



**Municipal
Engineers
Association**

**MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT**

September 2018

Recognizing Over 30 Years of Application

*Prepared by the Municipal Engineers Association
in consultation with the
Ministry of the Environment, Conservation and Parks*

TABLE OF CONTENTS

	Page
Part 1. INTRODUCTION AND BACKGROUND	2
1.1 Introduction	2
1.2 Background Re: Municipal Class EA Parent Document	2
1.3 Approved Municipal Class EA	3
1.3.1 Conditions of Approval	4
1.3.2 Municipal Class EA Training Sessions	5
1.4 Development of Municipal Class EA Process Monitoring Program	5
1.4.1 Study of Organization and Approach	5
1.4.2 Issues/Considerations	5
Part 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM	9
2.1 Monitoring Program Framework	9
2.1.1 Commitments Already Included in the Municipal Class EA	10
2.1.2 What Is To Be Monitored	10
2.1.3 Who Is Undertaking The Monitoring	11
2.1.4 Tools For Collecting Data	11
2.1.5 Monitoring Framework	12
2.2 Implementation and Schedule	12
2.3 Annual Report	12
2.4 Program Administration	12
Part 3. RECENT ACCOMPLISHMENTS	18
3.1 MCEA Reform	18
3.2 Accomplishments	18
3.3 Part II Order Decisions	18
Part 4. CONCLUSION	19
4.1 Plan to Move Forward	19
4.2 Conclusion	19
Attachments	

PART 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 addressing with municipal infrastructure projects has demonstrated to be an effective way of complying with the Ontario Environmental Assessment Act (EA Act). The year 2017 marked 30 years of its application in the planning of municipal infrastructure in Ontario. 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 infrastructure projects. The Class EA process provides a decision-making framework that enables the requirements of the EA Act to be met in an effective and predictable 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 nearly three 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. 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 was prepared by the Municipal Engineers Association (MEA) through discussions with the Ministry of the Environment (MECP) and the Ministry of Municipal Affairs and Housing (MMAH) for submission to the Director of the MECP - Environmental Assessment and Approvals Branch (EAAB) and submitted by October 4, 2001 for approval.

Part 1 of this report 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 to address: 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 MECP-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, MECP and other key stakeholders have indicated that the process has, and is still 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.

During 2010 and 2011, MEA worked with MECP to rewrite Section A.2.9 - Integration with the Planning Act. On August 17th, 2011, the Minister approved an amended Section A.2.9 and a consolidated document has been printed. A 2015 version of the document was issued to incorporate all approved amendments since 2011 including a number of amendments approved in October 2015.

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 MECP 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 MECP-EAAB
October 4, 2002 - MEA to Submit yearly Monitoring Report to MECP-EAAB
October 4, 2003 - MEA to Submit yearly Monitoring Report to MECP-EAAB
October 4, 2004 - MEA to Submit yearly Monitoring Report to MECP-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
September 2011 - MEA submitted yearly Monitoring Report
October 2012 - MEA submitted Monitoring Report and 5 Year Review
2013 - Work focussed on amendments.
September 2014 – MEA submitted yearly Monitoring Report
September 2015 – MEA submitted yearly Monitoring Report
October 2016 – MEA submitted yearly Monitoring Report
October 2017 – MEA submitted a yearly Monitoring Report and a separate 5 Year Review
October 2018 – MEA to submit a report that summarizes the recent work to date towards MCEA improvements. This report will be the MEA’s Annual Monitoring Report for 2018.

1.3.2 Municipal Class EA Training Sessions

MEA has developed web based training modules that are available on a new MCEA web site.

MEA has completed an MCEA Companion Guide which is available to assist proponents. This guide is a living document and will be updated as required.

MEA also offers training workshops regularly – typically each spring and fall. These workshops have generally been well attended.

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 MECP-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 MECP-EAAB to review basic approach and draft framework. MECP indicated that the basic approach in general was acceptable.

- expand draft framework (with additional background information and explanatory notes and incorporate comments from MECP) to become the “Draft Monitoring Program”;

- September 12, 2001 meeting with the MEA Monitoring Committee, MECP-EAAB and MMAH to review draft Monitoring Program; and,

- revise and submit to the Director of the MECP-EAAB by October 4, 2001. Once submitted to MECP-EAAB, there may be some further discussions between MEA and MECP 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 MECP, 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 MECP 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 MECP’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 MECP’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 MECP. 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 MECP; 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 30 years and has been proved to be effective and working well.

1.4.2.5 Other

Other points raised during discussions with MECP 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 cannot 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 MECP 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 MECP for these projects.
- *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*** - MECP has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MECP will be addressing this as an initiative to be carried out by MECP.

- *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 MECP, 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 MECP for the record.

1.4.2.6 Conclusion

During the early portion of 2018, MEA has cooperated with the Ministry's efforts to consult with stakeholders regarding improvements to the MCEA process. Since this consultation was completed in the spring of 2018, it would not have been productive to follow the usual MCEA monitoring process to re-contact stakeholders to repeat gathering feedback and then prepare the annual monitoring report. Instead, for 2018, MEA has prepared a report that summarizes the work to date towards MCEA improvements. This report will become MEA's Annual Monitoring Report for 2018 and be submitted before the October 4th deadline.

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, MECP 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 MECP-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 with respect to 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 MECP-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 MECP 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 MECP-EAAB (Section A.1.5.1);
- MEA to meet with MECP-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 MECP-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 MECP-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 MECP 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 MECP-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 MECP Class EA program objectives? MECP 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 MECP 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 MECP and MMAH.

2.1.4 Tools For Collecting Data

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

- Summary of notices/memos to MECP 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.

- Annual meetings of the MEA Class EA Monitoring Committee with MECP-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, MECP 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. MECP 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 MECP-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 MECP 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 MECP.

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

Municipality	Projects with Notice of Completion Submitted to MECP		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 MECP 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 MECP-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 MECP-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 MECP 	<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 	

**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 • discussions with MEA Monitoring Committee and MECP-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 MECP • questionnaire responses from proponent municipalities • questionnaire responses 	<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 MECP-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 MECP-EAAB • discussions with MEA, MECP and MMAH • questionnaire responses • feedback from MMAH re: OMB decisions regarding municipal infrastructure. 	

TABLE 3 - 12 MONTH CALENDAR

Date	MEA	MECP	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 MECP 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 MECP 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 MECP 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 MECP/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 MECP-EAAB for approval by October 4 		
November 1			
December 1			

PART 3. RECENT ACCOMPLISHMENTS

3.1 MCEA Reform

In November 2016, the Auditor General released their “Value for Money Audit” which included a 48 page section on Environmental Assessment. The Auditor General’s report called for a number of improvements to Class EAs. Also, in early 2017, MEA, in partnership with RCCAO, submitted an application for review to the Environmental Commission. This application was widely supported by other stakeholders and we were pleased when, on April 13 the Ministry agreed to complete a review of the MCEA by December 31, 2018. Unfortunately, the work, to review the MCEA, did not begin until early 2018. Between March 21, 2018 and May 2, 2018, seven discussion group meetings were hosted to gather input related from various stakeholders related to MCEA reform. MEA’s summary of the stakeholder consultation results dated May 22, 2018 is attached. MEA is currently waiting for MECP staff to receive post-election authorization from senior management to proceed with further work on MCEA Reform.

3.2 Accomplishments

- ✓ MEA has completed a Companion Guide for the MCEA. It is hoped that this guide will provide useful tips and clarifications to MCEA users. This guide will be a living document and be updated as required.
- ✓ MCEP has produced a PIIO Smart Form. This form must now be used when submitting a PIIOR for any Class EA. MEA feels this will assist with the PIIOR process.
- ✓ Service Standards for PIIORs. MCEP has announced the following service standards for the review and decisions related to MCEA PIIORs.
 - Schedule A projects – delegated to Director and decision within 30 working days.
 - Note – MEA feels that Schedule A projects need to be exempt from PIIOR process.
 - Schedule B projects – decision by Minister within 90 working days.
 - Note – MEA feels that decisions for PIIORs on Schedule B projects need to be delegated to the Director and announced with 45 calendar days.
 - Schedule C projects – decision by Minister within 180 working days
 - Note – MEA feels that decisions for PIIORs on Schedule C projects need to be delegated to the Director and announced within 90 calendar days.

3.3 Part II Order Decisions

MCEP reports that during the past year there have been 20 decisions related to PIIORs. Two of the PIIORs related to sewer/water projects while 18 related to transportation projects. One of the PIIORs was mediated and the other 19 PIIORs were denied. The time for a decision ranged from 115 days to 714 days with an average of 319 days. The PIIOR decision that took 714 days was settled by mediation. Not including the high (714) and low (115) number of days, the average time for a decision/denial was 308 days.

Despite efforts to improve/streamline the process and announcing service standards, the time required for a decision on a PIIOR remains unacceptable. This process needs to be changed so decisions are rendered in a timely manner.

PART 4. CONCLUSION

4.1 PLAN TO MOVE FORWARD

MEA is seeking senior management support to:

- ▶ Quickly move forward to exempt all Schedule A and A+ projects from the PIIRO process:
- ▶ Authorize MECP staff to continue working with MEA to consult with NGOs and Indigenous groups and jointly develop solutions to improve identified issues with the MCEA. MEA and MECP would jointly consult on recommended improvements and then implement improvements through an amendment to the MCEA or other means.
- ▶ Delegate decisions for all PIORs to the Director

4.2 Conclusion

For 30+ years, the Municipal Class EA was successfully used by municipalities to comply with the requirements of the EA Act and effectively meet the broad objectives of the Act to protect the environment. However, there is widespread support to improve the MCEA process.

Attachments

- 1) MEA Letter to Minister Rod Phillips, Environment Conservation
- 2) MECP
- 3) Stakeholder Consultation Results MCEA Improvements May 22, 2018
- 4) External MCEA Workshop Presentation – April 11
- 5) PIIO Smart Form Dec 21
- 6) Municipal Class Environment Assessment Discussion Group Agenda
- 7) March-May Discussion Group Schedule
- 8) Companion Guide Rev 01
- 9) Letter Application Review
- 10) MCEA at OGRA 2018 Final February 27