



**Municipal
Engineers
Association**

MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT

September 2011

*Prepared by the Municipal Engineers Association
in consultation with the
Ministry of the Environment*

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ART 1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The “parent” Municipal Class Environmental Assessment (EA) enables the planning of municipal infrastructure to be undertaken in accordance with an approved procedure designed to protect the environment. The Class EA approach to dealing with municipal infrastructure projects has been proved to be an effective way of complying with the Ontario Environmental Assessment Act (EA Act) through over twenty years of experience. It provides:

- a reasonable mechanism for proponents to fulfill their responsibilities to the public for the provision of municipal services in an efficient, timely, economic and environmentally responsible manner;
- a consistent, streamlined and easily understood process for planning and implementing infrastructure projects; and
- the flexibility to tailor the planning process to a specific project taking into account the environmental setting, local public interests and unique project requirements.

Municipalities undertake hundreds of projects. The Class EA process provides a decision-making framework that enables the requirements of the EA Act to be met in an effective manner. The alternatives to a parent Class EA would be: to undertake individual environmental assessments for all municipal projects; for each municipality to develop their own class environmental assessment process; and/or, for municipalities to obtain exemptions. These alternatives would be extremely onerous, time consuming and costly. Over two decades of experience have demonstrated that considerable public, economic and environmental benefits are achieved by applying the Class EA concept to municipal infrastructure projects.

The Municipal Class EA dated June 2000 was approved with conditions by Order of Cabinet on October 4, 2000. An amendment, to the Class EA, was approved on November 5th, 2007. Condition #4, of the original approval, requires that a Municipal Class EA Monitoring Program be further defined and implemented. The Municipal Class EA Monitoring Program has been prepared by the Municipal Engineers Association (MEA) through discussions with the Ministry of the Environment (MOE) and the Ministry of Municipal Affairs and Housing (MMAH) for submission to the Director of the MOE - Environmental Assessment and Approvals Branch (EAAB) by October 4, 2001 for approval.

Part 1 provides information regarding the parent document and the development of the Monitoring Program prior to describing the actual program in Part 2.

1.2 BACKGROUND RE: MUNICIPAL CLASS EA PARENT DOCUMENT

It is important to understand the history of the Municipal Class EA parent document since this in turn has affected the nature of the Monitoring Program. Section A.1.2 of the Municipal Class EA Parent Document provides a good review with the key points summarized herein.

On April 9, 1987, the first Municipal Class EA parent documents, prepared by MEA on behalf of proponent Ontario Municipalities, were approved under the EA Act. At that time, two Class EAs were implemented to deal with: i) municipal road projects, and, ii) municipal water and wastewater projects.

In 1993, the Municipal Class EAs were reviewed, determined to be working well, updated and their approval extended until May 31, 1998.

In 1997, the MEA in conjunction with the MOE-EAAB commenced the municipal Class EAs Renewal Project that is described in Section A.1.2.4 of the approved Municipal Class EA. From comments received since the Municipal Class EAs were first approved, and during the Renewal Project, many municipalities, MOE and other key stakeholders have indicated that the process has, and is working well. This was also borne out through the stakeholder survey done during the 1998 review which included a questionnaire distributed to over 1370 stakeholders, of which 85 completed the questionnaire and returned it to MEA.

Consequently, it was recognized that much had been achieved over the years of working with and refining the Municipal Class EAs and therefore a wholesale change in the process was neither necessary nor appropriate. Therefore, the underlying principle in the review and updating of the Municipal Class EAs was to maintain the substance of the existing process while making any necessary changes.

Through the Renewal Project, the Class EAs for municipal roads and water and waste water projects were consolidated into one document and updated. The Municipal Class EA parent document is broad in scope given its application to a variety of projects being undertaken by numerous proponents across the province. As a result, first and foremost, the Municipal Class EA provides the framework for EA planning of municipal infrastructure projects to fulfil the requirements of the EA Act. It establishes principles and certain minimum mandatory requirements and has been set-up as a proponent-driven self-assessment process which is sufficiently flexible to allow different proponents to meet the needs of specific projects while ensuring that the requirements of the EA Act are met. While the Municipal Class EA defines the minimum requirements for environmental assessment planning, the proponent is encouraged to and is responsible for customizing the process to reflect the specific complexities and needs of a project.

In 2005, the five year review identified a number of issues. These were addressed through three amendments to the Municipal Class EA. In summary, these amendments included:

- a minor amendment which addresses a number of housekeeping issues;
- a major amendment which creates a new sub-class of activities (Schedule A+) and reorganizes the classification of certain activities; and
- a new chapter which expands the scope of the Class EA to include municipal transit projects.

These amendments were approved on September 6th, 2007 and a consolidated document has been printed.

1.3 APPROVED MUNICIPAL CLASS EA

The Municipal Class EA was approved with conditions on October 4, 2000 by Order in Council No. 1923/2000. It should be noted that the approval is open-ended with the result that there is added responsibility for both MEA and MOE to ensure the continued effectiveness and compliance of the Municipal Class EA parent document under the EA Act.

The conditions of approval that apply specifically to the Monitoring Program are discussed in Section 1.3.1.

1.3.1 CONDITIONS OF APPROVAL

Condition of Approval #4 states that:

The proponents, or the Municipal Engineers Association on behalf of the proponents, shall work to further define and implement a Municipal Class Environmental Assessment Monitoring Program. Details of this Program and its implementation shall be developed by the proponents, and/or the Municipal Engineers Association acting on behalf of the proponents and approved by the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment. These details shall be submitted to the Director of the Environmental Assessment and Approvals Branch for approval within one year of the date of this approval. Yearly Monitoring Reports will be submitted to the Director of the Environmental Assessment and Approvals Branch commencing two years after the date of this approval and then every year thereafter. In order to ensure compliance with the Class environment assessment process and the implementation of the projects under the Class process, the monitoring program shall provide clear documentation of how the Municipal Class Environmental Assessment is consistent with Class Environmental Assessment program objectives.

In addition, Condition of Approval 33 requires that a review of the Municipal Class EA be undertaken every five years from the date of its approval “in order to ensure that the environmental assessment is still compliant with legislative requirements and planning practices and continues to satisfy the purpose of the Environmental Assessment Act”.

Consequently, the following time line has been identified:

- October 4, 2000 - Municipal Class EA approved.
- October 4, 2001 - MEA to Submit details of proposed Monitoring Program to MOE-EAAB
- October 4, 2002 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2003 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2004 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2005 - MEA to Submit yearly Monitoring Report and 5 Year Review
- 2006 and 2007 - Work focussed on amendments
- September 2008 - MEA submitted yearly Monitoring Report
- September 2009 - MEA submitted yearly Monitoring Report
- September 2010 - MEA submitted yearly Monitoring Report
- 2011 - MEA to Submit yearly Monitoring Report
- 2012 - MEA to Submit yearly Monitoring Report and 5 Year Review

1.3.2 Municipal Class EA Training Sessions

Following the approval of the amendment to the Municipal Class EA in 2008, MEA arranged for training sessions to be held across the province. The purpose of the sessions was to provide an overview of the main changes to the amended Municipal Class EA while at the same time providing a general understanding of the process to new users. Three sessions titled Introduction to the MCEA, Amendments to the MCEA and Transit Projects in the MCEA were scheduled in:

- *Mississauga*
- *Region of Waterloo*
- *City of Ottawa*
- *City of Markham*
- *City of London*

One day training workshops were also held in North Bay, Sudbury, Sault. St. Marie and Thunder Bay.

The Transit Projects Course was cancelled due to the March 28th release of MOE's proposed legislation to conditionally exempt Transit from the EA Act.

During the spring of 2010, a total of 239 attended a one day MCEA training course held in 6 locations around the province.

Further, web based training modules are currently being developed that will be hosted on a new MCEA web site.

1.4 DEVELOPMENT OF MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

1.4.1 Study of Organization and Approach

The Municipal Class EA Process Monitoring Program was developed by the MEA Monitoring Committee in consultation with MOE-EAAB and the Ministry of Municipal Affairs and Housing (MMAH).

McCormick Rankin Corporation and Ecoplans Ltd were retained by MEA to assist in preparing the Monitoring Program.

The basic steps in the process were:

- review of Conditions of Approval of the Order in Council
- review key issues and considerations including purpose of “monitoring”, what has been done in the past, what are other proponents currently doing, commitments already in place, and available tools for collecting data;
- develop basic approach and prepare draft framework;
- July 24, 2001 meeting with MOE-EAAB to review basic approach and draft framework. MOE indicated that the basic approach in general was acceptable.
- expand draft framework (with additional background information and explanatory notes and incorporate comments from MOE) to become the “Draft Monitoring Program”;
- September 12, 2001 meeting with the MEA Monitoring Committee, MOE-EAAB and MMAH to review draft Monitoring Program; and,
- revise and submit to the Director of the MOE-EAAB by October 4, 2001. Once submitted to MOE-EAAB, there may be some further discussions between MEA and MOE which may result in minor refinements to the document.

1.4.2 Issues/Considerations

The following issues and considerations were taken into account during the development of the Monitoring Program.

1.4.2.1 Definition of “Monitoring”

The purpose of the Monitoring Program is to monitor the overall parent Class EA process in the broad sense and not to audit specific projects for compliance in terms of process or technical issues. As discussed with MOE, not only does the auditing of specific projects go beyond the scope of the Conditions of Approval by Order in Council, MEA has neither the legal authority nor the means to monitor any municipality in the province. The results of the Monitoring Program, however, may be of use for MOE for consideration in project-specific auditing that maybe undertaken by the province.

The purpose, therefore, is to monitor the use, compliance and effectiveness of the Municipal Class EA process as outlined in the parent document. This is discussed further in Part 2.

1.4.2.2 What Has Been Done In The Past

In the past, MEA has not been required to monitor the use and effectiveness of the Municipal Class EA on an ongoing basis. As explained in Section 1.2, however, a review of the Municipal Class EA process was undertaken each time the Class EA approval was renewed.

It should be noted that MOE's review of bump-up requests for specific projects was and is a form of compliance monitoring. Accordingly, it was recognized that, in the future, the conclusions of the MOE's review of Part II Order requests would be useful input to the Monitoring Program.

1.4.2.3 What Are Other Proponents Doing

Other proponents of parent Class EA documents have, or are in the process of, developing monitoring programs. The only monitoring program now approved was developed by the Ministry of Transportation (MTO), in consultation with MOE. MTO's monitoring program was reviewed by MEA in terms of MTO's approach, the tools for collecting information and the format of MTO's document. MTO's Monitoring Program is based on the premise that monitoring must be done on a Class EA overview basis and that the intent is not to undertake either a scientific or project EA compliance monitoring program.

It is recognized, however, that there are fundamental differences between MTO and MEA, for example:

- MTO is the key proponent for their projects and consequently has control over the use of their parent Class EA;
- MTO has "in-house" staff and resources to implement their Monitoring Program; and
- MTO's new Class EA was changed substantially from their previous Class EA document. In essence, MTO developed a new approach for their Class EA which is principal-based, not prescriptive. Consequently, MTO's Monitoring Program has been developed to monitor the "effectiveness" of this new approach. This is different from the Municipal Class EA process which has already been proved to be effective and working well from many years of use and based on the results of previous comprehensive reviews.

1.4.2.4 Administration/Implementation Issues Associated With MEA

MEA is unique among proponents of parent Class EAs. Unlike other proponents, who have the ability to control the use of their Class EA and the projects carried out under their particular Class EA, the Municipal Class EA is used by all municipalities in Ontario as well as the private sector. MEA is a volunteer organization and does not have the mandate or any legal authority over its member municipalities or any others. Furthermore, not all municipalities are members of MEA.

As a result, the actual implementation of a monitoring program for the Municipal Class EA is a major consideration for MEA. Therefore, a monitoring approach has been developed which:

- uses the tools available to MEA;
- relies on input from both MEA and MOE; and

- relies on the professional expertise and judgment of experienced EA practitioners.

This approach is considered to be reasonable given that the Municipal Class EA has been used for many years and has been proved to be effective and working well.

1.4.2.5 Other

Other points raised during discussions with MOE are noted below:

- *Ability to quantify the number of Schedule 'A' projects carried out under the Municipal Class EA* - The Schedule 'A' classification (i.e. pre-approved) is used extensively by all municipalities with some estimating that approximately 90% of projects/activities undertaken by a typical municipality are likely Schedule 'A' because they generally entail maintenance and operational activities for existing facilities. The number of Schedule 'A' projects can not accurately be measured since the Schedule 'A' classification could apply not only to projects but programs as well. Given that Schedule 'B' and 'C' projects have greater potential for environmental effects, Notices of Completion are now required to be sent to MOE for the record. A question, however, has been added to the questionnaire for proponent municipalities of the Municipal Class EA parent document, to obtain information as to the percentage of the municipalities project/activities which are considered to be Schedule 'A'.
- *Ability to monitor the application of the Class EA requirements to the private sector* - The private sector is subject to the EA Act for Schedule 'C' projects servicing residential land use. As a result, private sector proponents would be required to submit copies of their Notice of Completion to MOE for these projects.
- *Generic criteria for Class EA Annual Reports being developed by MOE* - At the time of writing, MOE was developing generic criteria, however, they were still very preliminary and being reviewed internally by MOE.
- *Auditing of specific projects* - This is outside of the scope of the Order in Council approval. Furthermore, there is no legal authority for MEA to audit municipalities.
- *Compliance monitoring of specific project activities* - MOE has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MOE will be addressing this as an initiative to be carried out by MOE.
- *Clarification of the reference in the last sentence of Condition of Approval #4 "... and the implementation of the projects under the Class process..."* - M. Harrison, formerly with MOE, participated in the drafting of the Conditions of Approval and confirmed that this is referring to the ability to quantify the order of magnitude of projects being implemented under the Class EA process. To this end, proponents are to submit Notices of Completion for Schedule 'B' and 'C' projects and, memos re: Master Plans and the Integrated Approach to MOE for the record.

1.4.2.6 Conclusion

The results of the review undertaken by MEA and their consultants, and the discussions with MOE and MMAH, were taken into consideration when developing the Monitoring Program. It is key to recognize that the Municipal Class EA parent document can be used by a multitude of proponents over which MEA has no authority. MEA membership is limited to individuals licenced to practice engineering in Ontario and who are full time Municipal employees. Not all Ontario Municipalities have employees who are members of MEA and no proponents (municipalities or private) are members of MEA. The Monitoring Program, which is outlined in Part 2, has been developed in consideration of this.

PART 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

The purpose of the program is to provide the means to:

- ensure that Conditions of Approval #3 and #4 by Order in Council are fulfilled;
- ensure that the Municipal Class EA process is continuing to work well and be effective, and, is in accordance with legislative and regulatory requirements;
- determine if the new “Integrated Approach” is being applied and is working well;
- identify any potential trends or issues to be considered by MEA; and
- identify necessary changes to the parent Class EA document over time.

2.1 MONITORING PROGRAM FRAMEWORK

The Monitoring Program has been developed taking into consideration the following:

- the Conditions of Approval #3 and #4 by Order in Council for the Municipal Class EA parent document;
- the purpose of the Monitoring Program as defined above;
- recognition that the renewed Municipal Class EA maintains the substance of the process which has been used successfully since 1987 and which MEA, MOE and other key stakeholders agree has and continues to work well and be effective;
- recognition that the Municipal Class EA process is used by a multitude of independent proponents over which MEA does not have authority;
- focus is on monitoring on the Municipal Class EA process in the broad sense and not the auditing of specific projects or compliance monitoring of specific project activities;
- commitments already made in the Municipal Class EA; and
- discussions with MOE-EAAB.

The framework is provided in Table 2. An input to this table, however, the following sections describe:

- the commitments already in place;
- what is to be monitored; and
- proposed tools for collecting data.

2.1.1. Commitments Already Included In The Municipal Class EA

During the 1998 review of the previous Municipal Class EA, it was determined that it would have been useful if data had been more readily available about the number of Schedule 'B' and 'C' projects carried out following the Municipal Class EA process. Consequently, it was concluded that proponents should submit a copy of their Notices of Completion for Schedule 'B' and 'C' projects to MOE-EAAB. This in turn would provide a record of the Schedule 'B' and 'C' projects undertaken within the province. This approach was also applied to Master Plans and the integrated approach whereby proponents are to advise MOE by a memo upon completion of an applicable project.

Accordingly, the following commitments were included in the Municipal Class EA parent document:

- Notice of Completion for a Schedule 'B' or 'C' project to be sent to MOE-EAAB (Section A.1.5.1);
- MEA to meet with MOE-EAAB on an annual basis to review Notices received;
- memo to be prepared by a proponent of a Master Plan briefly summarizing how the Master Plan followed Class EA requirements. Memo to be copied to MOE-EAAB (see Section A.2.7.2 of Municipal Class EA);
- memo to be prepared by a proponent for a specific project following the "Integrated Approach", and submitted to MOE-EAAB summarizing their application of the "Integrated Approach" (see Section A.2.9.3 of Municipal Class EA); and
- commitment by MEA to monitor the "Integrated Approach" by meeting annually with MOE and MMAH (see Section A.2.9.3 of Municipal Class EA)

2.1.2 What Is To Be Monitored

It is proposed to monitor the use, compliance and effectiveness of the Municipal Class EA as follows:

Use - Level of use of the Municipal Class EA as reported to MOE-EAAB, where use refers to number of Schedule 'B' and 'C' projects, Master Plans and projects which followed the integrated approach.

Compliance - Does the Municipal Class EA continue to meet the requirements of it's EA Act approval and the conditions of that approval?

Effectiveness - How effective is the Municipal Class EA in meeting the requirements of the EA Act and MOE Class EA program objectives? MOE Class EA program objectives include:

- assessment of environmental effects;
- consultation;
- documentation of decision making;
- streamlined approvals; and self assessment.

2.1.3 Who Is Undertaking The Monitoring

The Monitoring Program will be carried out by the MEA Municipal Class EA Monitoring Committee with input from MOE and MMAH. The Chair of the MEA Committee will be responsible for implementing the Monitoring Program, receiving information, interpreting it, preparing the Annual Monitoring Report and reviewing it with MOE and MMAH.

2.1.4 Tools For Collecting Data

The Monitoring Program will maximize the use of tools already in place, available information from MOE, and the obtaining of information from the proponent municipalities, technical agencies and key stakeholders. The following tools are proposed:

- Summary of notices/memos to MOE re: Schedule 'B' and 'C' projects, Master Plans and Integrated Approach. Not only will this serve to identify the order of magnitude of Schedule 'B' and 'C' projects completed in a year, it will also provide the basis for comparing the number of projects which receive Part II Order requests to the number of projects for which a Part II Order request is granted. Table 1 provides a sample matrix of how this data could be summarized.
- Summary of number of projects receiving Part II Order requests; number of requests granted or denied; associated rationale - i.e. process versus technical issue.
- Questionnaire for those municipalities who are proponents of the Municipal Class EA parent document (referred to as "proponent municipalities") to:
 - identify any problems experienced with the Municipal Class EA;
 - determine level of satisfaction with the continued effectiveness of the process;
 - identify any process-related issues, and
 - ask if the process continues to be effective.
- Questionnaire for government review agencies (i.e. technical regulatory/commenting agencies) to:
 - determine agency's degree of involvement/participation in the Municipal Class EA process;
 - identify any problems experienced with the process;
 - identify any potential process-related issues as they relate to the agency's mandate;
 - and
 - ask if the process continues to be effective.
- Questionnaire for key stakeholders including:
 - Consulting Engineers of Ontario (CEO)
 - Ontario Professional Planners Institute (OPPI)
 - Urban Development Institute (UDI)
 - Regional Planning Commissioners

- Annual meetings of the MEA Class EA Monitoring Committee with MOE-EAAB and MMAH to review the information collected and its interpretation.

2.1.5 Monitoring Framework

Table 2 presents the framework for the Municipal Class EA Process Monitoring Program. It outlines:

- what will be monitored;
- what indicators will be used;
- how the indicators will be measured; and
- how the data will be collected.

2.2 IMPLEMENTATION AND SCHEDULE

Implementation of the Monitoring Program is a key consideration since it requires input from MEA, MOE and MMAH. Therefore, a 12 month calendar has been prepared, as provided in Table 3, to demonstrate the time line to collect data, review and interpret the information and submit the Annual Report. This Monitoring Program will be carried out by the MEA Monitoring Committee under the direction of the Chair of the Committee. MOE has been invited to participate on the Committee.

2.3 ANNUAL REPORT

A summary report will be prepared annually and submitted to the Director of the MOE-EAAB. It will summarize the findings regarding use, compliance and effectiveness of the municipal Class EA process as discussed previously and identified in Table 2. It will then present an overview of process-related observations about the Municipal Class EA in terms of its continuing effectiveness in meeting MOE Class EA program objectives. Commencing in 2002, the Annual Reports will be due by October 4.

2.4 PROGRAM ADMINISTRATION

Over time, certain adjustments may be required to this Monitoring Program. Recommendations in terms of what is and is not working with the Monitoring Program, particularly with respect to the relevance and/or level of detail of the data that are collected, and program costs, for example, will be included in the Annual Report as appropriate. Flexibility is desirable to permit refinements to the program as necessary as it evolves and agreed to by MEA and MOE.

TABLE 2 - SAMPLE MATRIX FOR SUMMARIZING NOTICES OF COMPLETION RECEIVED BY
MOE AND PART II ORDER DATA

Municipality	Projects with Notice of Completion Submitted to MOE		Projects which Received Part II Order Request	Part II Order Granted	Rationale if Granted		Rationale if Denied		Other
	B's	C's			Process Issue	Technical Issue	Process Issue	Technical Issue	
Municipality 'A'									
Project1	✓		No	--	--	--	--		
2		✓	Yes	No	--	--	--	✓	
3		✓	Yes	No	--	--	--	✓	
4	✓		No	--	--	--	--	--	
5	✓		No	--	--	--	--	--	
etc									
TOTAL									

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
<ul style="list-style-type: none"> Use of Municipal Class EA process 	<ul style="list-style-type: none"> use of Municipal Class EA process as represented by number of projects reported to MOE including: <ul style="list-style-type: none"> Schedule 'B' projects Schedule 'C' projects Master Plans projects which followed the Integrated Approach 	Numerical summary of: <ul style="list-style-type: none"> no. of Schedule 'B' and 'C' projects for which copy of Notice of Completion provided to MOE-EAAB no. of Master Plans No. of projects which followed Integrated Approach designation requests 	<ul style="list-style-type: none"> MEA to summarize Notices of Completion sent to MOE-EAAB (see Table 1 for sample matrix) 	
<ul style="list-style-type: none"> Compliance of municipal proponents for Municipal Class EA, or MEA on their behalf, with: <ul style="list-style-type: none"> Conditions of Approval for parent Class EA document 	<ul style="list-style-type: none"> fulfilment of Conditions of Approval for parent Class EA document 	<ul style="list-style-type: none"> describe how fulfilled 	<ul style="list-style-type: none"> MEA Monitoring Committee to review status of requirements for each Condition of Approval for the parent Class EA and document if they have been fulfilled and, if not, when and how they will be. 	
<ul style="list-style-type: none"> Compliance with: <ul style="list-style-type: none"> Class EA process requirements 	<ul style="list-style-type: none"> general assessment of representative projects as to whether they are in compliance with the approved process 	<ul style="list-style-type: none"> compare number of Part II Orders granted because of process issue to number of projects reported to MOE 	<ul style="list-style-type: none"> review Minister's rationale for Part II Orders being denied or granted and identify if process-related review questionnaire responses for applicable comments/information (See Question 2.10 of questionnaire for Proponent Municipalities in Appendix A) 	

**TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM**

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
<ul style="list-style-type: none"> • Effectiveness of Municipal Class EA process in meeting requirements of: <ul style="list-style-type: none"> i) EA Act ii) Class EA Program objectives 	<ul style="list-style-type: none"> • Continued ability of Municipal Class EA process to meet statutory requirements of EA Act. • continued ability of Municipal Class EA process to meet generic/ broad Class EA program objectives: <ul style="list-style-type: none"> • assessment of environmental effects • consultation • documentation of decision-making 	<ul style="list-style-type: none"> • identify any changes to EA Act including regulations and determine implications to Municipal Class EA • summary of Minister's rationale for granting Part II Orders • information received at annual MEA meeting • questionnaire responses (see Questions 7, 8, 11 of questionnaire for Proponent Municipalities in Appendix A; Question 3 of questionnaire for government agencies in Appendix B) • discussions with MEA Monitoring Committee and MOE-EAAB • feedback from training sessions 		

**TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM**

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
	<ul style="list-style-type: none"> streamlined approvals self-assessment 	<ul style="list-style-type: none"> no. of projects which would otherwise be individual EAs qualitative assessment of Part II Order review process 	<ul style="list-style-type: none"> summary of Notices of Completion sent to MOE questionnaire responses from proponent municipalities questionnaire responses (see Question 11 of questionnaire for Proponent Municipalities in Appendix A) 	<ul style="list-style-type: none"> identify potential changes, enhancements, trends to be considered
	<ul style="list-style-type: none"> effectiveness of Integrated Approach (see Section A.2.9 of Municipal Class EA document) 	<ul style="list-style-type: none"> qualitative review of memos sent to MOE-EAAB and information received qualitative review of questionnaire responses qualitative review of related Ontario Municipal Board (OMB) decisions 	<ul style="list-style-type: none"> memos sent to MOE-EAAB discussions with MEA, MOE and MMAH questionnaire responses (see Question 13 of questionnaire for proponent municipalities in Appendix A; Question 15 of questionnaire for government review agencies in Appendix B) feedback from MMAH re: OMB decisions regarding municipal infrastructure. 	

TABLE 3 - 12 MONTH CALENDAR

Date	MEA	MOE	MMAH
January 1	<ul style="list-style-type: none"> send questionnaires to proponent municipalities, government review agencies and other key stakeholders requesting information by March 1 	<ul style="list-style-type: none"> co-ordinate MOE Regions' response to questionnaire 	<ul style="list-style-type: none"> co-ordinate MMAH's response to questionnaire and collection of information pertaining to the Integrated Approach
February 1	<ul style="list-style-type: none"> Feb 1 to May 1 - MEA summarizes information received from MOE re: Notices of Completion and Part II Order requests 	<ul style="list-style-type: none"> provide MEA with summary or copies of previous year's Notices of Completion and any memos re: Master Plans and the Integrated Approach received by MOE provide summary of projects which received Part II order requests and Minister response letters 	<ul style="list-style-type: none"> provide information about Integrated Approach to MEA
March 1	<ul style="list-style-type: none"> Receive questionnaires from proponent municipalities, agencies and other key stakeholders Review/interpret questionnaire responses 		
April 1	<ul style="list-style-type: none"> arrange annual meeting of Monitoring Committee to be held by June 30) complete draft Annual Monitoring Report 		
May 1	<ul style="list-style-type: none"> circulate draft Annual Monitoring Report to MEA Monitoring Committee and MOE/MMAH 	<ul style="list-style-type: none"> review draft Annual Monitoring Report 	<ul style="list-style-type: none"> review draft Annual Monitoring Report
June 1	<ul style="list-style-type: none"> hold annual meeting by June 30 	<ul style="list-style-type: none"> attend meeting and provide comments 	<ul style="list-style-type: none"> attend meeting and provide comments
July 1	<ul style="list-style-type: none"> July 1 to Sept 1 - revise report 		
August 1			
September 1			
October 1	<ul style="list-style-type: none"> submit report to Director of MOE-EAAB for approval by October 4 		
November 1			
December 1			

PART 3. ANNUAL MONITORING REPORT - SEPTEMBER 2012

3.1 DEVELOPMENT OF MONITORING REPORT

In 2011 questionnaires were circulated to the Proponent Municipalities, Technical Agencies and other Key Stakeholders identified in the Monitoring Program. The Ministry of the Environment was also asked to provide a summary of the Notices of Completions and Part II Order requests which they had received.

The responses from the questionnaires were summarized on June 23, 2011 the MEA Municipal Class EA Monitoring Committee met and reviewed the responses. Comments from this meeting were then incorporated and the draft Monitoring Report was prepared. The report was circulated to all Committee members for review before it was submitted to the Ministry of the Environment in October 2010.

3.2 RESPONSES FROM PROPONENT MUNICIPALITIES

A detailed summary of the responses from Proponent Municipalities to the questionnaire is found in Appendix 'A'. The questionnaire was answered by Public Works/Engineering staff except in one municipality. Noteworthy comments from the responses are:

- 1) ***Please indicate the number of projects your municipality completed in the past calendar year.***

Only larger municipalities in growth areas complete many Schedule B or C projects. Municipalities are not filing Notices of Study Commencement and Notices of Completion appropriately.

- 2) ***Did your municipality forward a copy of all Notices of Completion to MOE at MEA.Notices.EAAB@ontario.ca ?***

The new requirement to e-mail the Notice of Completion to MEA is not widely known. MEA will assist MOE with publicizing this new requirement;

- 3) ***In general, do you find the project schedules appropriate for the type and scope of your projects?***

Project schedules are appropriate;

- 4) ***Do you have difficulty determining the appropriate schedule including A+ and transit? (Note A+ and transit came into effect in 2007)***

Municipalities do not have difficulty determining appropriate schedule and are not challenged on the choice;

- 5) ***Do you find that your municipality, your consultants and MOE staff are consistent when interpreting the project schedules?***

Interpretation of project schedules is usually consistent;

- 6) ***Are there any specific project schedules (see Appendixes of the Municipal Class EA) which should be modified/changed/deleted/added?***

Some amendments, to the project schedules, are suggested, specifically;

- Heritage Bridges (addressed in amendment)

- 7) ***The renewed Municipal Class EA includes a new Schedule (A+) for projects and a chapter for Transit. In general, is the Municipal Class EA process easy to follow and apply? MOE has introduced a regulation to exempt transit projects from the EA Act if they follow the process in the regulation. Would your municipality use this new regulation of the Municipal Class EA approval process?***

The Municipal Class EA is easy to follow. A number of the responding municipalities would use the new transit regulation rather than the new Class EA transit chapter;

- 8) ***Does the Municipal Class EA process provide for the appropriate level of documentation for the applicable project schedule?***

The Municipal Class EA provides for the appropriate level of documentation.

- 9) ***In general, do project stakeholders indicate that they are satisfied with the level of notice, consultation and documentation?***

Although some proponents have, at times, been requested for additional information, generally stakeholders are satisfied with the level of documentation;

- 10) ***In general, do technical agencies participate in the process and provide input/comments in a timely manner?***

Technical agencies generally respond in a timely manner;

- 11) ***Have you received any Part II Order requests in 2008?***

Only some proponents have received a Part II Order request in the past year. MOE's review of Part II Order requests has improved and is generally completed in a timely manner;

- 12) ***Based on your experience, are you generally satisfied that the Municipal Class EA process is continuing to be effective in meeting MOE's generic class environmental assessment program objectives?***

Proponents are satisfied that Class EA process continues to be effective;

- 13) ***A new feature of the renewed Municipal Class EA process is the creation of Schedule A+. For Schedule A+ projects, impacted members of the public are to be notified only. Although the notice may prompt input, there is no appeal route for these projects outside discussions with the proponent. Has your municipality applied this process on any projects? If yes, was this approach effective in communicating with the public?***

Only some municipalities have applied Schedule A+. Those that applied this process found it effective.

- 14) ***MEA has recently submitted a major amendment to the MCEA that re-writes the section on integration with the Planning Act and revises the schedule classification for certain projects.***

Integration section helpful. No additional project schedule changes identified.

- 15) ***MEA is currently developing on-line training modules on the following topics:***
- ***recent changes, clarifications and amendments to the MCEA;***
 - ***proponent and private sector projects;***
 - ***Part II Order Requests;***
 - ***Master Plans;***
 - ***integration with the Planning Act;***
 - ***Heritage Bridge Structures;***
 - ***Aboriginal consultation; and***
 - ***project types, scoping and piecemealing.***

Interest in viewing training modules.

Based on this feedback, MEA proposes to:

- i) **launch an new MCEA web site. This web site will provide up to date information about the MCEA, allow users to view web based training modules and provide an opportunity to submit questions. The web page will highlight the requirement to submit Notices of Completion vial e-mail to MOE. Web base training modules will include the following topics;**
- **Master Plan;**
 - **Integration with the Planning Act;**
 - **Amendments and Clarifications;**
 - **Part II Order Requests;**
 - **Proponent and Private Sector Projects;**
 - **Other Relevant Legislation;**
 - **Aboriginal Consultation; and**
 - **Structures of 40 Years Old.**

3.3 RESPONSES FROM TECHNICAL AGENCIES AND KEY STAKEHOLDERS

A detailed summary of the responses from Technical Agencies and Key Stakeholders, to the questionnaire is found in Appendix B. Noteworthy comments from the responses are:

- 1) ***Please indicate how frequently your organization has been involved and the general type of project.***

Responders participated in numerous MCEA projects each year.

- 2) ***Based on you organization's experience, please indicate your organization's level of satisfaction with the following key elements of the Municipal Class EA process. Are proponents classifying projects under the appropriate schedule (e.g. Schedule 'B' or Schedule 'C') and being consistent in their application? Where appropriate, is your organization being notified in a timely fashion of the study start and key decision points? Is your organization provided with reasonable/adequate opportunities to provide input to the study re: data collection, alternatives, recommended undertaking, mitigating measures, future commitments? Are your organization's issues/concerns identified, considered and addressed fairly and appropriately? Is the study documentation clear and in sufficient detail for your organization's review?***

Proponents are classifying projects under the appropriate schedule, are notifying appropriately and providing clear and sufficient documentation for review. However, there is some concern with the opportunity for input and that concerns are not addressed;

- 3) ***Has your organization requested a “Part II Order” to require a proponent to follow an Individual Environmental Assessment process? (Note - Part II Order was formerly known as “bump-up” request.)***

Technical Agencies seldom request a Part II Order;

- 4) ***The Municipal Class EA process includes the means for improved coordination with land use planning and approvals under the Planning Act. It is called the “Integrated Approach” and is described in Section A.2.9 of the Municipal Class EA. Have you been involved in this process on any projects? If yes, did you find that this approach addressed your organization’s issues/concerns satisfactorily?***

No specific comments.

- 5) ***Are there any specific project schedules which should be modified / changed / deleted / added?***

No specific changes to the MCEA schedules were identified.

- 6) ***Are there any process-related issues or concerns that you would like to bring to MEA’s attention?***

✓ RCCAO submits that the application of the integrated approach established under section A.2.9 of the Municipal Class EA for use by both public and private project proponents is a positive measure that should be encouraged. In particular, the availability of the integrated approach to address Regulation 345/93 requirements (private sector proponents must comply with Municipal Class EA for projects listed in Schedule C and built for residential development) should not only be encouraged by municipalities, but municipalities should permit greater flexibility to private sector proponents as to how and when they conduct public and stakeholder consultations and the overall structure of any Environmental Study Reports by the private sector proponent (e.g., see OMB decision PL030997 et al. issued April 14, 2011 concerning “Westhill” and the Town of Aurora).

✓ Section A.2.10 Relationship of Projects Within the Class EA to Other Legislation. We think it would be helpful to add some information to this section about the Public Transportation and Highway Improvement Act (PTHIA) and the MTO Class EA for Provincial Transportation Facilities (MTO Class EA) so that proponents can coordinate their planning processes when necessary. For example, proponents may be required to obtain a permit under the PTHIA if the work is within MTO’s permit control area. In addition, if highway improvements are required as a result of municipal or development-driven undertakings, proponents may also need to address the requirements of the MTO Class EA for work within MTO’s ROW, before MTO will grant a permit under the PTHIA.

Although MTO advises proponents of these requirements as soon as we are made aware of the project, the highway improvements are frequently an afterthought to the Planning Act and MEA Class EA requirements. Too often, proponents complete their Planning Act and MEA Class EA requirements and subsequently discover they need to conduct additional field investigations within MTO’s ROW and undertake additional planning, design and consultation to

satisfy the requirements of the MTO Class EA. We think it would be advantageous to mention these other possible permit and approvals so proponents can integrate the highway improvements with their planning and design process under the MEA Class EA.”

- ✓ Municipalities do not always consult the Niagara Escarpment Commission. There is sometimes a lack of understanding of our process and process requirements.
- ✓ A “Statement of Completion) should be added to the process to ensure that any outstanding issues are addressed and to ensure that the process is complete.

7) MEA is currently developing on-line training modules on the following topics:

- **recent changes, clarifications and amendments to the MCEA;**
- **proponent and private sector projects;**
- **Part II Order Requests;**
- **Master Plans;**
- **integration with the Planning Act;**
- **Heritage Bridge Structures;**
- **Aboriginal consultation; and**
- **project types, scoping and piecemealing.**

Comments on content that should be included

- ◆ Policy training.

8) Are there any other questions that you think should be added to this questionnaire? If so, please comment.

- ◆ Survey should be anonymous and provide spectrum of choice.

Based on this feedback, MOE proposes to:

- i) Proceed with developing training modules; and
- ii) Review format of questionnaire and annual monitoring program.

3.4 MOE COMPLIANCE AUDIT

For the 2009-2010 fiscal year, MOE staff audited seven projects assessed under the MEA Class EA. The audits were conducted on four files where Part II Order requests were denied with conditions and three files where the MEA Class EA was followed by the MOE did not receive any Part II Order requests.

The MOE found two incidences of non-compliance with conditions on a Part II Order request denial and one incident of non-conformance with the MEA Class EA process. Please find a summary of the audits where non-compliance or non-conformance were found below.

1. Non-compliance - Conditions were placed on a project in relation to a stormwater management pond which required the proponent to submit information to the ministry. The proponent failed to provide the information.
2. Non-compliance - Conditions were placed on a dredging project that required the proponent to submit the results of a monitoring program to the Ministry. The proponent completed the work, but did not submit it to the ministry as required.

Proponents are reminded to submit information as required by conditions.

3.5 MCEA AND INTEGRATION WITH THE PLANNING ACT

The Provincial Governments's Ontario's Business Sector Strategy establishes an open dialogue and collaborative relationship between government and key business stakeholders. Sector representatives are asked to identify five priorities under jurisdiction of the provincial government that, if addressed, would strengthen their sector's success. This joint understanding of priorities allows government and the business sector to work together more effectively to generate economic growth, create jobs for Ontario families, and protect the public interest. BILD represents the first sector to identify its priorities under Ontario's Business Sector Strategy.

BILD identified a concern with the Municipal Engineers Association (MEA) Municipal Class Environmental Assessment (MCEA) process related to the duplication of work between the MCEA requirements and those under *Planning Act* processes. The ministry consulted with various municipalities and requested their input on the existing integration provisions. Municipalities indicated that the integration provisions could be enhanced and clarified and suggested that recognition of prior planning assessment could be used in the MCEA process to streamline proponent's efforts and effectively meet requirements of both the *Planning Act* and the *Environmental Assessment Act*.

As a result of these concerns, the MEA together with the Ministry of the Environment (MOE) has amended the MCEA. A copy of the approved amendment is included in Appendix F.

3.6 MINISTRY OF TOURISM AND CULTURE (MTC)

On June 12, 2009, MEA, MOE and MTC held a conference call and discussed how to improve the MCEA process specifically related to item #30 in the roads schedule - projects involving 40 year old structures.

MEA raised the point that this clause was written in the 1980s when 40 years old meant 'constructed in the 1940s' and more likely constructed before World War II. Today, 40 years means constructed before 1970. A multitude of bridges were constructed in the 50s and 60s using standardized mechanical techniques and do not have heritage value.

MTC advised that MTO has completed a study of their bridges constructed between 1945 and 1965 and, while they found that most did not have any heritage value, certain bridge types from that era did have heritage value.

The three parties discussed an amendment to the MCEA where the criteria to trigger a Schedule B or C project would change from '40 years old' to 'have potential Heritage value'. Potential Heritage value would then need to be defined to make it clear it did not mean Designated Heritage but would mean:

- constructed before 1945; or
- if constructed between 1945 and 40 years ago, satisfies the criteria in a new Appendix to the MCEA. This new appendix would include some examples and an evaluation tool whereby the proponent could self assess and determine if the bridge has potential Heritage value. MTC will develop a draft assessment tool.

If the bridge did not have potential Heritage value, the project would proceed as a Schedule A project. If the bridge was constructed before 1945 or has potential Heritage value, then the project would proceed as a Schedule B or C project. Some guidance, provided by MTC, as to

requirements for projects with potential Heritage value would also be included in the MCEA to assist proponents.

The approved amendment, included in Appendix F, creates a new category of Schedule A projects for structures that are more than 40 years old but do not have heritage value. Screening criteria, to confirm heritage value, will be developed and posted on MCEA web site www.municipalclassea.ca

3.7 NOTICES OF COMPLETION

A list of Notices of Completion for Schedule B and C projects is found in Appendix C. The following is a summary:

Notices of Completion 2010

Project Type	# Schedule B	# Schedule C	Master Plan	Total
Road	15	15	0	30
Wastewater	11	6	0	17
Water Works	6	1	1	8
Master Plan	0	0	0	0
Transit	0	0	0	0
Total	32	22	1	55

Project Type	# Notices of filing of Addendum 2010
Road	0
Wastewater	4
Water Works	1
Transit	0
Other	0
TOTAL	5

3.8 PART II ORDER REQUESTS

Recently the MOE has reorganized their internal process for reviewing Part II Order Requests. In the past, Part II Order Requests have sometimes caused significant delays for projects. As outlined in a letter from MOE, included in Appendix E, the EA branch has implemented process improvements so that their review of requests can be completed within the established time frame. The practice will now be to focus the review to the key issues raised in the Part II Order Request.

Proponents are advised to be prepared to provide written responses to the key issues raised to the Branch within two (2) weeks. Otherwise, the Class EA could be deemed incomplete and the Notice of Completion may need to be re-issued.

A summary of the Minister's Decisions, related to Part II Order requests which were dealt with by MOE in 2010 is found in Appendix E.

In 2010, the Minister issued 26 decisions. Although the older decisions took up to 174 days, of the 12 decisions received and dealt with in 2010, the Minister responded, on average, within 108 days.

In 2010, the Minister denied all Part II Order Requests, although some (3 of 26) imposed conditions on the proponent. MEA is pleased with the improvements MOE has made to their process to review and respond to Part II Order Requests.

It is noteworthy that the Minister denied all Part II Order Requests. Some denials included conditions, however, this still indicates that proponents are generally complying with the MCEA.

3.9 ANNUAL MEETING OF THE MEA CLASS MONITORING COMMITTEE AND RECOMMENDATIONS

The major action from this meeting was to prepare and submit amendments included in Appendix F.

3.10 SUCCESS OF MUNICIPAL CLASS EA

3.10.1 Use of Municipal Class EA

The Municipal Class EA is extensively used by municipalities as the approved mechanism for their sewer, water and road projects. This process is particularly important for the Schedule A projects which represent up to 95% of a municipalities work. The streamlining and consistence approach described in the Class EA are important advantages. The new provisions for an "Integrated Approach" for planning projects are not yet well used.

The survey of proponent municipalities confirm the successful use of the Municipal Class EA.

3.10.2 Compliance with Requirements

To comply with all requirements, the proponent municipalities or the MEA on their behalf, must ensure the Conditions of Approval for the parent Class EA documents are satisfied. The following indicates how these conditions have been met.

- 1) *The proponent municipalities, or the MEA on behalf of the proponent municipalities, and any other municipalities or developers for whose works the environmental assessment has been prepared, shall comply with the provisions of the Environmental Assessment all of which are incorporated herein by reference, except as provided in these conditions and as approved in any other approvals under the Environmental Assessment Act and any other statute.*

Municipalities are complying with the provisions of the Environmental Assessment Act.

- 2) *This Municipal Class Environment Assessment replaces the Class Environment Assessment for Municipal Water and Wastewater Projects and the Class Environmental Assessment for Municipal Road Projects, approved pursuant to Order-in-Council No. 836/87 and 837/87 respectively, under the Environmental Assessment Act.*

Condition has been fulfilled.

- 3) *A review of the Municipal Class Environmental Assessment shall be undertaken by the proponents, or the Municipal Engineers Association on behalf of the proponents, every five years from the date of this approval in order to ensure that the environmental assessment is still compliant with legislative requirements and planning practices and continues to satisfy the purpose of the Environmental Assessment Act. The proponents, or the Municipal Engineers Association on behalf of the proponents, will provide, by letter, the Director of the Environmental Assessment and Approvals Branch, the results of the review. This review will include a summary of any issues and amendments that may arise during the review period and will include a detailed account of how the issues and amendments will be addressed, for approval by the Director of the Environmental Assessment and Approvals Branch. Any revisions, additions or updates can be made using the amending procedure prescribed in the environmental assessment.*

A Review of the Municipal Class Environmental Assessment will be completed by October 4th, 2012.

- 4) *The proponents, or the Municipal Engineers Association on behalf of the proponents, shall work to further define and implement a Municipal Class Environmental Assessment Monitoring Program. Details of this Program and its implementation shall be developed by the proponents, and/or the Municipal Engineers Association acting on behalf of the proponents and approved by the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment. These details shall be submitted to the Director of the Environmental Assessment and Approvals Branch for approval within one year of the date of this approval. Yearly Monitoring Reports will be submitted to the Director of the Environmental Assessment and Approvals Branch commencing two years after the date of this approval and then every year thereafter. In order to ensure compliance with the Class Environment Assessment process and the implementation of the projects under the Class process, the monitoring program shall provide clear documentation of how the Municipal Class Environmental Assessment is consistent with Class Environmental Assessment program objectives.*

This report satisfies this condition.

- 5) *Following approval of this Class Environmental Assessment, the proponents, or the Municipal Engineers Association on behalf of the proponents, shall incorporate the editorial comments proposed during the review period in the Municipal Class Environment Assessment, as outlined in their letter dated April 23, 1999, and prepare copies of the revised text. Copies of the revised text of the approved Class Environmental Assessment shall be made available by the Municipal Engineers Association no later than 60 days after the approval of the Lieutenant Governor in Council. Thirty (30) printed copies of the revised text are to be provided to the Environmental Assessment and Approvals Branch of the Ministry of the Environment.*

Editorial comments have been incorporated and the 30 printed revised copies have been provided.

There is successful compliance of the Municipal Class EA with all requirements.

3.10.3 Effectiveness to Meet EA Act Objectives

The Municipal Class EA continues to meet the statutory requirements of the EA Act and no changes to the EA Act or regulations are contemplated. A review of the questionnaires and of the Minister's decision relating to Part II Orders, confirms that the Municipal Class EA continues to meet the broad Class EA program objectives. The Municipal Class EA streamlines the planning process for municipalities, particularly for Schedule A projects, avoiding the individual EA requirements for thousands of municipal projects. The MOE's detailed review of selected projects (Part II Order requests) confirms that generally municipalities correctly apply the Class EA's self assessment.

The Integrated Planning Act Approach is not commonly used by municipalities at this time. An assessment of the effectiveness of this approach will be made in the future when more information is available.

The Municipal Class EA is successful in meeting the objectives of the EA Act.

3.10.4 Conclusions

The Municipal Class EA is successfully used by municipalities to comply with the requirements of the EA Act and effectively meet the broad objective of the Act to protect the environment. The available information supports the conclusion that the Municipal Class EA is successful.

3.11 SUCCESS OF MONITORING PROGRAM

The Monitoring Program has resulted in the preparation of this Annual Report. This Annual Report describes the success of the Municipal Class EA and satisfies the condition of approval. The MOE, proponent municipalities and other stakeholders were cooperative and provided worthwhile input.

3.12 AMENDMENTS TO THE MUNICIPAL CLASS EA

The purpose of the Annual Monitoring Report is to document and comment on the success of the Municipal Class EA. To continue as a successful process, the Municipal Class EA should be amended when appropriate to address the needs of the proponents and stakeholders.

Details of the recent amendment are included in Appendix F.

3.13 INQUIRIES/RESPONSES

The new MCEA web site www.municipalclassea.ca provides a forum where proponents or the public may submit inquiries. Appendix G provides a listing of inquiries and responses during 2010 - 2011.

APPENDIX A

QUESTIONNAIRE AND

SUMMARY OF QUESTIONNAIRES

FROM PROPONENT MUNICIPALITIES

MUNICIPAL CLASS EA PROCESS QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT PROPONENT MUNICIPALITIES

PLEASE RETURN BY MAY 20TH, 2011

INTRODUCTION AND BACKGROUND

The Municipal Class Environmental Assessment (EA) process has been in place since 1987 with comprehensive reviews being undertaken in 1992 and 1998. Many municipalities, MOE and other key stakeholders have indicated that the Municipal Class EA process has and is working well, and recognize that much has been achieved over the years of working with the Municipal Class EA process. Consequently, the "renewed" Municipal Class EA, which was approved on October 4, 2000, and amended in 2007, maintained the substance of the basic process while including any necessary changes.

As a Condition of Approval of the Municipal Class EA, the proponent municipalities, or MEA on their behalf, are required to implement a Municipal Class Environmental Assessment Monitoring Program to monitor the use, compliance and effectiveness of the Municipal Class EA on an annual basis. The Annual Monitoring Reports in turn will be used as input to the five year review. As input to the Monitoring Program, a series of questionnaires have been developed to solicit information from key stakeholders to assist MEA in monitoring the continued ability of the Municipal Class EA process to meet generic class environmental assessment program objectives, including:

- assessment of environmental effects
- consultation
- documentation of decision-making
- streamlined approvals
- self-assessment

PURPOSE OF QUESTIONNAIRE

The purpose of this questionnaire is to determine your municipality's:

- degree of involvement/participation in the Municipal Class Environmental Assessment process
- identification of any problems experienced with the process
- level of satisfaction with the continued effectiveness of the Municipal Class EA process
- identification of any potential process-related issues

The questionnaire has been sent to the MEA contact for your municipality. It is important, however, that input be obtained from both the public works department and the planning department particularly given the Integrated Approach (see Section A.2.9 of the Municipal Class EA).

Note: It is not intended to solicit comments regarding issues of a technical issue. Although the focus of your comments should be process-related, reference to specific projects may be used for illustrative purposes. Individual project monitoring, however, will not be reported.

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Name:		Date:	
Title:			
Municipality:			
Address:			
Phone:			
Fax:			
e-mail:			
Please indicate what departments provided input to this questionnaire response:			
Public Works	<input type="checkbox"/>	Planning	<input type="checkbox"/>

QUESTIONNAIRE

1. Please indicate the number of projects your municipality completed in the past calendar year.

	2010	
	Initiated	Completed
Schedule 'A+'		
Schedule 'B'		
Schedule 'C'		
Master Plans		
Addendum		

Did your municipality forward a copy of all Notices of Completion to MOE at MEA.Notices.EAAB@ontario.ca? (NOTE: This is a new requirement.)

☐ Yes ☐ No

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Did your municipality file a Notice of Completion with the Regional EA Coordinator at the Ministry's local regional office the MOE's Environmental Assessment and Approvals Branch in Toronto for each project not including Schedule A+?

☐ Yes ☐ No

2. In general, do you find the project schedules appropriate for the type and scope of your projects?

	Yes	No	Comments
• roads	<input type="checkbox"/>	<input type="checkbox"/>	
• water	<input type="checkbox"/>	<input type="checkbox"/>	
• waste water	<input type="checkbox"/>	<input type="checkbox"/>	
• transit	<input type="checkbox"/>	<input type="checkbox"/>	

3. Do you have difficulty determining the appropriate schedule including A+ and transit?
(Note: A+ and transit came into effect in 2007)

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

a) Has your choice/interpretation been challenged?

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4. Do you find that your municipality, your consultants and MOE staff are consistent when interpreting the project schedules?

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. Are there any additional specific project schedules (see Appendixes of the Municipal Class EA) which should be modified/changed/deleted/added?

☐ Yes ☐ No

a) If yes, please identify the specific schedule and provide comments?

6. The renewed Municipal Class EA includes a new Schedule (A+) for projects and a chapter for Transit.

a) In general, is the Municipal Class EA process easy to follow and to apply?

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

b) MOE has introduced a regulation to exempt transit projects from the EA Act if they follow the process in the regulation. Would your municipality use this new regulation or the Municipal Class EA approval process?

☐ New Transit Regulation ☐ Municipal Class EA

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

7. Does the Municipal Class EA process provide for the appropriate level of documentation for the applicable project schedule?

	Yes	No	Comments
i.e. Notice only for Schedule A+ Projects	<input type="checkbox"/>	<input type="checkbox"/>	
Project File for Schedule "B" Projects	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental Study Report for Schedule "C" Projects	<input type="checkbox"/>	<input type="checkbox"/>	

8. In general, do project stakeholders indicate that they are satisfied with the level of notice, consultation and documentation?

Usually Satisfied	Sometimes Request Additional Information	Always Request Additional Information	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

9. In general, do technical agencies participate in the process and provide input/comments in a timely manner?

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

10. Have you received any Part II Order requests in 2010?

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

If yes, please provide the following on each Part II Order request.

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Project #1 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

☐ Yes ☐ No

Comments: _____

Project #2 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

☐ Yes ☐ No

Comments: _____

Project #3 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

☐ Yes ☐ No

Comments: _____

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Project #4 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

☐ Yes ☐ No

Comments: _____

Please detail any additional projects on a separate sheet.

11. Based on your experience, are you generally satisfied that the Municipal Class EA process is continuing to be effective in meeting MOE's generic class environmental assessment program objectives, including:

	Yes	No	Comments
• assessment of environmental effects	<input type="checkbox"/>	<input type="checkbox"/>	
• opportunities for stakeholder consultation	<input type="checkbox"/>	<input type="checkbox"/>	
• documentation of decision-making	<input type="checkbox"/>	<input type="checkbox"/>	
• streamlined approvals	<input type="checkbox"/>	<input type="checkbox"/>	
• emphasis on self-assessment	<input type="checkbox"/>	<input type="checkbox"/>	

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

12. A new feature of the renewed Municipal Class EA process is the creation of Schedule A+. For Schedule A+ projects, impacted members of the public are to be notified only. Although the notice may prompt input, there is no appeal route for these projects outside discussions with the proponent

	Yes	No	Comment
a) Has your municipality applied this process on any projects	<input type="checkbox"/>	<input type="checkbox"/>	
b) If yes, was this approach effective in communicating with the public?	<input type="checkbox"/>	<input type="checkbox"/>	

13. MEA has recently submitted a major amendment to the MCEA that re-writes the section on integration with the Planning Act and revises the Schedule classification for certain projects. Details of this proposed amendment are available at www.municipalengineers.on.ca

Will following the amended section on integration with the Planning Act improve the process?

☐ Yes ☐ No ☐ Not familiar

Are there any additional specific project schedules (see Appendixes of the Municipal Class EA) which should be modified/changed/deleted/added?

☐ Yes ☐ No

a) If yes, please identify the specific schedule and provide comments.

14. MEA is currently developing on-line training modules on the following topics:

- recent changes, clarifications and amendments to the MCEA;
- proponent and private sector projects;
- Part II Order Requests;
- Master Plans;
- integration with the Planning Act;
- Heritage Bridge Structures
- Aboriginal consultation; and
- project types, scoping and piecemealing;

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

Respondent	Major Amendments			
	Improve process?		? Schedules which should be modified/changed/deleted/added	
	Y	N	Y	N
Steve Allan, P. Eng, - County of Lanark	✓			✓
Pat Mauro, P. Eng. - Thunder Bay	✓			✓
Mike DiPaola - Niagara Region				✓
Ramesh Jagannathan, Regional Municipality of Durham				
Regional Municipality of Durham - Wastewater	✓			✓
Regional Municipality of Durham - Transport		✓		✓
Paul Knowles - Carleton Place	✓			✓

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

COMMENTS FROM:

3. Mike DiPaola - Niagara Region

- 1) N/A - No Notices of Completion in 2010
- 2) Bridges - Item 30 for road/bridge projects - The alteration of a structure over 40 years old is not a realistic timeframe. This would mean a Schedule "B" or "C" EA on all of our bridge projects.

Transit - Niagara Region does not have jurisdiction over conventional transit and is facilitating the inter-municipal services through grants.
- 3) Very Rarely
- 10) *How long did it take to receive a decision from MOE?* - No experience in 2010. However, prior to 2010 it took anywhere between 6 - 14 months.

Were you satisfied with the manner in which the Part II order request was processed? No. It took long.
- 11) Streamlined Approvals - Approval agencies still require detail drawings for approvals.
- 13) *Will following the amended section on integration with the Planning Act improve the process?* Not familiar
- 14) The proposed training modules are a great idea. Niagara would be very interested in these modules. Please notify us when they are available.

4. Ramesh Jagannathan, Regional Municipality of Durham

- 3) The appropriate schedule for expansion of existing facilities needs clarification.
- 4) Need to accumulate more experience on the Transit schedules.
- 5) In general there is a need for more clarification with respect to implementation of rapid transit project in a phased manner.
- 14) A greater need for more clarification with respect to implementation of rapid transit in a phased manner.

5. Regional Municipality of Durham - Wastewater Projects

- 3a) Some people think all projects should be done as in individual EA.
- 4) MOE staff did help us to determine the proper schedule on the CPDP Class EA
- 10) We did not issue any Notices of Completion in 2010
- 12a) We will be using this in 2011.

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2011

6. Regional Municipality of Durham - Transportation Design

- 6) New Transit Regulation if applicable, but limited opportunity
- 8) Depends on project type
- 9) Timelines sometimes an issue.

APPENDIX B

QUESTIONNAIRE AND

SUMMARY OF QUESTIONNAIRES

GOVERNMENT REVIEW AGENCIES

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS

PLEASE RETURN BY May 20th, 2011

INTRODUCTION AND BACKGROUND

The Municipal Class Environmental Assessment (EA) process has been in place since 1987 with comprehensive reviews being undertaken in 1992 and 1998. Many municipalities, MOE and other key stakeholders have indicated that the Municipal Class EA process has and is working well, and recognize that much has been achieved over the years of working with the Municipal Class EA process. Consequently, the "renewed" Municipal Class EA, which was approved on October 4, 2000, maintained the substance of the basic process while including any necessary changes.

As a Condition of Approval of the Municipal Class EA, the proponent municipalities, or MEA on their behalf, are required to implement a Municipal Class Environmental Assessment Monitoring Program to monitor the use, compliance and effectiveness of the Municipal Class EA on an annual basis. The Annual Monitoring Reports in turn will be used as input to the five year review. As input to the Monitoring Program, a series of questionnaires have been developed to solicit information from key stakeholders to assist MEA in monitoring the continued ability of the Municipal Class EA process to meet generic class environmental assessment program objectives, including:

- assessment of environmental effects
- consultation
- documentation of decision-making
- streamlined approvals
- emphasis on self-assessment
- In addition, MEA will be monitoring to determine any potential issues that may require an amendment to the Municipal Class EA.
-

PURPOSE OF QUESTIONNAIRE

The purpose of this questionnaire is to:

- determine your agency's degree of involvement/participation in the Municipal Class Environmental Assessment process;
- identify any problems experienced by your agency with the process; and
- identify any potential process-related issues as they relate to your agency's overall mandate.

Note: It is not intended to solicit comments regarding issues of a technical issue. Although the focus of your comments should be process-related, reference to specific projects may be used for illustrative purposes. Individual project monitoring, however, will not be reported.

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS

Name: _____ Date: _____
Title: _____
Agency:: _____
Address: _____

Phone: _____
Fax: _____
e-mail: _____

QUESTIONNAIRE

INVOLVEMENT AS A PARTICIPANT

1. Please indicate how frequently your organization has been involved and the general type of project.

TYPE OF PROJECT

ORGANIZATION INVOLVEMENT
1 – 10 10 - 20 20 – 50 >50 Never

Schedule 'B' Projects

(generally includes improvements and minor expansions to existing facilities; potential for some adverse environmental effects and therefore the proponent is required to proceed through Phases 1 and 2 including consultation with those who may be affected)

☐ ☐ ☐ ☐ ☐

Schedule 'C' Projects

(generally includes the construction of new facilities and major expansions to existing facilities; the proponent is required to proceed through Phases 1 to 4)

☐ ☐ ☐ ☐ ☐

Master Plans

☐ ☐ ☐ ☐ ☐

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS

2. Based on your organization's experience, please indicate your organization's level of satisfaction with the following key elements of the Municipal Class EA process:

	Yes	No	Comment
a) Are proponents classifying projects under the appropriate schedule (e.g. Schedule 'B' or Schedule 'C') and being consistent in their application?	<input type="checkbox"/>	<input type="checkbox"/>	_____

b) Where appropriate, is your organization being notified in a timely fashion of the study start and key decision points?	<input type="checkbox"/>	<input type="checkbox"/>	_____

c) Is your organization provided with reasonable/adequate opportunities to provide input to the study re: data collection, alternatives, recommended undertaking, mitigating measures, future commitments?	<input type="checkbox"/>	<input type="checkbox"/>	_____

d) Are your organization's issues/concerns identified, considered and addressed fairly and appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	_____

e) Is the study documentation clear and in sufficient detail for your organization's review?	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Has your organization requested a "Part II Order" to require a proponent to follow an Individual Environmental Assessment process? (note – Part II Order was formerly known as "bump-up" request).

☐ Yes ☐ No

- a) If yes, please indicate if this has occurred:

☐ Frequently ☐ Seldom

- b) If yes, was the request(s) based on process-related issues or technical issues?

☐ Process-related ☐ Technical ☐ Both

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS**

4. The Municipal Class EA process includes the means for improved coordination with land use planning and approvals under the Planning Act. It is called the "Integrated Approach" and is described in Section A.2.9. of the Municipal Class EA. An amendment to this section has recently been submitted for approval. Details of this proposed amendment are available at www.municipalengineers.on.ca.

	Yes	No	Comment
a) Have you been involved in any integrated projects	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> <hr/> <hr/>

Will following the amended section on integration with the Planning Act improve the process?

☐ Yes ☐ No ☐ Not familiar

5. A recent amendment revised the Schedule classification for certain projects. Details of this amendment are available at www.municipalengineers.on.ca. Are there any additional specific project schedules which should be modified / changed / deleted / added?

☐ Yes ☐ No

If yes, please identify schedule and provide comments.

6. Are there any process-related issues or concerns that you would like to bring to MEA's attention?

☐ Yes ☐ No

If yes, please comment.

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS

7. MEA is currently developing on-line training modules on the following topics:

- recent changes, clarifications and amendments to the MCEA;
- proponent and private sector projects;
- Part II Order Requests;
- Master Plans;
- integration with the Planning Act;
- Heritage Bridge Structures;
- Aboriginal consultation; and
- project types, scoping and piecemealing;

Comments on content that should be included.

What other training should MEA consider?

8. Are there any other questions that you think should be added to this questionnaire? If so, please comment.

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES AND STAKEHOLDERS

COMPLETED QUESTIONNAIRE

Thank you for your assistance. **Please forward your completed questionnaire by mail, fax or e-mail by May 20th, 2011 to:**

Mr. Paul Knowles, P. Eng.
Chair, MEA Municipal Class EA Monitoring Committee
Town of Carleton Place
175 Bridge Street
Carleton Place, ON K7C 2V8
phone: (613) 257-6207
fax: (613) 257-8170
email: jperry@carletonplace.ca

The information obtained from the questionnaire responses will be collected, analyzed, summarized and interpreted by MEA as input into the preparation of their Annual Monitoring Report.

✓

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2011

[illegible]

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2011

COMMENTS FROM:

1 Mark Green, Lanark, Leeds Grenville Health - Brockville

2d) Sometimes

2 Andy Manahan, Executive Director , Residential & Civil Construction Alliance of Ontario

2a) To the best of our knowledge most municipal proponents are classifying their infrastructure projects on the appropriate schedule, however a study that our association produced in March 2010 found that a small number of municipal projects (less than 5% of those reviewed) were following a more rigorous schedule (e.g. Schedule C instead of Schedule B) due to perceived public concerns.

- 5) i) **Cultural Heritage Value** (Bridges) – Moving away from an automatic Schedule B project characterization for the replacement of a 40 year old bridge is a positive move. However, the new question will be whether the original bridge to be replaced has 'cultural heritage value'. Such a determination has the potential to be subjective and expensive to determine. A further amendment to the MEA schedule that should be considered is that a municipal proponent should not have to automatically prove the absence of 'cultural heritage value' unless and until a stakeholder through the public consultation process provides clear and substantial evidence that the structure has such value.
- ii) **Intersection Improvements** – Intersection improvements, such as new left hand turn lanes, will now be characterized as a Schedule A+ project instead of a Schedule B project. 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. It is submitted that the inclusion of traffic calming measures should not 'bump' an intersection improvement project from a Schedule B to a Schedule C project.
- iii) **Stormwater Management Structures** – New stormwater retention ponds, where no additional property is required, will now be characterized as a Schedule A project instead of a Schedule B project. 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 suggests that they should both become Schedule A projects.
- iv) **Reduced Scope for Certain Municipal Class EAs** – The RCCAO had previously recommended that the review of alternatives to road widening and bridge replacement projects should not be necessary, if such alternatives have already been publicly vetted through other legitimate processes such as official plans. There are a significant number of municipal roads that are expected to be widened to either 4 or 6 lanes in dense commercial and retail areas. 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.
- v) **Bicycle Lanes** - Road widenings and new routes to construct paved bicycle lanes are still treated in the same manner as ordinary motor vehicle lane widenings. There may be valid arguments as to why 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. A case can be made, however, that a Schedule B or Schedule A+ characterization is more appropriate than a Schedule C study given the positive greenhouse gas, noise and fitness benefits associated with bicycle and recreation paths.

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2011

2 Andy Manahan, Executive Director , Residential & Civil Construction Alliance of Ontario Continued

- 6) RCCAO submits that the application of the integrated approach established under section A.2.9 of the Municipal Class EA for use by both public and private project proponents is a positive measure that should be encouraged. In particular, the availability of the integrated approach to address Regulation 345/93 requirements (private sector proponents must comply with Municipal Class EA for projects listed in Schedule C and built for residential development) should not only be encouraged by municipalities, but municipalities should permit greater flexibility to private sector proponents as to how and when they conduct public and stakeholder consultations and the overall structure of any Environmental Study Reports by the private sector proponent (e.g., see OMB decision PL030997 et al. issued April 14, 2011 concerning "Westhill" and the Town of Aurora).
- 7) Delays in approvals and permits for vital infrastructure such as bridge replacements, road widenings and extensions and intersection improvements are a continuing concern to RCCAO member organizations. Municipalities should be encouraged to streamline the time frames for the completion of EA's for these types of projects.
- 8) It is suggested that municipalities should be asked to provide views and/or estimates of cost and time savings, if any associated with the new changes to the Municipal Class EA process. Equally as important would be whether municipalities perceive that any recent changes to the Municipal Class EA process have added any new complications, costs or delays to completion of the respective EAs'.

3 Susan Wagter, Senior Environmental Planner - MTO - West Region

- 2a) N/A
- 2c) N/A outside MOT's ROW
- 6) Please refer to comments provided in 2010

"Section A.2.10 Relationship of Projects Within the Class EA to Other Legislation. We think it would be helpful to add some information to this section about the Public Transportation and Highway Improvement Act (PTHIA) and the MTO Class EA for Provincial Transportation Facilities (MTO Class EA) so that proponents can coordinate their planning processes when necessary. For example, proponents may be required to obtain a permit under the PTHIA if the work is within MTO's permit control area. In addition, if highway improvements are required as a result of municipal or development-driven undertakings, proponents may also need to address the requirements of the MTO Class EA for work within MTO's ROW, before MTO will grant a permit under the PTHIA.

Although MTO advises proponents of these requirements as soon as we are made aware of the project, the highway improvements are frequently an afterthought to the Planning Act and MEA Class EA requirements. Too often, proponents complete their Planning Act and MEA Class EA requirements and subsequently discover they need to conduct additional field investigations within MTO's ROW and undertake additional planning, design and consultation to satisfy the requirements of the MTO Class EA. We think it would be advantageous to mention these other possible permit and approvals so proponents can integrate the highway improvements with their planning and design process under the MEA Class EA."

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2011

4. Nancy Mott-Allen, Niagara Escarpment Commission

- 6) Municipalities do not always consult the Niagara Escarpment Commission. There is sometimes a lack of understanding of our process and process requirements.
- 7) I think there could be policy training so that all relevant regulation is considered rather than just focusing on engineering solutions to the problem statement.

5. MOE Central Region

- 2c) We request draft documents and consultation to ensure any potential issues are adequately addressed.
- 2d) Somewhat - In some cases comments are considered but not incorporated.
- 2e) Somewhat - Generally clarification and/or additional info is required.
- 4) On a case by case basis.
- 5) None at this time but during the 5 year review period there may be projects and project types that need to be added.
- 6) A "Statement of Completion) should be added to the process to ensure that any outstanding issues are addressed and to ensure that the process is complete.
- 7) The aboriginal consultation module should outline what is adequate consultation and the role and responsibilities of proponents and reviewing agencies.
- 8) The survey should be more anonymous and provide a spectrum of choice.

APPENDIX C

MOE

COMPLIANCE AUDIT

Ministry of the Environment

Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des
autorisations environnementales

2, avenue St. Clair Ouest
Étage 12A
Toronto ON M4V 1L5
Tél. : 416 314-8001
Téléc. : 416 314-8452



June 24, 2011

Mr. Paul Knowles
Chair, Municipal Engineers Association Monitoring Committee
Town of Carleton Place
175 Bridge Street
Carleton Place ON K7C 2V8

Dear Mr. Knowles:

The Ministry of the Environment has completed its audit of randomly selected projects assessed under the Municipal Engineers Association (MEA) Municipal Class Environmental Assessment (EA) for the 2010-2011 fiscal year. The ministry is pleased to provide the following information for the MEA's use in its preparation of the 2010 Annual MEA Class EA Monitoring Report.

For the 2010-2011 fiscal year, ministry staff audited seven projects assessed under the MEA Class EA. The audits were conducted on four files where Part II Order requests were denied with conditions and three files where the MEA Class EA was followed but the ministry did not receive any Part II order requests.

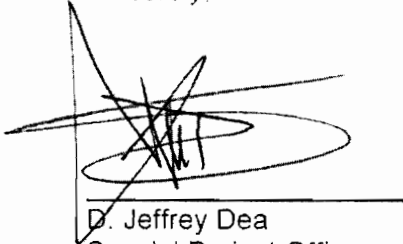
The ministry found two instances of non-compliance with conditions on Part II Order requests that were denied. Please find a summary of the audits where non-compliance was found below:

1. Non-compliance - Conditions were placed on a project in relation to a stormwater management pond that required the proponent to submit additional information to the ministry. The proponent failed to provide the information.
2. Non-compliance – Conditions were placed on a dredging project that required the proponent to submit the results of a monitoring program to the ministry. The proponent did not complete the work, as required.

I trust this information will assist in the completion of the MEA's 2010 Annual Monitoring Report, which should be submitted to the ministry no later than October 4, 2011. Should you have any

questions or require additional assistance, please contact the undersigned at 416-314-7213 or by e-mail at jeffrey.dea@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Jeffrey Dea', is written over a horizontal line. The signature is stylized with a large, sweeping loop on the left and a series of vertical strokes on the right.

D. Jeffrey Dea
Special Project Officer
Environmental Assessment and Approvals Branch
Ministry of the Environment

APPENDIX D

SUMMARY OF

NOTICES OF COMPLETION

FOR PREPARING, REVIEWING AND

USING CLASS ENVIRONMENTAL

ASSESSMENT IN ONTARIO

2010 Notices of Completion

Project Type	# Schedule B	# Schedule C	Master Plan	Total
Road	15	15	0	30
Wastewater	11	6	0	17
Water	6	1	1	8
Transit	0	0	0	0
Other	0	0	0	0
Total	32	22	1	55

2010 Notice of Addendum Filing

Project Type	# Notices of Filing of Addendum 2010
Road	0
Wastewater	4
Water	1
Transit	0
Other	0
Total	5

APPENDIX E

SUMMARY OF PART II

ORDER REQUESTS

MINISTER'S DECISIONS

Proponent	Appeal Date	Decision Date	Review Time	Decision	Number of Conditions
Town of Innisfill	2010/03/10	2010/07/08	120	Deny	0
Toronto Transit Commission	2010/04/26	2010/07/07	72	Deny	0
City of Ottawa	2010/03/30	2010/07/08	100	Deny	5
City of Burlington	2010/02/04	2010/04/14	69	Deny	0
Waterfront Toronto	2010/01/26	2010/04/14	78	Deny	0
Town of Wasaga Beach	2010/01/04	2010/04/14	100	Deny	0
Town of Tecumseh	2009/10/23	2010/04/14	173	Deny	0
Township of Clearview	2010/01/11	2010/04/14	93	Deny	0
City of Ottawa	2009/12/13	2010/03/25	102	Deny	5
Region of Peel	2009/11/16	2010/03/08	112	Deny	0
Town of Oakville	2009/11/17	2010/03/09	112	Deny	0
City of St. Catharines	2009/11/11	2010/03/08	117	Deny	0
Thornhill	2009/12/15	2010/03/08	83	Deny	0
Town of Ajax	2009/09/30	2010/01/27	119	Deny	0
Town of Bradford West Gwillimbury	2009/10/16	2010/01/21	97	Deny	0
Town of Saugeen Shores	2009/10/06	2010/01/20	106	Deny	0
Township of Clearview	2009/08/31	2010/01/06	128	Deny	0
City of Kawartha Lakes	2010/07/06	2010/12/15	162	Deny	0
City of Oakville	2010/06/01	2010/11/22	174	Deny	0
Newmarket	2010/06/30	2010/10/24	116	Deny	1 (10)
Town of Bradford West Gwillimbury	2010/06/29	2010/10/01	94	Deny	0
City of Toronto	2010/06/07	2010/10/01	116	Deny	0
Markham	2010/03/29			Deny	0
Guelph	2010/06/21			Deny	0
Thornhill	2010/03/29			Deny	0
Township of Centre Wellington	2010/06/21			Deny	0

APPENDIX F

AMENDMENT TO MCEA

Corporation of the Town of Carleton Place

175 Bridge Street, Carleton Place, ON K7C 2V8 Phone: (613) 257-6200 Fax: (613) 257-8170



July 6th, 2011

The Honourable John Wilkinson
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON
M7A 2T5

Dear Sir:

The Municipal Engineers Association (MEA) is pleased to present amendments to the 2007 Municipal Class Environment Assessment document for municipal projects.

In 2006/07, MEA, supported by its Volunteer members, partners from the Transit community and the Ministry of the Environment, developed a series of amendments to address comments from the five year review, to expand the scope and to improve the function of the Municipal Class EA. The MCEA is a living document and further amendments are now deemed appropriate.

As part of the Provincial Government's Ontario's Business Sector Strategy, sector representatives identified a concern with MEA Municipal Class Environmental Assessment (MCEA) Process related to the duplication of work between the MCEA requirements and those under *Planning Act* processes. The MOE consulted with various municipalities and requested their input on the existing integration provisions. Municipalities indicated that the integration provisions could be enhanced and clarified and suggested that recognition of prior planning assessment could be used in the MCEA process to streamline proponent's efforts and effectively meet requirements of both the *Planning Act* and the *Environmental Assessment Act*. In addition, several changes to the MCEA and MEA's ongoing monitoring has highlighted the need for revisions.

As a result of these concerns, the MEA together with the Ministry of the Environment (MOE) proposed that changes to the MCEA. These changes were posted on the EBR Web site for information purposes and were the subject of a 45 day public comment period (Jan 11, 2011 to Feb 25, 2011). The MEA has reviewed and addressed the comments received during this period. The results of the consultation process and the 2011 Amendments to the 2007 Municipal Class Environment Assessment are attached.

MEA will continue to monitor the application of the Municipal Class EA process. We welcome comments from the users of the document, so that it can continue to maintain its relevance and effectiveness.

Yours truly

Paul Knowles, P. Eng.
Chair, MCEA Monitoring Committee

Appendix 1 – Project Schedule Changes

Phase In

If a proponent, based on the amendments made to these schedules, intends to change the schedule of any project for which a Public Notice (i.e., Notice of Public Meeting) has been issued under the 2007 MEA Class EA, notification of the change in schedule shall be made to the public and stakeholders involved in the process. If a Notice of Completion has been issued, the project should proceed as previously defined.

Activity	Description	Current Schedule	Proposed Schedule	Rationale	
Roads					
30 *	Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, <i>which after appropriate evaluation is found to have cultural heritage value*</i> . <i>*Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.</i>	B <2.7m C >2.7m	same	Amend description as shown. When the MCEA was first created in the 1980s, 40 year old structures were structures that predated WWII. Construction techniques and material of that time were often unique and many of the structures are historically significant. During the 1950s and 1960s, many new structures were constructed in Ontario and most of these structures followed standard templates. Even though they are now more than 40 years old, they are not historically significant. Structures that satisfy the screening criteria have been predetermined to not be historically significant and are therefore Schedule A projects. The 40 year old threshold is an indicator of potential when conducting a preliminary survey for identification of cultural heritage resources. While the presence of a built feature that is 40 or more years old does not automatically signify cultural heritage value, it does make it more likely that the property could have cultural heritage value or interest. If the property meets the criteria in Ontario Regulation 9/06, it is a cultural heritage resource.	
New*	Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old <i>which after appropriate evaluation is found not to have cultural heritage value.*</i> <i>*Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.</i>	B <2.7m C >2.7m	A	Amend description as shown. When the MCEA was first created in the 1980s, 40 year old structures were structures that predated WWII. Construction techniques and material of that time were often unique and many of the structures are historically significant. During the 1950s and 1960s, many new structures were constructed in Ontario and most of these structures followed standard templates. Even though they are now more than 40 years old, they are not historically significant. Structures that satisfy the screening criteria have been predetermined to not be historically significant and are therefore Schedule A projects. The 40 year old threshold is an indicator of potential when conducting a preliminary survey for identification of cultural heritage resources. While the presence of a built feature that is 40 or more years old does not automatically signify cultural heritage value, it does make it more likely that the property could have cultural heritage value or interest. If the property meets the criteria in Ontario Regulation 9/06, it is a cultural heritage resource.	
11 *	Streetscaping (e.g. decorative lighting, sidewalk improvements, benches, landscaping not part of another project).	A+ <2.7m B > 2.7m	A+	Streetscape projects are more of local interest rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.	
12 *	a) Construction of localized operational improvements at specific locations b) Installation of guide rails	A+ <2.7m B > 2.7m	A+	Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.	
16	Establishment of a roadside park or picnic area.	B	A+	Municipalities commonly establish parks for the community. Roadside parks or picnic areas should follow the same local approval process.	
18	Construction of a new culvert or increase in culvert size due to change in the drainage area.	B	A+	The technical requirements for the new increased sized culvert are confirmed through the Certificate of Approval process. The actual construction of the culverts are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.	
37 *	Expansions, improvements and modifications to existing patrol yard and maintenance facilities where land acquisition is required <i>provided project conforms to Planning Act requirements and with municipal and other requirements.</i>	B <2.7m C >2.7m	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.	
38 *	Establish new patrol yards or maintenance facilities <i>provided project conforms to planning Act requirements and with municipal and other requirements.</i> .	B <2.7m C >2.7m	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.	
42	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the			This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning</i>	

Activity	Description	Current Schedule	Proposed Schedule	Rationale	
	Planning Act.				Act.
Wastewater					
2	Establish a new stormwater retention/detention pond and appurtenances or infiltration systems including outfall to receiving water body where additional property is required.	B	B		Text added for clarification.
3	Enlarge stormwater retention/detention ponds/tanks or sanitary or combined sewage detention tanks by addition or replacement, where additional property is required.	B	B		Text added for clarification.
7	Retire a facility which would have been subject to either Schedule B or C of the MCEA for its establishment.	B	A+		Retiring a facility removes the impact of that facility. The community should be notified of retirement so they can be involved in a local decision regarding plans for any cleanup and the future use of the site.
9	Installation or replacement of standby power equipment where new equipment is located in a new building or structure.	B	A		This work is now subject to a regulation – Ontario Regulation 116/01.
11	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 corridor or an existing road allowance where no additional property is required.	A	A		Utility Corridors are not always linear and this means that expansion of a stormwater management facility is a Schedule A activity provided no additional property is required. Text added for clarification.
12	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.	B	A		Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
14	New service facilities provided project conforms to Planning Act requirements and with municipal and other requirements.	B	A		Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
18.	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.				This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>
Water					
4	Retire a water facility which would have been subject to either Schedule B or C of the MCEA for its establishment.	B	A+		Retiring a facility removes the impact of that facility. The community should be notified of retirement so they can be involved in a local decision regarding plans for any cleanup and the future use of the site.
6	Installation or replacement of standby power equipment where new equipment is located in a new building or structure.	B	A		This work is now subject to a regulation – Ontario Regulation 116/01.
7	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.	B	A		Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
9	New service facilities provided project conforms to Planning Act requirements and with municipal and other requirements.	B	A		Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
11.	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.				This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>
Transit					
4	Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes, queue jump lanes, and roadway access ramps etc)	A+	A+		Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally. Adverse effects are unlikely for localized improvements
5	Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes,	B	A+ To be deleted and combined		Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.

Activity	Description	Current Schedule	Proposed Schedule	Rationale	
	queue jump lanes, and roadway access ramps etc) with the potential for some adverse environmental effects.			with definition 4	
12	Construction of a new culvert or increase in culvert size due to change in the drainage area.	B		A+	The technical requirements for the new increased sized culvert are confirmed through the Certificate of Approval process. The actual construction of the culverts are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
39	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.				This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>

NOTE * Please take notice that, as of March 12, 2010, the MOE has approved a Minor Amendment to update the MCEA and replace the \$2.2 million maximum allowable project cost limit with the increased figure of \$2.7 million, and the \$8.7 million limit for project cost limit with the figure \$10.7 million. This change has been in effect since March 10, 2010.

To account for changes in construction costs, the identified cost limits will be adjusted on an annual basis in accordance with the Ministry of Transportation's tender price index. The MEA Monitoring Committee will calculate the new cost thresholds on an annual basis and will notify interested persons of the new cost thresholds. Cost thresholds will be in effect from January 1 to December 31 of each year. The cost threshold in place at the time a project is initiated shall be the cost threshold used to determine the applicable process to be followed throughout the completion of the Class EA process.

A.2.9 INTEGRATION WITH THE PLANNING ACT

There may be circumstances where a proponent (including private developers) may have a Planning Act application and Class EA requirements at the same time. For example, an application for a plan of subdivision may trigger the need for a new collector road. When this occurs, it may be desirable to consider the Planning Act and Class EA processes together in an integrated approach in order to avoid duplication and ensure improved environmental protection. This Class EA recognizes the desirability of coordinating or integrating the planning processes and approvals under the EA Act and the Planning Act, as long as the intent and requirements of both acts are met.

The types of Planning Act applications/documents that may proceed using the integration approach include: an official plan, official plan amendment including secondary plans adopted as an official plan amendment, community improvement plan, plan of subdivision and a plan of condominium. Applications may be initiated by the municipality or by a private sector developer or both as co-proponents. By completing the requirements for environmental assessment and land use planning processes at the same time, proponents can streamline their efforts and more effectively meet the requirements of both the Planning Act and EA Act.

Accordingly, for a project(s) that is subject to this Class EA and which:

- i) is one of the types of Planning Act instruments identified in section A.2.9 of this Class EA and which has taken effect under the Planning Act; and**
- ii) the proponent has fulfilled the requirements of this Class EA as outlined in this section;**

then the proponent may proceed to implement the project.

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.

The option of using this integrated approach provides the proponent with increased flexibility to streamline the Planning Act approvals and Class EA processes. It is the responsibility of the proponent following the integrated approach to accurately reflect the requirements of the Class EA process, including the consultation, notification and documentation requirements of this Class EA, in the Planning Act application. The following sections outline the requirements for the integration process and provide guidance to proponents on its use and applicability.

A.2.9.1. Integrated Approach Overview

The integrated approach provides proponents with the opportunity to reduce duplication by simultaneously complying with the Planning Act and Class EA processes, including public/stakeholder notification and consultation requirements, technical reports and analyses, and

land use planning and environmental protection decisions. As noted in condition ii) above, the requirements of this Class EA process still need to be met.

[sidebar]

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.

The integrated approach still involves the completion of the procedural requirements of this Class EA based on whether the project is classified as a Schedule B or Schedule C project. If the project is defined as a Schedule B project, the proponent must complete Phases 1 and 2 of this Class EA. If the project is categorized as a Schedule C project, the proponent is required to complete Phases 1 through 4 of this Class EA. All Class EA planning principles and mandatory consultation requirements still apply.

Work completed by the proponent for each of the applicable Phases of this Class EA are to be documented in a publicly available document to accompany the Planning Act application. Documentation must be prepared in accordance with section A.2.9.4 of this Class EA and must demonstrate how the proponent has satisfied the requirements for each of the Phases required to be completed under this Class EA in completing their Planning Act application(s) (referred to in this section) and their respective requirements.

Under the Planning Act, decision(s) may be appealed to the Ontario Municipal Board (OMB). The OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made. If a project has been appealed to the OMB, the requirements of the integrated approach have not been met until the OMB renders a decision allowing the project to proceed. As outlined in section 2.8.1 of this Class EA, a Part II Order (PIIO) request may also be made to the Minister of the Environment or delegate. However, the purpose of the integration provisions is to coordinate requirements under the Planning Act with this Class EA. When reviewing a PIIO request, the Minister of the Environment or delegate will consider the purpose and intent of the integration provisions.

A.2.9.2 Who Can Use the Integrated Approach

The proponent of a project using the integrated approach is the same as the applicant under the Planning Act, whether the proponent is a municipality, a private sector developer or both. Two or more municipalities and/or private sector developers may act as co-proponents.

Private Sector Proponent

Ontario Regulation 345/93, made under the EA Act, designates private sector developers as subject to the requirements of the EA Act if a private sector developer is proposing an undertaking of a type listed in Schedule C and the undertaking involves the provision of roads, water or wastewater facilities for the residents of a municipality.

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.

Co-proponency

Two or more parties may have responsibilities under the Class EA process for the same project (either different municipalities or private sector developers or a combination of two or more). Where two or more proponents undertake a project for their mutual benefit, as co-proponents, all terms and conditions of this Class EA shall apply equally to each of the co-proponents. In a co-proponency that involves a private sector developer and a municipality, Class EA requirements shall be those of the municipality, in cases where components of a single project fall within more than one schedule, the more rigorous schedule shall apply.

Proponents may also change during the planning and implementation of a project. Initial Class EA Phases may be completed by one proponent and following Phases may be completed by another. For example, a municipality may use a Master Plan to complete Phases 1 and 2 of this Class EA process, while a private sector proponent, building upon the work completed by the municipality, completes Phases 3 and 4 of this Class EA process through the standard Class EA process or through the use of the integrated approach. If a proponent is relying on work completed by another proponent to fulfill their requirements under this Class EA, the proponent needs to ensure that the work that is being relied upon meets the requirements of section A.2.9.2 and that they are able to make use of the work completed by the other proponent. There may be restrictions on the use of previous work by others (e.g., reliance or copy right).

A.2.9.3 Steps in the Integrated Approach

The following section provides a step-by-step guide of the Class EA requirements for proponents planning a project using the integrated approach.

- 1) Identify the problem or opportunity
- 2)
 - (a) Identify alternative solutions to the problem or opportunity
 - (b) Carry out an inventory of the environment, including the natural, social, cultural and economic environment
 - (c) Identify the potential impacts of the alternative solutions on the environment and any measures needed to mitigate those impacts
 - (d) Carry out a comparative evaluation of the alternative solutions and identify a preliminary preferred solution
 - (e) **Mandatory Point of Consultation** – notify and consult with review agencies and the public as described in section A.3 of this Class EA

- (f) Determine the preferred alternative solution (project) based on the results of the comparative evaluation and feedback received from review agencies and the public
 - (g) **Key Decision Point** - At this point in the process, the proponent must confirm the applicable Class EA Schedule for the preferred solution (project):
 - If the Project would have been defined as a **Schedule B project** under this Class EA, then the proponent must:
 - document the study process and description of the physical location and dimensions of the project in a public document. Documentation must be consistent with the requirements in section A.2.9.4 (Documentation) of this Class EA;
 - issue mandatory notification (e.g. a Notice of Completion) to review agencies and the public about the availability of the study documentation for public review as well as the appeal rights under the Planning Act; and
 - proceed to Phase 5 of this Class EA below.
 - If the Project would have been defined as a **Schedule C project** under this Class EA, then the proponent must:
 - Proceed with Phases 3, 4 and 5 of this Class EA below.
- 3) (a) Identify alternative design concepts for the preferred solution (project).
- Undertake a detailed inventory of the environment, including the natural, social, cultural and economic environments.
- (c) Identify the potential impact of the alternative project designs on the environment and any measures needed to mitigate those impacts.
 - (d) Carry out a comparative evaluation of the alternative project designs and identify a recommended project design.
 - (e) **Mandatory Point of Consultation** - notify and consult review agencies and the public as described in sections A.3, A.3.5.3, A.3.6 and A.3.7 of this Class EA.
 - (f) Determine the preferred design for the project.
- 4) (a) Document the integrated approach, including the problem or opportunity, alternative solutions, alternative project design concepts, preferred project designs, preferred design of the project, consultation and decision-making process

using section A.4 as a guide. Documentation must include a description of the proposed project including the physical location and physical dimensions of the project.

- (b) **Mandatory Point of Consultation (e.g. Issue Notice of Completion)** – notify review agencies and the public about the availability of the study documentation for public review and their rights of appeal.

Documentation and supporting technical reports must be provided to review agencies as required. Section A.2.9.4 provides further information regarding documenting the integration process.

- 5) Once all necessary Planning Act approval(s) have been obtained and the integrated planning process as described in section A.2.9.3 is complete, the proponent may proceed to implement the project. 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 and obtained any other necessary approvals or permits prior to implementing the project.

A.2.9.4 Documentation

The Class EA documentation supporting a Planning Act application must be made available to the public and shall include:

- a statement of the purpose, problem or opportunity
- details of the planning process followed
- details of the consultation carried out
- existing environmental conditions
- alternative solutions and evaluation of its potential environmental effects
- the preferred solution and its effects on the environment
- the mitigation measures to be implemented
- commitments made during the planning process

(see section A.4 as a guide)

Documentation and supporting technical reports must be provided to review agencies for their review and comment as required. Where studies are necessary to support the decisions made, the feasibility of the preferred alternative, and the conclusions drawn about environmental impacts and mitigation measures, these technical studies must be provided to the review agencies at an early stage in the integrated planning process. Examples include hydrogeological studies for communal groundwater supply or a noise study for a new or widened roadway. It is further recommended that proponents consult with review agencies early in the process to determine any requirements and/or site specific information that should be provided in the relevant studies.

A.2.9.5. Project Notification

Under the integrated approach, mandatory points of contact and minimum notification requirements remain the same as outlined in sections A.3.4, A.3.5.3, A.3.6 and A.3.7 of this

Class EA. Consultation including, notification requirements, is the responsibility of the proponent. Under the Planning Act, municipalities are required to issue Notices of Public Meetings and Notices of Decision.

Concurrent tasks such as public meetings may occur and combined notices could be issued under this Class EA and the Planning Act. While the content of combined notices will vary according to the type of Planning Act application and the applicable Schedule of this Class EA, these combined notices must, at a minimum, include the following:

- a clear statement that an integrated approach is being used;
- a clear statement that an appeal of the Planning Act application and related infrastructure is to be made to the OMB and that a Part II Order request may be made to the Minister of the Environment or delegate;
- information about the municipal infrastructure to which this Class EA applies and the type(s) of Planning Act approval being sought; and,
- required information that shows that all applicable legislative and regulatory notice requirements under the Planning Act and this Class EA have been met.

In using the integrated approach, information contained in the notices may differ, based on the specific notice requirements for the type of Planning Act process being carried out and the Schedule of the Class EA project. These differences may relate to factors such as: timing; distribution; content; format; and author.

There are differences related to factors such as: timing; distribution; content; format; and author. Appendix 8 highlights some of the key considerations that need to be taken into account when preparing combined notices. For example, public review periods differ for Planning Act and Class EA processes. In the case of a Class EA, a Notice of Completion must be given and documentation made available for a 30-day public review period. In the case of an official plan amendment under the Planning Act, a copy of the application and related information and material be available for public inspection at least 20 days before holding a public meeting. When combining notices to meet the requirements under this Class EA and the Planning Act, the proponent must ensure that both requirements are met.

For projects being planned using the integrated approach, once the Planning Act application comes into effect under the Planning Act and the planning for the project has met the requirements of section A.2.9 of this Class EA, the proponent is not required to provide any further notice of the project under the Class EA.

Table for Appendix 8

Note: This chart highlights existing key notice and consultation information – users are responsible for all statutory and regulatory requirements.

MUNICIPAL CLASS EA	PLANNING ACT
<i>Mandatory Notice/Consultation Requirements</i>	
<p>Mandatory public consultation is required at key decision points during the EA process</p> <p>The method of consultation discretionary (e.g., Open House, Public Meeting)</p> <p>A published notice shall mean a notice published in a local newspaper having general circulation in the area of the project. Two (2) published notices shall mean two (2) notices appearing in separate issue of the same newspaper.</p>	<p>Minimum of one statutory public meeting is required. Refer to the</p> <ul style="list-style-type: none"> • Planning Act (see sections 17, 22, 28 or 51 for relevant instrument type), and • O.Reg. 543/06 (official plan/plan amendments and community improvement plans), or • O.Reg. 544/06 (plan of subdivision/condominium) <p>Official plan/plan amendments, community improvement plans</p> <p>Earliest day to hold a public meeting – 20 days after the requirements for giving notice are met</p> <p>Plan of Subdivision/Condominium</p> <p>Latest time to hold a public meeting – 14 days before a decision is made</p>
<i>Distribution of Notices</i>	
<p>Mandatory notification to the general public by:</p> <ul style="list-style-type: none"> • newspaper (2 publications), and • those who have expressed interest by direct mail <p>For First Nations: Contact the Ministry of the Environment, the Ministry of Aboriginal Affairs and the Department of Indian and Northern Affairs Canada for direction on how to identify First Nations that may have an interest in the proposed project.</p>	<p>Notice requirements are dependent upon type of planning instrument.</p> <p>Planning Act requirements for official plans/plan amendments, community improvement plans (O.Reg. 543/06) and plans of subdivision/condominium (O.Reg. 544/06) include:</p> <ul style="list-style-type: none"> • forms of notice – (1) personal service or ordinary mail and by posting notice on a property or (2) by publishing a notice in a newspaper) • recipients of the notice to prescribed persons and public bodies, including First Nations and geographic areas for the distribution of notices <p>Notice to the relevant regional Municipal Services Office of the Ministry of Municipal Affairs and Housing</p>
<i>Content of Notice of Public Meeting / Notice of Completion</i>	
<p>Schedule B and C Projects</p> <ul style="list-style-type: none"> • Name and address of the municipal proponent • Brief description of the project which outlines the nature of the problem or opportunity and the need for a solution • Reference to the project following the requirements of the Municipal Class EA • Details of when and where information, (e.g. ESR) is 	<p>Notice content for official plans/plan amendments and community improvement plans are set out in the Planning Act and O.Reg. 543/06 for:</p> <ul style="list-style-type: none"> • notices that exclude notices posted on a property (personal service, ordinary mail and newspaper) • notices that are posted on a property <p>Notice content for plans of subdivision/condominiums</p>

<p>available to the public</p> <ul style="list-style-type: none"> name or title of a contact person to whom comment should be directed date by which comment/input is to be received by the proponent. <p>*if using the integrated approach an appeal of the Planning Act application and related infrastructure can be made to the OMB. A request for a Part II Order may also be made to the Minister of the Environment or delegate.</p>	<p>(Planning Act and O.Reg. 544/06), including details relating to:</p> <ul style="list-style-type: none"> notices that exclude notices posted on a property (personal service, ordinary mail and newspaper) notices that are posted on a property
<p align="center">Availability of Documentation for Public Review</p> <p>(using an integrated approach, public review requirements must be met for both planning and class EA matters)</p>	
<p>Minimum 30-day public review of Class EA documentation</p>	<p>Official plans/plan amendments and community improvement plans</p> <p>a minimum 20-day public review of related information and material prior to a public meeting</p> <p>In the case of a privately-initiated official plan amendment, supporting information and materials must be made available to the public within 15 days of application being determined to be complete.</p> <p>Plans of subdivision/condominiums</p> <p>Within 15 days of advising an applicant that its application is determined complete, notice of a complete application is given and the supporting information and materials must be made available to the public. In giving notice of a public meeting a municipality must advise where and when additional information and material regarding the proposed plan of subdivision will be available to the public.</p>
<p align="center">Notice of Completion / Notice of Adoption / Notice of Approval</p>	
<p>Individual Recipients:</p> <ul style="list-style-type: none"> Appropriate review agencies <p>Those who provide a written request for notice</p>	<p>MUNICIPALITY EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments and community improvement plans –</p> <p>Written notice of adoption must be provided no later than 15 days after the day a plan adopted. Notice requirements are contained in the Planning Act and O.R. 543/06 for the</p> <ul style="list-style-type: none"> content of the notice, including who may appeal to the OMB, who may be added as a party to the hearing of the appeal and the last day for the filing of a notice of appeal recipients of the notice <p>MUNICIPALITY NOT EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments (excluding community improvement plans) – Written notice of adoption must be provided no later than 15 days after the day a plan adopted. Notice requirements are contained in the Planning Act and O.Reg. 543/06 for the</p> <ul style="list-style-type: none"> content of the notice

	<ul style="list-style-type: none"> recipients of the notice <p>Materials are then forwarded to the approval authority who gives written notice of its decision. Notice requirements are contained the Planning Act and O.Reg. 543/06</p> <ul style="list-style-type: none"> content of the notice, including who may appeal to the OMB and who may be added as a party to the hearing of the appeal recipients of the notice <p>Plans of subdivision/condominium: when the approval authority makes a decision, written notice of the decision must be provided with 15 days. Notice requirements are contained in the Planning Act and O.Reg. 544/06 for the</p> <ul style="list-style-type: none"> content of the notice, including who may appeal to the OMB and who may be added as a party to the hearing of the appeal recipients of the notice recipients of the notice
<i>Appeal to the OMB / Part II Order</i>	
<ul style="list-style-type: none"> Members of the public, interest groups and review agencies may request the Minister of the Environment or delegate to require a proponent to comply with Part II of the EA Act (which addresses individual EAs), before proceeding with a proposed undertaking. Written requests for a Part II Order must be submitted to the Minister of the Environment or delegate within the 30 calendar day review period after the Notice of Completion is issued. 	<p>MUNICIPALITIES EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments and community improvement plans: not later than 20 days after the day that the giving of notice is completed, all or part of the decision of council to adopt all or part of the plan may be appealed to the OMB by filing a notice of appeal with the clerk of the municipality</p> <p>MUNICIPALITIES NOT EXEMPT FROM APPROVAL:</p> <p>Official plans/plan amendments (excluding community improvement plans): not later than 20 days after the day that the giving of the notice of decision is completed, all or part of the decision of the approval authority may be appealed to the OMB by filing a notice of appeal with the approval authority **</p> <p>Plans of Subdivision/Condominium: not later than 20 days after the day that the giving of notice is completed, the decision, the lapsing provision or any of the conditions may be appealed to the OMB, by filing a notice of appeal with the approval authority **</p> <p>**Where a municipality does not make the decision (i.e., not exempt from approval), it must forward its documentation to the approval authority - the upper tier or the province. Upon the giving of a notice of decision by the approval authority, the 20-day appeal period starts.</p>

A.2.9.6 Considerations When Using the Integrated Approach

A.2.9.6.1 Project Boundaries

Projects being planned using the integrated approach can include infrastructure that is located on lands beyond the boundaries of the lands that are the subject of the specific Planning Act application provided that the need for the infrastructure is triggered by the project being planned.

Any infrastructure extending beyond the Planning Act application boundaries must be directly related to and required by the application(s).

For example, a Planning Act application for a plan of subdivision may have a requirement to service the subdivision through a connection to an off-site water tower or stormwater management facility. Another example would be if an extension to a collector road is needed for a short distance beyond the area involved in the Planning Act application to connect the subdivision to the existing road network. In this instance, infrastructure located beyond the boundaries of the planning act application would trigger Class EA requirements for the municipality. To ensure that municipal requirements under this Class EA are met, the municipality has at least three options:

1. participate as a co-proponent in the integrated project and incorporate the off-site infrastructure into that same integrated project;
2. authorize the proponent of the integrated project to carry out the Class EA work for the off-site infrastructure on their behalf (subject to their approval) either as part of the integrated project; and
3. carry out an independent Class EA for the off-site infrastructure.

When a project extends beyond the Planning Act application boundaries the associated investigations and EA documentation also needs to extend beyond the Planning Act application boundaries. Existing conditions and environmental effect boundaries, for example would need to be expanded appropriately beyond the Planning Act application boundary.

As noted in section A.2.9.2, municipalities should not avoid their EA requirements through the use of conditions on a Planning Act approval where the appropriate proponent for the work is the municipality. Off-site infrastructure should only be a requirement of a Planning Act application if the infrastructure is directly related to the project.

Notice for a project being planned using the integrated approach must clearly identify all infrastructure outside the boundaries of lands that are the subject of the specific Planning Act application and the boundaries of the area of land affected by both the prescribed notice and the proposed infrastructure itself. Recognizing that this may not be possible at the earliest stages of project planning when the need for specific infrastructure may not yet have been determined, the level of information included in the notices should increase as project planning decisions are made.

The proponent must address all required Phases for the project under this Class EA, including any infrastructure located outside the boundaries of the lands that are the subject of the specific Planning Act application in the documentation required under section A.2.9.4.

A.2.9.6.2 Revisions to a Project Planned Using the Integrated Approach

It may be necessary to revise a project that has been planned using the integrated approach due to environmental implications of changes to the project or due to a delay in implementation.

Changes to a project can be made following the addenda procedures outlined in this Class EA (refer to section A.4.1.1 and A.4.3).

A.2.9.6.3 Lapse of Time

If a proponent planning a project using the integrated approach has fulfilled its requirements under the Planning Act and EA Act, the project will be subject to the review requirements associated with the Planning Act approval and not the time lapse provision set out in this Class EA. The Planning Act does not contain an automatic review of an approval or an automatic expiry if a Planning Act approval is not implemented. A municipality may, however, include a time lapse provision in certain Planning Act approval(s) (e.g., a 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.

[sidebar]

As a matter of good practice and to ensure its currency, municipalities and private sector proponents should undertake a review of the documentation prepared in accordance with section A.2.9.4 if the infrastructure has not been constructed within ten years. The municipality may also apply conditions to planning approvals to require review of the documentation prepared in accordance with section A.2.9.4 if the infrastructure has not been constructed within ten years.

A.2.9.6.4 Considerations

By considering environmental assessment and land use planning processes in a coordinated approach, proponents can streamline their efforts and more effectively meet the requirements of both the Planning Act and EA Act. However, a proponent is not required to follow an integrated approach if both acts apply. Considerations need to be made by the proponent(s) regarding the project schedule, timing of the Planning Act applications, completion of studies, public and stakeholder interest and implementation target dates, amongst other factors.

It is also possible to terminate an integrated approach once the process has been initiated, if during the course of the project, considerations suggest that two separate processes may be more effective. Work undertaken prior to this decision does not need to be redone as it was undertaken with the intent of meeting both acts. However, future work must still meet the requirements of this Class EA and the Planning Act approvals process being used. If termination of an integrated approach occurs following the announcement or public notification of a project having been given, subsequent notices, or independent notices, shall be issued advising that an integrated approach is no longer being followed.

A.2.9.7 Monitoring the Application of the Approach to Integrate with the Planning Act

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. Doing so will assist in monitoring the effectiveness and benefits of the integrated approach.

The information provided to MOE, Director, EAAB should include a description of:

- the Planning Act application that was integrated with the Class EA process
- how the requirements of the Class EA process were fulfilled with respect to the appropriate Phase 1 through 4 requirements
- consultation undertaken, including copies of notices
- project documentation

Representatives of the MOE, MEA and MMAH will meet on an annual basis to review the submissions received, any comments provided and to discuss the effectiveness of the integrated approach.

A.2.9.8 Phase in Process

Changes to the integration provisions in the 2007 Class EA are intended to provide clarification about how the process works. The fundamental steps in planning a project using the integrated approach remain unaltered. If a proponent, based on the clarifications made to the integrated approach, intend to give notice of changing from a standard Class EA process to an integrated approach process, notification of the change in process shall be made to the public and stakeholders involved in the process including MOE and MMAH. Notice of a proponent's intent to change to the use of an integrated approach for a project may not be given if the Notices of Completion for the infrastructure project has been filed or a decision rendered on the Planning Act application.

Appendix 8

Note: The *Planning Act* and regulations provide for notice requirements, depending on the application type. The following sample is intended only as a guide for municipalities providing a Notice of a Public Meeting for an Official Plan Amendment in the context of an integrated approach. It is the responsibility of the municipality to fulfill the requirements of both the *Planning Act* and the *Environmental Assessment Act*.

SAMPLE – NOTICE OF PUBLIC MEETING (other than a Notice given by posting)

Notice of Public Meeting for a Proposed Official Plan Amendment *Notice of Completion of Class Environmental Assessment*

A public meeting to receive input on the following application will be held on:

File Name:

File No.:

Date:

Time:

Place:

Key Map
Of Subject Land

A request has been made by **[name]** to amend the Official Plan of **[name of municipality]** for lands known as **[description]**. The subject land has a frontage of **[length]** on **[street name]** and has an area of approximately **[size]**.

The Applicant (and **name of the municipality if co-proponent**) **are also planning** for certain infrastructure needed for the proposed development. This process is being conducted using the integrated approach in accordance with Section A.2.9 of the Municipal Engineers Association's (MEA) Municipal Class Environmental Assessment (EA) for meeting the requirements of the *Environmental Assessment Act* and for approval under the *Planning Act*.

[Where infrastructure work is proposed outside of the Planning Act application boundaries, add:]

Elements of the infrastructure work identified above are proposed beyond the boundaries of this official plan amendment, but is needed to serve the project. The lands affected are shown on the attached map and the elements include:

- [list of infrastructure work]

Map
Of All
Infrastructure
Work Proposed to
Support the
Project

The requested Official Plan Amendment would amend the Official Plan of **[name of municipality]** in order to **[insert official plan amendment details]**, including information related to the proposed infrastructure that is part of this integrated approach].

A copy of the proposed Official Plan Amendment and supporting information and material, along with documentation associated with this MEA Municipal Class EA project are available for inspection between **[time]** and **[time]** at the **[municipal department]** at **[address(es)]**.

ANY PERSON may attend the public meeting to provide comments on the proposed Official Plan Amendment and the infrastructure project(s), including the MEA Class EA documentation, being undertaken in support of the amendment.

Comments may also be mailed to the **[name of municipality]** at the address above, faxed to **[fax number]** or e-mailed to **[e-mail address]** prior to the public meeting **[quote file name and number]**. If you are aware of any other individuals or landowners who may be interested in this matter, please advise them of the public meeting. A copy of the staff report and the MEA Class EA documentation supporting the Planning Act application will be available from the **[specify contact]** on **[specify date and time]**.

If significant concerns regarding the MEA Class EA aspects of this project cannot be resolved in discussion with the Applicant (and **name of the municipality if co-proponent**), section 2.8.1. of the MEA Class EA should be consulted.

IF A PERSON or public body does not make oral submissions at the public meeting or make written submissions to **[name of municipality]** before the proposed Official Plan Amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of **[name of municipality]** to the Ontario Municipal Board.

IF A PERSON or public body does not make oral submissions at the public meeting or make written submissions to **[name of municipality]** before the proposed Official Plan Amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

IF YOU WISH to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan, you must make a written request to **[name and address of municipality]**.

[In cases where there are other applications, add:]

The subject land is subject to an application under the *Planning Act* for a **[type of application]** which is being processed under file number **xxxxx-xx**.

Contact Information:

Name:	Municipal
Telephone:	Address
Fax:	
E-Mail:	

DATED this day of , 20XX.

CLARIFICATION DAMS & WEIRS

In Appendix 1(ii) Municipal Water and Wastewater Projects, under Wastewater Projects, projects involving dams and weirs include:

Schedule A

- 13) Reconstruct an existing dam or weir at the same location and for the same purpose, use and capacity;

Schedule B

19) Works undertaken in a watercourse for the purposes of flood control or erosion control which may include:

- bank or slope regrading
- deepening the watercourse
- relocation, realignment or channelization of watercourse
- revetment including soil bio-engineering techniques
- reconstruction of a weir or dam.

- 25) Removal of an existing weir or dam.

Schedule C

- 10) Construct a new dam or weir in a watercourse.

The dams and weirs referred to in these sections are flow control structures located within a watercourse. Any outfall structure at a wastewater treatment facility or sewage lagoon would be part of that wastewater treatment facility or sewage lagoon and would not be considered a dam or weir within one of these sections. Stormwater management facilities, whether located within a watercourse or not, would not be considered a dam or weir.

CLARIFICATION SEPTAGE CLASSIFICATION

Septic tanks need to be cleaned out regularly. Normally the contents, septage, is removed by a truck. While the septage is being hauled it is considered a waste product and subject to the associated regulations. However, when the septage is off loaded, it is considered wastewater and holding or treatment facilities receiving the septage need to be approved under the MCEA in accordance with the appropriate schedule definitions for public/private sector proponents.

CLARIFICATION NOTICES

Section A.3.6 discusses consultation with review agencies. As stated in bold text in this section, **“Other than the agencies to be contacted in all cases (see below) indicated, only those agencies who are likely to have an interest in the project need to be contacted.”**

In particular, the Ministry of the Attorney General should only be contacted if the project is relevant to that Ministry.

Appendix 6 contains a sample covering memo to the Ministry of the Environment (MOE) Environmental Assessment and Approvals Branch which is to accompany Notices of Completion for Schedule B and C projects. All Notices of Completion should now be emailed to MEA.Notices.EAAB@ontario.ca rather than the address indicated on the sample notice. A copy must also still be sent to the Regional EA Planner/Coordinator.

CLARIFICATION PROJECT IDENTIFICATION AND PIECEMEALING

Section A.2.2 describes Phase 1 of the Class EA process - identification and description of the problem or opportunity. Proponents are reminded that in determining what the project is (i.e., the scope of the project) that will be undertaken, proponents are not allowed to break down the project into its component parts or phases, with each part or phase being addressed through separate studies. This would constitute piecemealing and piecemealing is prohibited. In addition, proponents are reminded that the activity with the highest schedule determines the EA requirements (i.e., if one component is listed under Schedule A, another under Schedule B and another under Schedule C, the entire project is subject to Schedule C).

NOTICE OF INTENT TO AMEND THE MCEA MCEA CONSISTENCY

As part of the next five year review and prior to the next reprinting of the MCEA, wording in the MCEA will be reviewed to identify areas requiring change to reflect new requirements under the *Safe Drinking Water Act, 2002* and to include the concept of a drinking water system with multiple supply and/or treatment systems.

Also, to ensure consistency with the MOE Code of Practice, Preparing, Reviewing and Using Class Environmental Assessments in Ontario (2009), proposed amendments to the MCEA will include:

- i) “Consultation Plan” will be changed to “Consultation Summary;”
- ii) “Key Principles of Successful EA Planning” will be changed to “EA Principles”; and
- iii) definitions will be added or amended as required.

In the meantime, proponents are encouraged to note this proposed amendment.

Environmental Assessment Act

NOTICE OF APPROVAL OF AMENDMENTS

**Municipal Engineers Association
Municipal Class Environmental Assessment**

RE: Municipal Class Environmental Assessment (Class EA)

Proponent: Municipal Engineers Association (MEA)

EA File No.: EA-03-03-02-02

Having considered the purpose and provisions of the *Environmental Assessment Act* and the Class EA, the MEA's submissions, the MEA's public consultation and its response to those submissions, I hereby amend the Class EA.

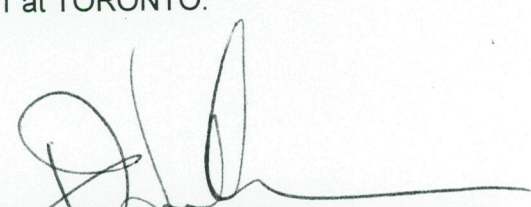
REASONS

My reasons for amending the Class EA are as follows:

- (1) The amendments were prepared in accordance with the amendment provisions outlined in section A.1.5.2 of the Class EA.
- (2) The MEA consulted with government agencies, EA practitioners, industry representatives, interested persons and Aboriginal communities and organizations about its amendments. The MEA has demonstrated that the amendments are consistent with current regulatory requirements and planning practices and will provide for a more effective planning process to deliver municipal infrastructure and servicing in a more efficient and environmentally sustainable manner.
- (3) The MEA submitted a record of consultation that outlines the results of the consultation with government agencies, EA practitioners, industry representatives, interested persons and Aboriginal communities and organizations. The record of consultation indicates that there are no outstanding concerns that have not been addressed.
- (4) The amended Class EA process would allow for a more expeditious review of municipal infrastructure projects while maintaining a detailed review of environmental effects and ensuring that a consistent provincial environmental assessment process is followed.
- (5) The amendments to the Class EA will minimize duplication in planning and EA requirements as well as unnecessary costs for private sector proponents while maintaining environmental protection.

- (6) The MEA's amendments are consistent with its Class EA, the purpose and provisions of the *Environmental Assessment Act* and are in the public interest.

Dated the 17th day of August 2011 at TORONTO.


Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, Ontario
M7A 2T5

Copies of the Notice of Approval of Amendments [I thought a Notice of Amendment would be different than a Notice of Approval? can be obtained in the public record file located at:

**The Ministry of the Environment
Environmental Assessment and Approvals Branch
Floor 12A
2 St. Clair Avenue West
Toronto, Ontario
M4V 1L5
(416) 314-8000 (Phone)
(416) 314-8452 (Fax)**

Further information on the Municipal Class EA can be obtained at the Municipal Engineers Association web site at www.municipalengineers.on.ca.

APPENDIX G

INQUIRIES/RESPONSES

Frequently Asked Questions

The following are questions that have been made somewhat generic to address commonly asked queries. The questions can be identified by their number, indicating the year and order they were received.

You can locate questions regarding a specific category by using the "Book Marks" feature for the document. (The symbol for this feature is located on the left hand margin as the second down symbol, which will bring up the Bookmark menu for the document). Selection of the "book mark" will bring you to the page on which that question no. (i.e. 2010-08) is located.

Question Q2010-01:

Category- Road - Realignment

I am conducting background research regarding whether the realignment of a road, according to the Municipal Class EA, means that it is a new road, or if it is the reconstruction of a road. The realignment will allow for the road to maintain its same purpose, without changes to its operation. I would like to receive clarification so as to determine our next steps in coordinating the federal and provincial EA processes for the project, identify whether there is a \$ trigger for this project, and thereby determine the EA class schedule.

Response:

The Municipal Class EA defines a NEW ROAD as

"the construction of an improved surface for vehicular traffic on a new right-of-way where the right-of-way is entirely separate from any previous right-of-way. Also refers to construction of a road on a road allowance where no road surface previously existed."

This is commonly interpreted to mean that if your project includes purchasing some property to improve a curve but to basically reconstruct on the same right-of-way this would be a Schedule A+ project (see example no. 19 of the Appendix 1 Road Section Tables).

On the other hand, if your project involves constructing a road on mostly new property (even if it is for the same use and capacity) then it is considered a NEW ROAD or a road not at the same location and therefore a Schedule B or C (see example no. 20 or 21 of the Appendix 1 Road Section Tables).

Another consideration is if the project is related to a planning act approval it may be a Schedule A (see example no. 23 of the Appendix 1 Road Section Tables).

Question Q2010-02:

Category-MCEA Applicability - Municipal Dock

I am currently working on a project that involves upgrading/maintenance on an existing dock/port. Apparently this project requires a municipal Class EA. I was wondering where it fits in specifically under the terms for a municipal class EA and what schedule it would be classified as.

Response:

Both Schedule B and C for Wastewater projects list a number of projects along or in a water course. I suggest you review this list and, if your project falls within one of these categories then the project

would be covered by that schedule.

If your project is not included in any of the projects listed in Schedule A, A+, B or C then it would not be covered by the MCEA. Instead it would be covered by the EA Act. Although not claiming absolute expertise on the Act, it appears that a regulation to the Act provides an exemption for projects less than \$3.5 m. Otherwise, an individual EA is required.

Question Q2010-03:

Category-Schedule Selection - Mixed Type Improvements

I am doing the design for the separation of a combined sewer and road reconstruction. I would like to know if this type of project falls under a Municipal Class Environmental Assessment Schedule A.

Response:

It is suggested that you review the following project type that is a Schedule A+ project:

1. Establish, extend or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage or natural drainage outlet, provided all such facilities are in either an existing road allowance or an existing utility corridor, included the use of Trenchless Technology for water crossings."

For the road portion of the project look at no. 19, Reconstruction, of the Appendix 1 Road Section Tables. It states that the reconstructed road or other linear paved facilities will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (e.g. no change to the number of lanes) which is also schedule A+.

Your project likely fits this project type and therefore is a Schedule A+

Question Q2010-04:

Category-Schedule Selection - Tables

I would like to ask you some clarification regarding the Municipal Class Environmental Assessment process. My first question is about triggers for an Environmental Assessment under the Ontario Environmental Assessment Act (OEAA). An example could be the construction of a new Domestic Water Supply that will not involve the likely release of a polluting substance into a water body and will have a location more than 30m from a water body.

What are the mechanisms used to determine if this will qualify for an Environmental Assessment under the OEAA? Also, how it will be decided if a Municipal Class EA can be used instead of preparing an individual EA?

Thank you for your help.

Response:

The triggers you mention (and even the term "triggers") sound like Federal EA.

All municipal undertakings are subject to Ontario's EA Act. An individual EA is required unless the undertaking is exempt or is covered by a Class EA. It sounds like the undertaking you are describing would be covered by the Municipal Class EA as a Schedule C activity. However, you should carefully

review the charts in Appendix 1 of the MCEA to determine the appropriate schedule for your project.

Question Q2010-05:

Category-Road - Cost Limit Thresholds

I would like to know the current 2010 cost limit for new roads and widenings. (i.e. \$2.7 Million?)

Response:

The cost limits for road project in the printed MCEA of 2.2m and 8.7m have been adjusted for inflation for 2010 to be 2.7m and 10.7m. Check the MCEA website home page for the cost limit thresholds for all other years in question.

Question Q2010-06:

Category-Road - Profiles

Are vertical profiles (of the road) required to be included in the ESR for a Schedule C - Municipal Class EA for a road realignment?

Response:

The ESR needs to define the project clear enough so that impacts are understood by all and can be evaluated. If the area is all generally flat and the vertical profile of the finished road will generally match surrounding properties then a vertical profile is not likely necessary. However, if the new alignment includes some grade changes to the vertical profile this could have a significant impact on adjacent property owners and should be shown so it can be understood and evaluated.

Question Q2010-07:

Category-Schedule Selection - Property Needs

Several years ago the Class EA document deleted references to property acquisition due to changes in the EA Act. I am not sure what those changes were and would like clarification. Also, how does the EA Act address the issue of property acquisition so as not to prejudice the outcome of the EA? An easement acquired for a facility for example could change the EA Schedule. What would have been a Schedule B becomes a Schedule A+ if the facility is installed "within an established utility corridor" (i.e. the easement).

Response:

The purchase of property was removed from the MCEA to separate the issues. Municipalities are free to purchase property following the criteria established under other acts. In the example you provide, if you are installing a facility on property already obtained by the municipality, there is less need for review hence the A+ instead of B. If you are still considering locations then Schedule B includes an analysis of alternatives.

Question 2010-08:

Category-MCEA Applicability - Municipal Marina

A municipality is looking at developing a marina. The marina development would include

floating docks, breakwaters, shoreline work, a building and dredging. The shoreline work and breakwaters are covered by Schedule C of the MCEA. How are the docks and dredging handled in a Provincial Class EA? or how does the MCEA cover these components of the project? We understand there will be a Federal review of the project as well.

Response:

Both Schedule B and C for Wastewater projects list a number of projects along or in a water course. It is suggested that you review this list and, if your project falls within one of these categories then the project would be covered by that schedule.

If your project is not included in any of the projects listed in Schedule A, A+, B or C then it would not be covered by the MCEA. Instead it would be covered by the EA Act. Although absolute expertise is not claimed on the Act, it appears that a regulation to the Act provides an exemption for projects less than \$3.5 m. Otherwise, an individual EA is required.

Question Q2010-09:

Category: General - Public Review Information Access

I'm looking for some clarification regarding the Project File. Am I required to provide a copy of the ENTIRE project file to an individual if requested? I understand that I must make available in a public location the Project File for the 30-day Public review. But am I to incur the expense of providing copies of this information to individuals if requested? Please provide comment.

Response:

Technically you are only required to make a copy of the file available for viewing. However, it is suggested, that in the interest of good communication, a copy should be provided as requested. Perhaps electronic would be best so that there is no printing cost.

Question Q2010-10:

Category-General - Minimal Impact

I want to understand more about the definition of "minimal impact" in typical Class EA Schedule A projects versus Schedule B projects: how can I learn about that? many thanks!

Response:

It is suggested that the best way of understanding the different between Schedule A and B projects is to review the project examples in each of the Schedules in Appendix 1.

Question Q2010-11:

Category-Notices of Completion- Where

I am just looking for clarification re: Notice of Completion. I thought Part II order requests were to be sent to the EAAB at 2 St. Clair Ave W, Floor 12A. But in examples of Notices I've seen it lists The Honourable John Gerretsen at 135 St. Clair Ave W. Who should I be identifying on my Notices?

Response:

Part II Order requests should be made in writing to the Minister. The Minister's office has moved from 135 St. Clair Avenue West to 77 Wellesley Street. Also note that we have a new Minister - Minister John Wilkinson. For further details see: MOE Code of Practice: Preparing, Reviewing and Using Class EAs (2008), page 52 - available at:

<http://www.ene.gov.on.ca/en/eaab/publications.php>

Question Q2010-12:

Category-General - Completed and Approved EAs

What is the difference between an approved EA and a completed EA?

Response:

Depends on the context of your question as you could use the words 'approved' and 'complete' either interchangeably or in different contexts.

A proponent may describe an EA as complete when the ESR is completed and they file the notice of completion. However, they cannot begin construction until the 30 appeal period passes without an appeal. Then it might be considered approved.

On the other hand, some proponents may have their Council approve an ESR as a municipal document before the notice of completion is issued and the appeal period begins.

Question Q2011-01:

Category-MCEA Applicability - Species at Risk Legislation

We are proposing to categorize our project as best meeting the criteria of a schedule A+ EA. Would we still be obligated to follow through with schedule B requests (which could result in site specific mitigative options to be implemented during construction for what would be considered a pre-approved activity)? . MNR has indicated that they would like to provide their comments as part of the schedule B process. It has been stated that we could note that comments have been received and considered. Would this be applicable to MNR comments with respect to Species At Risk and subsequent mitigation? Could we simply provide them with a formal notice indicating that the schedule is a pre-approved activity and, as such, communications and proponent obligations will proceed along those lines?

Response:

The Species at Risk Legislation in laymen's terms appears to say that an individual cannot harm an identified "species at risk". If you are a landowner it is up to you to identify species at risk before making changes. Since MNR has identified a species in the immediate vicinity then under this legislation it is prudent to meet with MNR and to identify the next steps. A review of this legislation is suggested. It appears that the Species at Risk legislation has higher authority than the MCEA process so simply defining the project to a Schedule A+ will not relieve you from any Species at Risk requirements

that may be applicable for the area you are looking at.

Once a project is a Schedule A or A+ then external approvals are not required and projects are considered Pre – Approved unless there is specific legislation otherwise. The Species at Risk legislation appears to be just that.

Question Q2011-02:

Category-