before it – yet a central pillar of EA planning is consideration of alternatives.</p> <p>The present Municipal Class EA has a clear requirement for consultation with First Nations and Aboriginal Peoples. How is this reflected in the proposed modifications?</p>	<p>that the appropriate provisions of the Class EA documentation that accompanies the Planning Act Application meets the requirements of the MCEA.</p> <p>First Nations consultation requirements remain unchanged. Clarifying Aboriginal consultation requirements and MOE expectations to be considered more thoroughly during the MCEA 5 year review.</p>	
	<p>Table 8 appears to suggest that the mailing of notices and perhaps reports is sufficient. Regional staff have taken the position that mail is not sufficient and all reasonable means to initiate consultation ought to be taken. This usually means setting up a face-to-face meeting(s). Regardless we think this document should as clearly as possible set out MOE's expectations as to when/how consultation with Aboriginal communities (First Nations and Métis) is to take place.</p>	<p>First Nations consultation requirements remain unchanged.</p> <p>Clarifying Aboriginal consultation requirements and MOE expectations to be considered more thoroughly during the MCEA 5 year review.</p>	
	<p>It is unclear how an Addendum in A.2.9.6.2 affects an approved planning application. Presumably approval of a planning application in the first instance has some relationship to the infrastructure which would be the subject of an integrated EA process. One must ask if the planning approval would have been granted or whether the same conditions would have been applied if the infrastructure proposed then was as to-be-modified by an addendum process. Similarly, a ten year review of the EA infrastructure as contemplated by the sidebar in A.2.9.6.3 raises the same issue.</p>	<p>Substantial changes to an approved plan such as the deletion of an arterial roadway would require additional Planning Act approvals.</p> <p>The intent of the 10 year review is to ensure its currency.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>We are unsure that the approach proposed is really a single approach. It seems there is a separation even though certain stages in the two processes may be coordinated in terms of timing.</p>	<p>The approach encourages co-ordination with the requirements of both process and culminates in a single approval process</p>	
	<p>In A.2.9.6.4, we are not so sure that work completed via an integrated approach does not need to be redone if that integrated approach is terminated. In our view termination in favour of a separate Class EA is a new EA process and the required phases of the applicable schedule must be completed. We would agree that information and analysis completed through the former process can be re-packaged for the new Class EA.</p>	<p>The required phases of the applicable schedule would have been completed during the integrated process. If they were not they would need to be completed as the separate processes continue</p>	
	<p>We fully support the idea of monitoring the uptake of the integrated approach along with its performance in A.2.9.7. We believe a formal and regular audit function is crucial to this exercise.</p>	<p>Acknowledged</p>	
	<p>We are unclear about the need for the clarification around dams and weirs as the wording of Items 13, 19, 25 and 10 are unchanged. The only wording which is new is the last sentence after 10) and it is unclear whether this sentence is intended to be added the Appendix 1 someplace.</p>	<p>Intended for clarification – does not change schedules</p>	
	<p>We wonder whether there is benefit to describing what the agencies' interests might be in the Clarification Note around A.3.6 in order to better assist proponents.</p>	<p>Revisions to A.3.6 were not considered during this amendment.</p>	
	<p>We have concerns about the proposed revisions to the Project Schedule in Appendix 1 related to stormwater management facilities, which because the OWRA defines stormwater as sewage, means sewage treatment facilities. Many new stormwater</p>	<p>The proposed amendments do not decrease the existing Schedule A definition of <i>Establish new or replace or expand existing stormwater detention / retention ponds or tanks and appurtenances including outfall to receiving water body provided all such facilities are in either an existing utility</i></p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>management facilities require property to be acquired and this is most often because such facilities arise from planning approvals and imminent development (#2). A stormwater management facility has greater potential for more and wider environmental (and adverse) effects than the normal kinds of infrastructure found in a utility corridor and more often than not utility corridors were established for linear services such as power lines, trunk sewer and water lines and transportation routes. Consequently when establishing a utility corridor there was very likely no evaluation of it from the perspective of a stormwater management facility, and therefore we do not concur with the revision to categorize such facilities as Schedule A (or A+ for that matter). We might very well support an A+ for a stormwater management facility to be constructed in conformity with a ministry approved municipal master stormwater management plan.(#11)</p>	<p>corridor or an existing road allowance. It adds in the additional requirement of no additional property requirements. Other stormwater projects remains as schedule B projects</p>	
<p>Federal Agencies Indian and Northern Affairs Canada</p>	<p>I don't see a contact list anywhere as part of the document - is one provided as part of the Class EA?</p>	<p>Aboriginal contact lists are not provided as they are difficult to update with a printed document. Proponents should contact the identified government agencies to determine the appropriate Aboriginal contacts. Information noted in submitters comments will be incorporated into the Outreach and Education materials regarding Aboriginal Consultation</p>	
	<p>All enquiries on Aboriginal consultation should be addressed to our HQ Consultation and Accommodation Unit, at <u>cau-</u></p>	<p>Information noted in submitters comments will be incorporated into the Outreach and Education materials regarding Aboriginal Consultation</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>uca@ainc-cau.gc.ca for consultation-related requests only. All other correspondence (i.e., standard notifications about the commencement of the Class EA) can be addressed to our regional address. EAcoordination@inac.gc.ca</p>		
Local Agencies			
Toronto and Region Conservation Authority	<p>An integrated approach for Planning Act and MCEA applications is supported by TRCA as we see beneficial outcomes from a comprehensive planning effort for communities. TRCA is supportive of the approach outlined in the proposed amendment document whereby the proponent will be required to follow the prescribed process for both the Planning Act and MCEA applications, and undertake public and agency consultation that is consistent with current standards.</p>	Acknowledged	
	<p>The requirements data collection and study should be clearly stipulated in the amendment documents. It is imperative that the studies and data are consistent, comprehensive and of sufficient detail so as to allow for effective decision-making in both planning activities. Planning authorities may need to rely on the master plan and master environmental servicing plan (MESP) processes to address cumulative impacts and set directions for infrastructure at a high level before lower tier planning is initiated. It will also be imperative that the proponent fully investigate the infrastructure needs and assessments so as to ensure the environmental impacts are minimized. The needs</p>	Acknowledged	
		<p>As noted in the MCEA the complexity of a project is based on many components, including environmental effects, public and agency input and technical considerations, and how these interrelate on a specific project. Each project will have varying needs assessment and data collection requirements. Determination of the level of complexity is an inherent function of the management of a project and the responsibility of the proponent.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>assessment for the required infrastructure, such as traffic studies, master environmental servicing plans, and integration with municipal master planning efforts, must be clearly defined. Consideration of the natural features, including where and how infrastructure will cross valley lands, how meander belts will be maintained through bridge sizing and how natural areas can be avoided, must be addressed prior to the community plan being developed. TRCA recognizes that the amendment document requires the community plan be adjusted based on the outcome of the MCEA, but is concerned that negotiations to achieve a satisfactory outcome may prove to be difficult and onerous if the process is not very clearly defined at the outset.</p>		
	<p>TRCA questions how provincial interests such as hazard land management that is tied to the Conservation Authorities Act will be managed if they are reviewed through the OMB. Provisions for accommodating provincial legislation that is outside the authority or technical scope of the OMB should be clearly stipulated in the amendment document.</p>	<p>The OMB is responsible for handling appeals of land-use planning disputes and municipal matters (e.g., official plans, zoning bylaws, plans of subdivisions or minor variances). The OMB decisions are based on the evidence presented at hearings including the relevant law, provincial policies/interests, local policies and the principles of good planning. The Class EA process, does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. This does not change with the integrated process.</p>	
	<p>While the amendment document suggests that it would be prudent to review the project if not constructed within 10 years, it is not a requirement. TRCA suggests that such a review be made a requirement and the provisions for this requirement be clearly stipulated in the document.</p>	<p>A review after 10 years is a requirement of the MCEA process. The Planning Act does not contain an automatic review of an approval or an automatic expiry if an approved project that was subject to the amendment is not implemented. A municipality may, however, include a time lapse provision in certain Planning Act approval(s) (e.g., a</p>	

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	<p>TRCA notes that Dams and Weirs, as covered under the MCEA, recommends that a Schedule A MCEA be followed to "replace an existing dam or weir at same location and for same purpose, use and capacity..." Dams and weirs can have significant environmental impacts. If the existing structure is to be replaced, there should be opportunity provided to assess if there is a better alternative which can improve environmental conditions.</p>	<p>municipality may provide a deadline for the proponent to fulfill the conditions of a draft plan of subdivision) and/or seek reconsideration of matters through its regular planning reviews.</p> <p>The clarification does not change the existing schedules but provides clarification that any outfall structure at a treatment facility or lagoon would be part of that treatment facility or lagoon and would not be considered a dam or weir within one of these sections. The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws including the Lakes and Rivers Improvement Act or conservation authority permits/approvals.</p>	
	<p>Staff also notes that the Conservation Ontario Class EA is used for the construction activities associated with dams and weirs, as is the Ministry of Natural Resources Class EA. TRCA recommends that the schedule for replacing dams and weirs be amended to follow a Schedule B or C process, depending on project scale. The Schedule A process should be used solely for purposes of providing general maintenance to such structures. Staff also suggests that the Conservation Ontario Class EA Ministry of Natural Resources Class EA be cross-referenced in this section.</p>	<p>The schedules have not been changed for dams and weirs. Integration with other Class EAs is beyond the scope of this amendment. Consider during the MCEA 5 year review.</p>	
Conservation Halton	<p>Clarifications: Staff recommends that all dam or weir reconstructions require the completion of a Schedule B Class Environmental Assessment regardless of the initial purpose of the dam.</p>	<p>The clarification does not change the existing schedules but provides clarification that any outfall structure at a treatment facility or lagoon would be part of that treatment facility or lagoon and would not be considered a dam or weir within one of these sections.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>Roads - Activity 12 - Staff recommend that this proposed amendment be further refined similar to the existing Transit Schedule 5, there a Schedule B assessment is required where there is potential for localized operational improvements to have adverse environmental effects, as opposed to designating all localized operational improvements as a Schedule A+. Staff would not object to the classification of localized operation improvements not deemed to have potential for adverse environmental effects being deemed a Schedule A+.</p>	<p>Currently potential impacts of road projects are classified according to costs where transit projects are classified according to potential adverse environmental effects. There is currently no direction within the scope of this amendment to alternate evaluation. This however could be considered within the scope of the 5 year review of the MCEA.</p>	
	<p>Transit - Activity 5 - Staff are not supportive of the proposed change and request that "Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes, queue jump lanes, and roadway access ramps, etc.) with the potential for some adverse environmental effects" be maintained as a Schedule B activity. Staff note that other transit activities with the potential for some adverse environmental effects have all been classed as Schedule B activities.</p>	<p>The rationale for the change was Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally. This rationale is consistent with the other changes that have been proposed for this amendment. However it is agreed that other transit activities with the potential for some adverse environmental effects have all remained as Schedule B activities. The assessment of environmental effects will be removed from the definition and rows 4 and 5 combined.</p>	
Region of Peel	<p>The Region of Peel's Transportation Division supports the amendments to clarify the integration provisions.</p> <p>We expressed strong support for the modification to Activity 23 [adding collector and arterial roads approved as a condition of approval to Schedule A]. We continue to see merit in the modification. We understand the Ministry of the Environment's</p>	<p>Acknowledge</p> <p>MOE considers that collector and arterial roads have additional impacts that are best addressed through the EA process. Opportunities for integration with the planning act approval are the best method to facilitate their approval. The use of the integration provisions are encouraged to</p>	

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	<p>concerns about the modification, but see room for compromise on this issue. We respectfully request that, prior to the finalizing of the MCEA Amendments, consideration be given to ways to retain the intent of the modification while addressing the concerns identified by the MOE.</p> <p>We would also like to take this opportunity to restate a suggestion raised in our September 20, 2010 letter: that the list of applications / documents in Activity 23 under which the construction of local roads and collector or arterial roads will come into effect under the Planning Act prior to the construction of the road be amended to include Transportation Master Plans.</p>	<p>support collector and arterial roadways associated with development approvals.</p> <p>Master Plans can be conducted in accordance with the Class EA that would complete in full or in part the requirements under the EA Act.</p>	
<p>Public Works Department, City of Hamilton.</p>	<p>What is the Role of the Ontario Municipal Board (OMB) when it comes to Class EAs? The proposed amendments do not clearly outline the authority or the role of the OMB in regards to decisions pertaining to Class EAs that are integrated with a Planning Act approval. One of the key principles of successful environmental assessments is the "systematic evaluation" of all alternatives. The intent of systematic evaluation is to evaluate all alternatives and identify the environmental affects and in order to narrow the decision making process to a preferred alternative. If the OMB were to deny EA decisions, would this ultimately contravene the intent of the EA planning principles?</p>	<p>The OMB is an administrative tribunal responsible for handling appeals of land-use planning disputes and municipal matters (e.g., official plans, zoning bylaws, plans of subdivisions or minor variances). The OMB decisions are based on the evidence presented at hearings including the relevant law, provincial policies/interests, local policies and the principles of good planning. The Class EA process does not replace or exempt the formal processes of other applicable federal or provincial legislation or municipal by-laws. This does not change with the integrated process. It is the responsibility of the proponent and ultimately the MOE through the review of monitoring provisions to determine that the appropriate provisions of the Class EA documentation that accompanies the Planning Act application meets the requirements of the MCEA.</p>	
	<p>What is the authority of the OMB to hear an appeal on the Class EA infrastructure project? If the</p>	<p>The OMB is responsible for handling appeals of land-use planning disputes and municipal matters (e.g., official</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>appeal is not based on land use planning matters, but is related to the infrastructure project, does the OMB still have authority to hear the matter? Do they have the authority to deny or modify the Class EA infrastructure project?</p>	<p>plans, zoning bylaws, plans of subdivisions or minor variances). The OMB decisions are based on the evidence presented at hearings including the relevant law, provincial policies/interests, local policies and the principles of good planning.</p> <p>When a land use planning instrument is appealed to the OMB, the OMB can make a decision to approve, modify or refuse the instrument based on the evidence before it, including evidence related to the infrastructure that is intended to support the planning application.</p>	
	<p>Does the OMB have the same authority as the Minister of Environment to impose conditions, or require a Schedule B project to be planned as Schedule C if these questions have been clarified in the proposed amendments to the Class EA?</p>	<p>The OMB cannot elevate the Schedule of the Class EA project. It can make decisions to approve, modify or refuse the land use planning instrument based on the evidence before it, including evidence related to the infrastructure that is intended to support the planning application.</p>	
	<p>"there may be restrictions on the use of previous work by others". This should be clarified on what the restrictions are. An appendix could provide a listing of restrictions on using work from previous phases of the process or another proponent.</p>	<p>Restriction referred to could be any limitations placed on the use of previous work by others including reliance, or copy right.</p> <p>To be reinforced in the Outreach and Education program. Clarified and amended A.2.9 (e.g. reliance, or copy right)</p>	
	<p>References are made to the use of Master Plans to complete phase 1 and 2 of the Class EA process, and then fulfilling phase 3 and 4 through a later Class EA or integrated process. There needs to be the option of filing Phase 1 and 2 at the completion of the Master Plan, after which there would be no Part II Order opportunity to challenge the Phase 2 solutions/conclusion. This would give greater</p>	<p>This is consistent with Approach #1 for Master Plans as outlined in the MCEA.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>certainly to the Master Plan process. Phase 3 and 4 filing and associated Part 11 Order would then only apply to the design alternative process.</p> <p>Consideration should be given to the fact that some municipalities have delegation agreements with the Province for planning application review, therefore, the Provincial agencies which typically review planning applications and Class EAs may differ. Clarification should be given in terms of which documentation is to be provided to which agencies. For example, noise impacts of a planning proposal are usually reviewed by the municipality and not MOE. Whereas the noise impacts of a Class EA project would be part of the Class EA document and reviewed by Ministry of Environment (MOE). Do all agencies now have to review all integrated documentation?</p>	<p>The Class EA process does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws. Supporting documentation for other review and approval requirements does not change.</p>	
	<p>In addition to the technical requirements and standard content included in a notice, the guidelines should encourage and recommend plain language and easy to understand content be added to the notices. Often notices for EAs and Planning Applications simply meet the technical requirements of the notice but are not well understood by many members of the public. If the goal is to provide meaningful consultation with the public, easier to understand notices should be made available. The guidelines can encourage easier-to-understand descriptions of what is being proposed and the potential outcome in addition to the technical and required content.</p>	<p>The MCEA includes provisions to ensure that the language and terminology used, and the explanations given of technical matters considered, are readily understood by a reasonable lay person. This should be implicit in the preparation of notices and public communications.</p> <p>The content of Planning Act notifications is prescribed.</p> <p>To be reinforced in the Outreach and Education program.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>Deals with lapse of time and indicates that the 10 year timeframe that applies to Class EA processes does not apply to projects under the integrated process. It does suggest however, that the municipality could use regular planning reviews to ensure that projects not completed within 10 years get appropriate review. It is assumed that the Ministry of Municipal Affairs and Housing (MMAH) have reviewed the proposed Class EA amendments and concur that municipalities would be authorized to impose such a condition, such as under Section 51.(25) of the Planning Act.</p> <p>Furthermore, it is our understanding that a review after the 10 year period would be at the discretion of the municipality and is not mandatory.</p>	<p>MMAH has been involved in the development of the proposed amendment and the wording within this section.</p>	
	<p>After the proponent(s) have completed a project using the integrated approach, when does the monitoring documentation have to be submitted to the MOE?</p>	<p>A review after 10 years is a requirement of the MCEA process. The Planning Act does not contain an automatic review of an approval or an automatic expiry if a Planning Act approval is not implemented.</p>	
	<p>Activity No. 11 - Should the proposed Schedule read B> 2.7m? It looks like a typo.</p>	<p>There is currently no timeline identified with the submission or with other monitoring submissions in the MCEA. Encourage timely submission in Outreach and Education program.</p>	
	<p>Left hand column states that "Class EA matters involved in an integrated approach are appealed to the OMB". This section must also clarify the jurisdiction and authority of the OMB to decide on Class EA projects (e.g. the power of the OMB to modify, deny, require conditions, etc. related to the infrastructure projects themselves). See comments above under the first bullet.</p>	<p>Yes it should read B>2.7m – corrected.</p>	
	<p>The City of Hamilton welcomes further opportunities from MOE and Municipal Engineers</p>	<p>The jurisdiction and authority of the OMB area available from the MMAH. See previous comments. Consider development of a training module in conjunction with MMAH/OBM as part of the Outreach and Education program.</p>	<p>Acknowledged</p>

Submitter	Summary of Comments	Proponent's Response	Status
City of Barrie	<p>Association (MEA) to provide additional input into this process.</p> <p>There is confusion on who specifically needs to be contacted on First Nations issues from the Ontario Ministry of the Environment, Ontario Ministry of Aboriginal Affairs and the Department of Indian and Northern Affairs. We suggest adding contact information and the positions role/responsibilities to the MEA document with text explaining the First Nations consultation process/expectation/purpose. Perhaps it would be beneficial to reference a website for additional details that could be updated as needed.</p>	<p>Contact information for First Nations consultation has been included as part of the Outreach and Education program.</p> <p>To be reinforced in the Outreach and Education program.</p>	
	<p>Section A.2.9 seems to suggest that coordinating or integrating the Planning Act and the Class EA follows the same process. It is my understanding that a coordinated Planning Act and Class EA process differs from an integrated Class EA process wrt to appeals. Appeals from a coordinated process are directed to MOE associated with Part 2 order and the OMB associated with the Planning Act.</p>	<p>The requirements to fulfill the Class EA process are the same but it is correct that the appeal process is to the OMB in an integrated process.</p>	
	<p>Suggest providing a separate section in the MEA document explaining the coordinated process and differences between a coordinated and integrated process. Several municipalities have used the coordinated process and example would be helpful.</p> <p>Ontario Regulation 345/93 indicates that private non residential developers are also exempt from Schedule C projects. This needs to be explained in Section A.2.9.2. are private commercial and industrial developers exempt?</p> <p>Appendix 1, column headers need to be adjusted.</p>	<p>Section A.2.10 of the MCEA identifies Where possible, other approval processes should be co-ordinated with the MCEA</p> <p>Proponency has been included as part of the Outreach and Education program.</p> <p>To be reinforced in the Outreach and Education program.</p>	
	<p>Footnotes under Appendix 1 table - The maximum</p>	<p>Acknowledge Corrected formatting Changes to project costs are posted on the MEA website</p>	

Submitter	Summary of Comments	Proponent's Response	Status
	<p>project cost limits are to be updated annually. This updated information is not in this proposed amendment. Are they doing this separately?</p> <p>Construction of a new culvert or increase in culvert size due to change in drainage area" is proposing to change from a Schedule B to a Schedule A+.</p> <p>Please clarify whether or not in the situation where the culvert in the existing condition conveys say the 100 year storm and is proposed to be upsized to convey the Hurricane Hazel (regional storm) if this would also be a Schedule A+ and not currently a Schedule B. If so we would suggest adding "or conveyance".</p> <p>Appendix 1 Roads and Transit - Define local and provincial interest. If there is a provincial interest, would it change the Schedule? The City of Barrie watercourses cross highway 400, would we need to consult with MTO and MNR to determine if there is a provincial interest?</p> <p>Examples – A few examples of full reports for various schedules (such as Schedule A and A+) or a link to a website for sample reports would be helpful.</p>	<p>http://www.municipalengineers.on.ca/</p> <p>See existing Schedule definition 11 Culvert repair or replacement where the capacity of the culvert is not increased beyond the minimum municipal standards or capacity required to adequately drain the area, whichever is greater and where there is no change in drainage area. If the capacity of a culvert is changed to adequately drain an area would be a Schedule A.</p> <p>Consultation requirements with other agencies are not changed regardless of the schedule.</p>	
Transportation and Field	The Regional Municipality would best be served by	<p>Class EA reports are provided to the MOE upon MOE's request. If MOE has not been involved in the Class EA process for a particular project (especially for a Schedule A+ or B project), MCE would only receive documentation when a Part II Order Request is made. Therefore, not all types of reports are available for any type of posting. Maintenance and administration of such a database including the collection of all EA reports would be exceptionally onerous.</p> <p>Many proponents do post documentation on individual web sites that are publicly available as a reference.</p> <p>Consideration of the value and requirements of such a database may be considered in the upcoming review of the MCEA.</p> <p>Municipal involvement in larger scale infrastructure projects</p>	

Submitter	Summary of Comments	Proponent's Response	Status
<p>Services, The Regional Municipality of Durham,</p>	<p>having a decisive role in determining the project proponenty: jurisdiction; budgets; understanding long term plans and goals and provincial policy. Rather than consider specific road sections in isolation, there is a need to determine the longer range function and integration of that road into the overall transportation network. We wish to avoid a situation by which a segment of road is 'locked-in' in terms of location through an EA process that does not evaluate the entire facility or at least a strategic length of the facility; sequential development patterns in a community.</p> <p>Planning approvals can evolve over time, but the implementation mechanisms for integrated Planning Act and EA approval processes need to be clarified, particularly when private sector proponents / co- proponents are considered. For example, determining arterial and/or collector road alignment alternatives as part of an integrated approach (i.e., Secondary Plan exercise tied to a Master Plan EA process), may not be conducted to a sufficient amount of detail when it is time to develop plans of subdivision. Accordingly, changes and/or deletions in these road alignments could be initiated by a private sector proponent at a future point in time, which could compromise the justification for, or even preclude, the municipality from conducting a Class EA to complete the road connection. As such, the appropriateness of determining preferred arterial and collector road alignments at a Secondary Plan stage through an integrated Class EA process, needs to be considered</p>	<p>is encouraged through the requirements for municipal co-proponency with the private sector for planning infrastructure beyond the boundaries of the Planning Act Applications.</p> <p>Long term plans may be developed in advance of development plans to guide development.</p>	
		<p>The integrated approach does not alter the level of detail required to be completed compared to the identified Class EA requirements. During implementation the proponent (private or public) must still ensure the commitments in the EA are met or whether additional EA work is required.</p> <p>Depending on the change proposed to an approved secondary plan, additional Planning Act approvals may be required.</p>	

Table 2. Public Comment Summary Table

Proposal: MCEA Amendments
 Proponent: Municipal Engineers Association MEA - Public

Submitter	Summary of Comments	Proponent's Response	Status
Private Citizen	<p>The January 21, 2011 decision of the Ontario Divisional Court that the Ontario Municipal Board does not have jurisdiction to decide whether projects planned using the integration provisions of the MCEA preceded consistent with the requirements of the <i>Environmental Assessment Act</i>. With the January 21, 2011 decision, I submit, a moratorium on the use of the integration provisions should be put in-place, until major amendments to the MCEA and related legislation are effected. In the meantime, all Schedule B and C projects that are otherwise subject to the MCEA/EAA approvals, should be subject to Part II Order Requests. Additional examples of a specific project were provided in a subsequent email.</p> <p>Concerned the use of the Integration Provisions of the Municipal Class EA relates to approval of Schedule C projects. According to Ontario Regulation 345/93 Schedule C projects involving private sector proponents are not exempt from approvals under the EAA. If that is the case, how can Schedule C projects be planned / approved using the Integration Provisions, when the approval authority</p>	<p>The decision as to whether the integration provisions have been appropriately followed remains with the Ministry of the Environment (MOE). The Minister of the Environment did in fact submit, during the course of this hearing, that the integration provisions had been correctly followed.</p> <p>Monitoring provisions for submissions to the MOE when utilizing the integration provision remain in place with these amendments. The Municipal Engineers Association (MEA), MOE and Ministry of Municipal Affairs and Housing (MMAH) will review the effectiveness of the integration provisions on a regular basis.</p>	
		<p>Under Ontario Regulation 345/93, private sector developers are subject to environmental assessment requirements if they are proposing an activity listed under Schedule C of the MCEA that is intended for the residents of a municipality.</p> <p>The MCEA is a proponent-driven self-assessment process. Subject to the completion of the approved planning process, an approval from the MOE is not required for activities listed under the MCEA.</p>	

Submitter	Summary of Comments	Proponent's Response	Status
Ontario Bar Associations	<p>is under the Planning Act? (Note that six Schedule C projects were apparently approved in the Fernbank Transportation Master Plan – as supported by the MOE Eastern Region and MOE Minister).</p> <p>Supports the position that use of the integrated approach should be an option and not compulsory.</p> <p>It is crucial that it [OMB] has sufficient resources and knowledge to understand and deal with environmental issues and protect the environment.</p> <p>Integrated approach summary should be made publicly available on the municipalities website for a significant period of time, so as to enhance the transparency and results of the full approval process</p> <p>Endorses the annual indexing of threshold values</p> <p>Schedule reclassification changes proposed by the MEA are reasonably clear.</p> <p>Encourages the Ministry and MEA to continue to explore other potential improvements to the Municipal Class Environmental Assessment system in Ontario.</p>	<p>Acknowledged</p> <p>The MMAH worked closely with the MOE and the MEA in the development of the integrated approach. The OMB already deals with very significant, complex and technical environmental issues and routinely hears evidence from environmental experts (eg. biologists, ecologists, hydrogeologists, geomorphologists etc).</p> <p>The integrated approach information will be contained in the Public Notices that are normally available on proponents web sites as well as within project documentation</p> <p>Acknowledged</p> <p>Acknowledged</p> <p>The MCEA will be undergoing a 5 year review</p>	

Submitter	Summary of Comments	Proponent's Response	Status
Residential and Civil Construction Alliance of Ontario (RCCAO)	<p>Recommends that there be wording specifying that if various requirements are met under the Planning Act that the Class EA obligations are fulfilled.</p> <p>Agree that the integration of Planning Act and Environmental Assessment Act consultations are optional.</p> <p>Clarification is needed that the OMB has jurisdiction and that reference be made to matters that could be the subject of an appeal. It should also be made clear that the OMB has the authority to dismiss frivolous appeals.</p> <p>Schedule reclassifications are positive changes.</p> <p>For the 40 Year Old structures - 'Cultural heritage value' determination has the potential to be highly subjective</p> <p>Intersection improvements, such as new left hand turn lanes, have been reclassified as Schedule A+ projects if the intersection improvements also include an element of traffic calming (e.g. speed bumps) then the entire project consisting of a left hand turn lane and speed bumps or other traffic calming measures may yet make such improvements a Schedule B or Schedule C project.</p> <p>New stormwater retention ponds where</p>	<p>Proponents still need to meet the requirements of Section A.2.9 of the MCEA for integrated projects. Under Section A.2.9, there are opportunities to combine documentation and to make use of studies carried out in support of the Planning Act application.</p> <p>Acknowledged</p> <p>The revision to the MCEA include "The OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made". Appeal rights, including the bases for the OMB to potentially dismiss an appeal without a hearing are set out in the Planning Act.</p> <p>Acknowledged</p> <p>The requirements for classification as having cultural heritage value will be developed with the Ministry of Tourism and Culture (MTC) and will be posted on the MEA's web site</p> <p>Section 3.3(1) of the <i>Environmental Assessment Act</i> (EAA) removes traffic calming from being subject to the EAA. There are no Schedule definitions directly related to traffic calming.</p>	<p>No changes were made to Schedule A (11) defines New or</p>

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	<p>no additional property is required, is characterized as a Schedule A. The construction of berms along a watercourse for purposes of flood control is still characterized as a Schedule B project. Given the similarities of such projects, it is suggested that both structures be considered Schedule A projects.</p> <p>Recommend that the review of alternatives to road widening and bridge replacement projects should not need to include alternatives to the road widening, if such alternatives have already been publicly vetted through other processes such as Official Plans. There are many municipal roads that are expected to be widened to either 4 or 6 lanes in dense commercial and retail areas across the Province. A full Schedule C environmental study may not be warranted in cases where a municipality follows the existing Official Plan and carries out such road widenings.</p> <p>There is nothing in the MEA's proposed changes that would make any particular Schedule B or Schedule C study faster or less expensive. Consideration be given to establishing time frames for certain municipal class road widening and other projects in a manner similar to the time frames established for certain</p>	<p>replacement or expansion of existing stormwater detention/retention ponds or tanks and appurtenances including outfall to receiving water body provided all such facilities are in either an existing utility corridor or an existing road allowance.</p> <p>Text was added for clarification of Schedule B (2) Establish a new stormwater retention/detention pond and appurtenances or infiltration systems including outfall to receiving water body where additional property is required.</p> <p>Construction along a watercourse has potentially different impacts associated</p> <p>Municipal Official Plans may be completed in accordance with the Master Planning process outlined in the MCEA and as such may fulfill the various Phases of the Class EA depending on the approach taken. If so, it should be noted that proponents of Class EA projects may consider the results of such master planning studies that have already been completed.</p> <p>The MCEA is a self assessment planning process. Unless a Part II Order request is made to the Minister of the Environment, an approval from the MOE is not needed. As a result, the timeframes in which proponents carry out and complete the MCEA process is under their own accord.</p> <p>The Transit Project Assessment Process sets out regulated timelines under which proponents of transit projects are able</p>	

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	<p>transit projects</p> <p>Road widenings and new routes to construct paved <i>bicycle lanes</i> are still treated in the same manner as ordinary motor vehicle lane widenings. There may be valid arguments that the addition of a paved bike lane on an existing municipal right of way should not be exempted from the requirement of an environmental assessment study, there are also arguments that a Schedule B or Schedule A+ characterization may be more appropriate than a Schedule C study given the positive greenhouse gas, noise and fitness benefits associated with bicycle and recreation paths.</p> <p>Some form of publicly accessible data base related to completed EA reports. The Province has already recognized a public interest in viewing prior decisions of tribunals such as the OMB on certain matters by providing free public access to prior OMB decisions. A similar</p>	<p>to meet the requirements for transit activities under the EAA within a 6-month period. Appropriate planning and assessment, dependant on the scope of the project, still needs to be undertaken and much of this necessary work may need to be completed in advance of the 6-month transit assessment process.</p> <p>For projects that are the subject of Part II Order requests, the MOE EAAB has committed to improving the turn around time for the review of Part II Order requests which has reduced the overall time requirements if Part II Order requests are submitted for a particular project..</p> <p>Construction of bicycle lanes within an existing ROW is classified as a Schedule A+. The requirement for additional lands/lanes would elevate a bicycle lane project to a higher schedule of the MCEA. However, if the bicycle lane were a stand alone component it is unlikely to exceed the \$2.7 million project cost threshold that would make trigger the need for a Schedule C process to be completed.</p> <p>Class EA reports are not submitted to the MOE unless there is a Part II Order Request and are therefore not all available for any type of posting. Maintenance and administration of such a database including the collection of all EA reports would be exceptionally onerous. Nevertheless, many proponents maintain project websites with this information made publicly available.</p>	

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	<p>argument could be made for the establishment of some form of public data base for prior Municipal Class EA reports.</p> <p>Recommended that the Minister have the opportunity to delegate the review of any Part I1 Order requests to the Director. Awaiting the decision by the Minister might in some circumstances add a significant delay to completion of a municipal class environmental assessment, for instance at times close to or following an election and in any other circumstances where requests may not be addressed on a timely basis.</p>	<p>Acknowledged.</p> <p>The OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made.</p> <p>The MOE EAAB has committed to improving the turn-around time for the review of Part II Order requests which has resulted in a reduction in the overall time requirements for a review of a Part II Order request to be completed..</p>	
BILD	<p>BILD/OHBA acknowledges and commends the changes as found in Appendix 1 - Project Schedule Changes to moving a number of development projects into the A+ categorization. This will assist in cutting red tape</p> <p>In the Clarification, Dams and Weirs, Schedule D section of the proposed amendments, BILD/OHBA suggests that stormwater management facilities are added to the list of works that would not be considered a dam or weir.</p> <p>BILD/OHBA is concerned that this new language [proponent of a project using the integrated approach must be "the same as the applicant under the Planning Act] will create uncertainty about the proponents of projects and will require guidance to identify who is</p>	<p>Acknowledged</p> <p>Dams and weirs referred to in this section refer to dams and weirs that are flow control structures located within a watercourse. The clarification has been amended to explicitly exclude stormwater management facilities from being considered a dam or a weir.</p> <p>This will be re-enforced in the outreach and education program.</p>	

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	<p>the applicant and proponent. To this point the Ministry has re-affirmed that this is a proponent driven process, in turn it is the responsibility of the proponent to identify the applicant and proponent when utilizing the integrated approach in compliance with the MEA Class EA.</p> <p>BILD/OHBA supports the changes [infrastructure beyond the planning act boundaries] as found in this section as a positive step forward, however we are concerned that the ability to use this benefit is significantly reduced by adding, "if infrastructure beyond the boundaries of the Planning Act application were required, the off-site infrastructure project must at a minimum involve the municipality as a co-proponent". The willingness of a municipality to actively participate in an integrated approach or a Class EA study is implicit in the Class EA process and making a municipality act as a co-proponent, and thus increasing the level of work by both parties for routine infrastructure projects, is not required. BILD/OHBA request further clarity on this additional requirement. BILD/OHBA believes that the municipality does not need to be a co-proponent to satisfy the completion of these works.</p> <p>The required public meetings can be combined to serve during the 30-day notice, so the opportunity to combine</p>	<p>The requirement for the municipality to act as a co-proponent was included as a private sector developer does not necessarily have the ability to plan and recommend works beyond it's land ownership. Municipal consent at a minimum is necessary. The requirements for co-proponency does not necessarily increase the level of work but requires the municipality to at a minimum participate in the planning and decision-making process for infrastructure that it will ultimately assume.</p> <p>Acknowledged</p>	

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	<p>notices and public meetings does exist, however at the longer notice period. BILD/OHBA would suggest this is an item for discussion during the upcoming MEA Class EA review.</p> <p>BILD/OHBA as a key stakeholder, and recognizing the provincial government's commitment to the Open for Business process, expects that the communications/training necessary to support the proposed amendments and the intent of the clarifications will be delivered immediately. BILD/OHBA requests the opportunity to utilize the technical expertise of our members to support the development of the communications/training materials and review the final products, in an effort to support the collaborative approach taken to develop the proposed amendment and share in the communications/training exercise.</p>	<p>Acknowledged</p>	
<p>Greenspace Alliance of Canada's Capital</p>	<p>A recent OMB decision indicate that "The Board does not have the jurisdiction or the incidental powers pursuant to the <i>Environmental Assessment Act</i> to effect changes to the EA process"</p> <p>It is clear that under current legislation appeal rights from Class Environmental Assessments under the <i>EEA</i> are not expunged when the Integration Provision is used. Neither the current nor the proposed wording of section</p>	<p>The OMB cannot elevate the Schedule of the Class EA project. It can make decisions to approve, modify or refuse the land use planning instrument based on the evidence before it, including evidence related to the infrastructure that is intended to support the planning application.</p> <p>The revision to the MCEA include "The OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made.</p> <p>Under section 2.8.1 of this Class EA, a Part II Order request may also be made to the Minister of the Environment or</p>	

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	<p>A.2.9 make this clear – on the contrary, they create the impression that an appeal to the OMB is the only available avenue.</p>	<p>delegate. However, the purpose of the integration provisions is to coordinate requirements under the Planning Act with this Class EA. When reviewing a P110 request, the Minister of the Environment or delegate will consider the purpose and intent of the integration provisions.</p>	