



**Municipal
Engineers
Association**

**MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT**

October 2020

Recognizing Over 30 Years of Application

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

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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.
October 2019 – 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 2019.

1.3.2 Municipal Class EA Training Sessions

With the COVID-19 restrictions, MEA has canceled in-person training. Instead, MEA is offering a series of Webinars on a variety of MCEA topics.

Effective Consultation – COVID	April 23, 2020
Heritage Bridge Checklist	May 13, 2020
Consultation Expectations for Schedule A+ Projects	June 24, 2020
Approval of Roads & Water/Wastewater through the Planning Act	TBD
2020 Amendments to MCEA Appendix 1 – Roads	TBD
2020 Amendments to MCEA Appendix 1 – Water/Wastewater	TBD
2020 Amendments to MCEA Transit	TBD
2020 Amendments to MCEA Part A	TBD
Introduction to the MCEA Process	TBD

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

Beginning in early 2018, MEA has cooperated with the Ministry's efforts to consult with stakeholders regarding improvements to the MCEA process. Since this consultation has been ongoing since 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, 19 and 20, MEA has prepared a report that summarizes the work to date towards MCEA improvements. This report will become MEA's Annual Monitoring Report for 2020 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 ACTIVITIES

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.

In January 2019, MECP responded to our Application for Review stating that the Ministry would release a discussion paper on EA reform in the spring of 2019. On April 25th MECP release their Discussion Paper on EA reform and the next week they brought forward Bill 108 which amends a number of acts including the EA Act. There were two postings on the Environmental Registry related to EA Reform;

Immediate Short-Term Fixes ERO number 013-5102 In this posting MECP outlines amendments that they are proposing to the EA Act in Bill 108, specifically;

- 1) **To exempt low-risk activities/projects from the EA Act.**
- 2) **To ensure timeliness and certainty for the review of RIORs** by clearly defining which matters bump-ups can be requested on and creating a regulation that would prescribe limits on when the Minister must make decisions on requests. Only those that live in Ontario would be able to submit a PIOR.

Discussion Paper: Modernizing Ontario’s EA Program ERO number 013-5101 In this posting MECP outlines potential improvements to the EA program and seeks input that would help ensure better alignment between the level of assessment and the level of risk, eliminate duplication, find efficiencies and go digital. The discussion paper repeats the intent to exempt low-risk activities/projects from the EA Act and ensure timeliness for PIOR decisions and then specifically seeks input on;

1. **Better alignment between the level of assessment and the level of environmental risk associated with a project.** This section of the discussion paper explains that, in Ontario, most public sector projects (even minor projects) require an Environmental Assessment whereas, unlike some other jurisdictions, many significant private sector projects do not require and Environmental Assessment. The idea of creating a clearly defined list of the types of major projects (both public and private sector), that must complete an environmental assessment is discussed.
2. **Eliminating duplication between environmental assessment and other planning and approvals.** This section of the discussion paper explains that there could be duplication and overlap between the EA process and other legislation such as the Federal EA. The primary issue that relates to MCEA is duplication with Planning Act applications.
3. **Find efficiencies in the environmental assessment process and related planning and approvals process to shorten the timelines from start to finish.** This section of the discussion paper explains that environmental assessments can be lengthy and frustrating processes to navigate. Coordination of multiple provincial planning and approvals; complex processes; and delays can create confusion and uncertain timelines.

- 4. Go digital by permitting online submissions** - In this section of the discussion paper the creation of a centralized digital location for applicants and the ministry to provide interested persons with information about environmental assessments is proposed.

Some of the changes to the MCEA process are changes that MEA has sought for many years (exempting Schedule A and A+ projects, deadlines for PIIOR decisions) and are being implemented directly by the province through legislation/regulation/MECP practices.

However, other changes to the MCEA process must be initiated by the Class EA holders. MECP encouraged all Class EA holders to submit major amendments to their Class EAs to implement other desired improvements to their process. Amendments must be submitted by September 30, 2019. MEA had already begun preparing a major amendment that would rewrite and reorganize all of the project descriptions in Appendix 1 resulting in new projects in Schedule A, A+, B and C. However, rather than a simple amendment to replace Appendix 1, with all of the other changes, a more comprehensive amendment which involves many sections of the MCEA manual was justified. This amendment has now been submitted.

During the fall/winter of 2019/20, MEA worked with MECP staff and refined the proposed amendment to the MCEA. On July 8, 2020, MECP posted the proposed amendment on the EBR for 45 days for comment. Some 250 comments on the amendment were submitted. MEA has reviewed these comments and provided a response to each comment (see attached). Many of the comments received were supportive and some of the comments recommended revision/improvements as detailed in the responses. These revisions/improvements will be incorporated into the MEA Manual and submitted to MECP for approval.

3.2 Recent Accomplishments

- ✓ A new Heritage Bridge Checklist had been developed.
- ✓ MEA has completed a Companion Guide for the MCEA. This guide has been renamed Companion Guide Notes and re-written so it can be incorporated directly into the MCEA Manual. The Companion Guide Notes will be displayed in a different coloured font within the Manual and will provide useful tips and clarifications to MCEA users. This guide will be a living document and be updated as required.
- ✓ MECP has amended the EA Act to:
 - Revise the Part II Order Request process
 - Set up the authority for MECP to adopt of new regulations that will replace the MCEA.
- ✓ MEA has submitted the amended MCEA Manual to MECP for approval.
- ✓ MEA has delivered the following webinars:
 - Effective Consultation COVID
 - Heritage Bridge Checklist
 - Consultation Expectations for Schedule A+ Projects
- ✓ MEA is preparing to participate in MECP's process to develop new regulations that will replace the MCEA and then deliver training on this new process

3.3 Part II Order Decisions

MECP has amended the EA Act and proponents are now responsible to resolve any concerns/objections. The PIIOR process will only apply if the concern relates to an aboriginal or treaty right.

PART 4. CONCLUSION

4.1 PLAN TO MOVE FORWARD

- ▶ MEA will finalize and produce a new MCEA Manual that incorporates the 2020 amendments and an updated version of the Companion Guide Notes
- ▶ MEA will deliver the following webinars:
 - Approval of Roads & Water/Wastewater through the Planning Act
 - 2020 Amendments to MCEA Appendix 1 – Roads
 - 2020 Amendments to MCEA Appendix 1 – Water/Wastewater
 - 2020 Amendments to MCEA Transit
 - 2020 Amendments to MCEA Part A
 - Introduction to the MCEA Process
- ▶ MECP advises that work to develop a new regulation(s) to replace Class EAs (including the MCEA) will proceed fall 2020. MEA will continue to participate in this reform process.
- ▶ Class EA holders have all asked for clearer language related to Indigenous Consultation but MECP has informed that this will not be available to include in this amendment.
- ▶ Even with the proposed amendment to Appendix 1, many of project descriptions in the tables will remain poorly worded. This will be addressed when the new regulation(s) is developed.
- ▶ There seems to be a fundamental flaw with the MCEA Schedule B process as outlined in the attached Schedule B Process Analysis. This may also apply to other Class EAs. MECP recognizes this is an important issue but agrees it should be addressed in the future. This should be addressed in the new regulation.

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) 2020 Amendment to the MCEA as posted for comment
 - a. <https://prod-environmental-registry.s3.amazonaws.com/2020-07/3A.%20Municipal%20Class%20EA%20Amendment%20Table%201%20Proposed%20Changes%20to%20Road%20Schedules.pdf>
 - b. <https://prod-environmental-registry.s3.amazonaws.com/2020-07/3B.%20Municipal%20Class%20EA%20Amendment%20Table%202%20Proposed%20Changes%20to%20WaterWastewater%20Schedules.pdf>
 - c. <https://prod-environmental-registry.s3.amazonaws.com/2020-07/3C.%20Municipal%20Class%20EA%20Amendment%20Table%203%20Proposed%20Changes%20to%20Municipal%20Class%20EA%20Manual.pdf>
 - d. <https://prod-environmental-registry.s3.amazonaws.com/2020-07/3D.%20Municipal%20Class%20EA%20Amendment%20Table%204%20Proposed%20Changes%20to%20Transit%20Schedules.pdf>
- 2) Comments on MCEA amendment and Responses
- 3) Schedule B Process Analysis

Schedule B Process Analysis

Delivering the MCEA course and preparing the major amendment related to Appendix 1 has provided the opportunity to really study the projects identified as Schedule B or C and consider the difference between the B and C process. In general terms the schedules have been defined as:

- Schedule A – maintenance; reconstruction like for like
- Schedule B – minor expansion; same location
- Schedule C – major expansion or new


These general descriptions make sense and Exhibit A.2 from the MCEA describes the MCEA process for each Schedule. In phase 2, proponents evaluate alternatives and select the preferred solution and then in phase 3 alternative design concepts are considered. Schedule B exits the process at the end of phase 2 whereas Schedule C is more rigorous and includes evaluation of design concepts in phase 3.

There is a problem! – for a Schedule B project (minor expansion) it should be dead simple to demonstrate that adding a lane to increase traffic capacity or adding a filter to increase treatment capacity is the correct solution. Schedule B projects then exit the process without any consideration of conceptual design alternatives. This is where I see a problem. The Schedule B process skips phase 3 (considering design alternatives) which should be the critical part of the analysis. Phase 2 (considering alternative solutions) is a critical component for Schedule C projects but is a foregone conclusion for many Schedule B projects.

Should we revise the MCEA and Exhibit A.2 so that Schedule B projects skip over phase 2 (just document why expansion in current location is best) but then complete phase 3 and consider alternative design concepts prior to filing the project file? The public would then

see conceptual design details as part of the Schedule B MCEA process. To illustrate the problem I have described with a real example, last year in Carleton Place we completed an EA related to replacing the bridge on our main street downtown. Because of the heritage aspects and the estimated cost of \$5.0m, the project was a Schedule C.

The slides below show the phase 2 analysis and conclusions





CARLETON PLACE
Meet me on the Main Street

MUNICIPAL CLASS
ENVIRONMENTAL ASSESSMENT
CENTRAL BRIDGE REPLACEMENT

ALTERNATIVE SOLUTIONS

Central Bridge

- 1 **Do Nothing**
No improvements to address structural deficiencies and other repairs identified in recent inspections.
- 2 **Repair Existing Bridge**
Undertake repairs to the existing structure, including road closures during construction. All modes of travel including active transportation to be considered.
- 3 **Replace Bridge along existing alignment**
Complete replacement of bridge structure, including full road closure during construction. All modes of travel including active transportation to be considered.
- 4 **Keep existing bridge for pedestrians and cyclists only**
Permanently close Central Bridge to vehicular traffic and maintain existing bridge as a pedestrian and cyclist crossing.
- 5 **Remove Bridge**
Permanent removal of the Central Bridge. Vehicular, pedestrian and cyclist traffic redirected to other crossings.



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**EVALUATION SUMMARY –
Central Bridge**

**MUNICIPAL CLASS
ENVIRONMENTAL ASSESSMENT
CENTRAL BRIDGE REPLACEMENT**

	Alt 1 - Do Nothing	Alt 2 - Rehabilitate Bridge	Alt 3 - Replace Bridge	Alt 4 - Maintain bridge for pedestrian and cyclist traffic	Alt 5 - Remove existing bridge / Redirect traffic to another crossing
Technical/ Structural	Structural issues not addressed. Bridge would continue to deteriorate.	Rehabilitation not recommended due to age, condition and configuration of the bridge.	Addresses load restrictions and bridge structural requirements.	Existing bridge adequate to accommodate pedestrian & cyclist loads.	McNeely Ave and Highway 7 bridges adequate to accommodate additional traffic loads.
Traffic Operations and Safety	Continued deterioration would render the bridge unsafe for vehicular, pedestrian and cyclist traffic.	Future traffic operations not adequately addressed. Continued deterioration would render the bridge unsafe for vehicular traffic.	Addresses future traffic operations. EMS response times not impacted during construction.	Increased travel time and delay due to removal of key north-south link. Vehicular traffic would be rerouted to other crossings.	Increased travel time and delay due to removal of key north-south link. Vehicular traffic would be rerouted to other crossings.
Socio-Economic Environment	Continued deterioration of the bridge would lead to eventual rerouting of traffic away from local businesses.	Short term impacts to local businesses due to traffic rerouting during repairs.	Opportunity to improve bridge and area aesthetics. Short term impacts to local businesses due to traffic rerouting during construction. Increased pedestrian and cyclist traffic supports a healthy lifestyle and benefits local businesses.	Significant impacts to local businesses and increased traffic infiltration into residential neighborhoods due to traffic rerouting.	Significant impacts to local businesses and increased traffic infiltration into residential neighborhoods due to traffic rerouting.
Natural Environment	No impacts to surrounding environmental features.	Minor impacts to fisheries and aquatic habitat can be mitigated.	Minor impacts to fisheries and aquatic habitat can be mitigated.	No impacts to surrounding environmental features.	Minor impacts to fisheries and aquatic habitat caused by bridge demolition could be mitigated.
Cultural Heritage Environment	No impacts to built heritage, cultural or archaeological features.	Potential for moderate disturbance to archaeological and/or cultural heritage resources.	Potential for moderate disturbance to archaeological and/or cultural heritage resources.	No impacts to built heritage, cultural or archaeological features.	No impacts to built heritage, cultural or archaeological features.
Cost	Deteriorating bridge structure would result in increased maintenance and future reconstruction costs.	Lower capital costs to rehabilitate but would require significant costs to maintain.	Approx. \$4.5M in capital cost (replacement only, does not include widening to accommodate cyclists). Reduced maintenance costs.	Increased capital costs to accommodate alternate traffic routes.	Increased capital costs to accommodate alternate traffic routes.
	NOT RECOMMENDED	NOT RECOMMENDED	RECOMMENDED TO BE CARRIED FORWARD	NOT RECOMMENDED	NOT RECOMMENDED

→ **RECOMMENDATION:** Alternative No. 3 (Replace Central Bridge along existing alignment) is recommended to be carried forward. This alternative addresses identified structural issues but would require traffic to be temporarily rerouted to another river crossing during construction. The ability to accommodate pedestrians and cyclists on the new bridge is to be evaluated further in Phase 3.



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**MUNICIPAL CLASS
ENVIRONMENTAL ASSESSMENT
CENTRAL BRIDGE REPLACEMENT**

PREFERRED SOLUTIONS

Alternative solutions and evaluation for various components of this project were presented at PCC #2 on June 27, 2018. The following solutions were recommended based on the evaluation and comments received.

Central Bridge

Replace Central Bridge along existing alignment.

This solution addresses identified structural issues but will require traffic to be temporarily rerouted to another river crossing during construction. The ability to accommodate pedestrians and cyclists on the new bridge is evaluated in the design concepts.

Gillies Bridge & Mill Street Bridge

Undertake repairs to Gillies Bridge to address deficiencies.

The following alternatives were also carried forward, pending development of McArthur Island:

- Improved Pedestrian & Cyclist Accommodation for both bridges
- Traffic Operational Improvements

Water Servicing

Construct new watermain crossing and provide a 3rd crossing for redundancy.

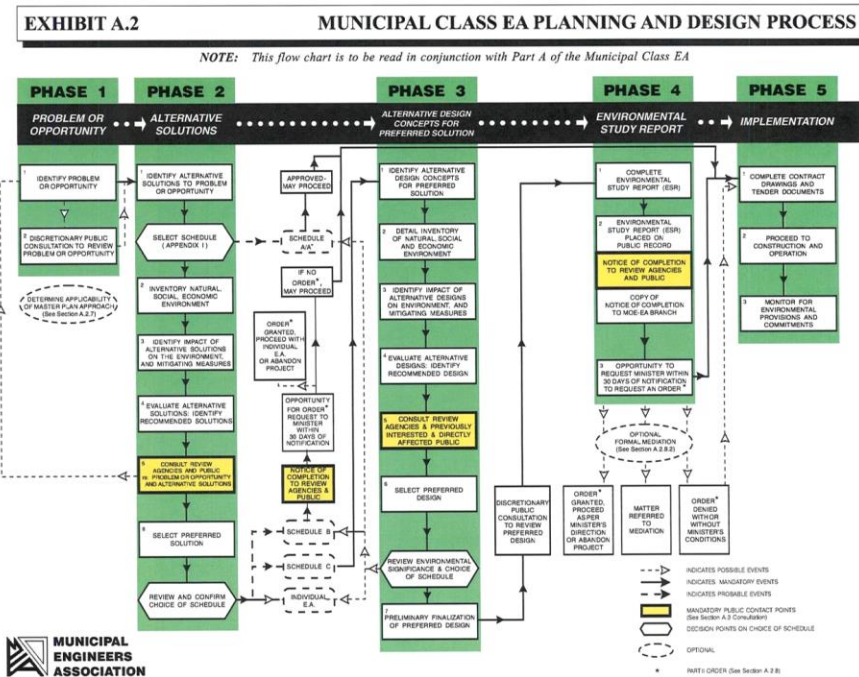
The following alternatives were carried forward for further evaluation:

- Replace watermain at current location (i.e. on Central Bridge)
- New watermain under the Mississippi River at Bridge Street
- New watermain crossing at McArthur Island

Alternative design concepts for the preferred solutions are presented in the next boards, followed by evaluation of the design concepts.



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It was a pretty easy to conclude that the bridge would be replaced in the same location – there was really no discussion of any other option. All of the discussion was about the design details; addressing the heritage components, determining the cross section (cycling lanes or not) and this was done during phase 3 as per the MCEA process.

However, had this been a shorter bridge (but with all the same complications) with an estimated cost <\$2.4m, the EA process would have ended after reaching the conclusion that the bridge would be replaced in the current location.

This example is just one project type – all project types need to be considered. The table below lists all of the schedule B projects and comments on the appropriate process.

<p>ROADS – Schedule B Projects</p> <p>33 Reconstruction or widening where the reconstructed road or other linear paved facilities (eg HOV lanes) will include additional lanes for vehicle travel but will remain at the same location</p> <p>34 Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, capacity but remains at the same location. (Capacity refers road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks</p> <p>35 Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. 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.</p>	<p>For these projects, the preferred solution to increase the capacity is obvious so there is little value from feedback during phase 2 consultation. However, considering design alternatives and completing phase 3 is recommended.</p> <p>To accomplish this the MCEA process would need to be modified so that the Schedule B process skips Phase 2 consultation but requires completion of Phase 3.</p>
<p>WATER/WASTEWATER – Schedule B Projects</p> <p>WW3B Enlarge stormwater retention/detention ponds/ tanks or sanitary or combined sewage detention tanks by addition or replacement, at substantially the same location where additional property is required.</p> <p>WW5B Add additional lagoon cells or establish new lagoons, or install new or additional sewage storage tanks at an existing sewage system, where land acquisition is required but existing rated</p>	<p>For these projects, the preferred solution to increase the capacity is obvious so there is little value from feedback during phase 2 consultation. However, considering design alternatives and completing phase 3 is recommended.</p> <p>To accomplish this the MCEA process would need to be modified so that the Schedule B process skips Phase 2 consultation but requires completion of Phase 3.</p>

capacity will not be exceeded.

W3B Expand existing water treatment plant including intake up to existing rated capacity where land acquisition is required.

WW22B Reconstruct existing weir or dam at the same location where the purpose, use and capacity are changed.

WW15B Construct berms along a watercourse for purposes of flood control in areas subject to damage by flooding.

WW16B Modify existing water crossings for the purposes of flood control.

WW17B 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.
-

WW18B Construction of spillway facilities at existing outfalls for erosion or sedimentation control.

WW19B Construct a fishway or fish ladder in a natural watercourse, expressly for the purpose of providing a fishway.

WW6B Establish biosolids management facilities at:

- a) A sewage treatment plant where the biosolids were not generated.

<p>b) An existing landfill site, incinerator or organic soil conditioning site where the biosolids are not to be disposed of nor utilized.</p> <p>WW8B Expand sewage treatment plant, including relocation or replacement of outfall to receiving water body, up to existing rated capacity where new land acquisition is required.</p> <p>WW24B Establish stormwater infiltration system for groundwater recharge.</p>	
<p>WW13B Expansion of the buffer zone between a lagoon facility or land treatment area and adjacent uses, where the buffer zone extends onto lands not owned by the proponent.</p> <p>W8B Establish a well at a new municipal well site, or install new wells or deepen existing wells or increase pump capacity of existing wells at an existing municipal well site where the existing rated yield will be exceeded. If a new water system is also required, this will become a Schedule C project. <i>New wells at a new site remain Schedule B. Projects at an existing site is Schedule A+. Technical merits will be approved by the ECA and PTTW process and must comply with source water protection regulations</i></p> <p>WW25B A new holding tank that is designed for the total retention of all sanitary sewage disposed into it and requires periodic emptying.</p> <p>WW1B Establish, extend or enlarge a sewage collection system and all works necessary to connect the system to an existing sewage outlet where such</p>	<p>For these projects, alternatives should be considered prior to selecting the preferred solution so there is value from feedback during phase 2 consultation. However, the design details are well understood and there is no merit in considering design alternatives and complete phase 3.</p> <p>This reflect the current Schedule B process.</p>

<p>facilities are not in an existing road allowance or an existing utility corridor.</p> <p>WW11B Communal sewage systems (new or expanded) with subsurface effluent disposal subject to approval under Section 53 of the Ontario Water Resources Act.</p> <p>WW14B Water crossing by a new sewage facility except for the use of Trenchless Technology for water crossings</p> <p>W9B Water crossing by a new or replacement water facility except for the use of Trenchless Technology for water crossings.</p> <p>W1B Establish, extend or enlarge a water distribution system and all works necessary to connect the system to an existing system or water source, where such facilities are not in either an existing road allowance or an existing utility corridor.</p> <p>WW23B Removal of an existing weir or dam.</p> <p>WW2B Establish new stormwater retention/detention ponds and appurtenances or infiltration systems including outfall to receiving water body where additional property is required.</p>	
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In the analysis all of the Schedule B projects have been classified as being;

- a) Projects where the preferred solution to increase the capacity is obvious so there is little value from feedback during phase 2 consultation. However, considering design alternatives and completing phase 3 is recommended. To accomplish this the MCEA process would need to be **modified so that the Schedule B process skips Phase 2 consultation but requires completion of Phase 3**. All of the road projects and about ½ of the water/wastewater projects fit this classification.
- b) Projects where alternatives should be considered prior to selecting the preferred solution so there is value from feedback during phase 2 consultation. However, the design details are well understood and there is no merit in considering design alternatives and completing phase 3. **This reflect the current Schedule B process**. About ½ of the water/wastewater projects fit this classification.

So – what do we do? There is a clear flaw in the current Schedule B process where it directs proponents to end the EA process after Phase 2 and not consider design concepts for projects like;

- 33 Reconstruction or widening where the reconstructed road or other linear paved facilities (eg HOV lanes) will include additional lanes for vehicle travel but will remain at the same location
- 35 Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. 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. (see attached email explanation)
- W3B Expand existing water treatment plant including intake up to existing rated capacity where land acquisition is required.
- WW22B Reconstruct existing weir or dam at the same location where the purpose, use and capacity are changed.

Options include;

- 1) Do/say nothing. I am surprised but not aware of anyone having a problem with the current Schedule B process. Likely for appropriate projects proponents are already including some consideration of design concepts
- 2) Leave the Schedule B process as is. With this option. The projects where there is no value from phase 2 but phase 3 is recommended should be shifted to either A+ or C.
- 3) Amend the Schedule B process to skip Phase 2 consultation but require completion of Phase 3. With this option, the projects where there is value

from phase 2 consultation but no merit in phase 3 should be shifted to either A+ or C

- 4) Identify this issue and provide guidance in the Companion Guide and the training course suggesting that proponents include an appropriate consideration of conceptual design details with a Schedule B process. Further EA reform is anticipated and this issue could be address at that time.

MEA and MECF agree with option 4) – Identify this issue and guidance.

Amendment to the MCEA Posted for Comment July 8, 2020

Comments Response Table – Municipal Class EA

	Comment	Response/Suggested Changes
1	<p>How is "existing road allowance" defined? Does it include the future road allowance in the Official Plan, if there is a difference (i.e., if the property has been identified for a future widening but has not yet been taken)?</p> <p>What is the definition of "substantial alterations to road allowances"? If additional property is required for a project (roads or stormwater) and can be acquired without expropriation, is a higher schedule (e.g., Schedule B or C) required?</p> <p>How is a "municipal servicing site" defined?</p>	<p>The existing road allowance is the property currently dedicated as road allowance. The Companion Guide Notes includes the following advice; CGN - A1-18: Same location means there is not a substantial change in location. A substantial change could be considered a change of > approximately 10%. For example a road allowance 20m wide and 1km long has an area of 20,000m² and a change less than 2,000m² would be <10%. Also, there should not be a requirement for new property – see CG-A1-15 (new property should trigger Schedule B).</p> <p>CGN - A1-15: No EA process is required for property purchase. If the proponent acquires property to widen a road allowance through another process (negotiation with owner or planning policies for minimum width of road allowances) then the project within the altered road allowance is A+ provided there is no increase to continuous lanes of travel for traffic. If there is dispute about the property acquisition then a Schedule B process should be followed to support the acquisition (expropriation). But, if the property can be acquired without dispute then Schedule A+.</p> <p>The glossary should be amended to include the following: Municipal servicing site means municipally owned property on which the municipality has determined it suitable to locate water/wastewater infrastructure.</p>
2	<p>What would the project schedule be for adding a continuous centre-turning lane (assuming that additional pavement area is required)?</p>	<p>If there is no additional pavement area then adding a continuous turning lane is Schedule A+ (see item 20)</p> <p>If additional pavement area is required then item 19 applies so Schedule A+ (see below for explanation)</p> <p>From the glossary ROAD CAPACITY: Means capacity defined in terms of travelled lanes and does not differentiate between various lane widths to accommodate differing volumes of traffic.</p>

		<p>The definition for Road Capacity speaks to travel lanes and a continuous turn lane does not increase capacity and is included in item 19.</p> <p>Item 31 is clear that additional travel lanes for vehicle travel are Schedule B but continuous turn lanes are not travel lanes so there is no trigger for Schedule B</p> <p><i>31. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will include additional lanes for vehicle travel but will remain at the same location, Note - substantial alterations to road allowances are Schedule C; see definition of same location under operation.</i> Schedule B</p> <p>For clarity, continuous turn lanes should be added to item 19 as below:</p> <p><i>19. Reconstruction where the constructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities, continuous turn lanes or parking lanes – motor vehicle lanes may decrease but not increase).</i> Schedule A+</p> <p>The Companion Guide Notes includes the following: CGN - A1-13: Minor clarifications have been included to highlight that roundabouts are considered a localized operational improvement, decreasing vehicle travel lanes is permitted, continuous turn lanes are permitted (under item 19 or 20), traffic calming and retaining walls are included and bridges are included when retiring a road.</p>
3	<p>How does the "Phase-in" apply to previously completed Master Plans? For example, if a previously completed and approved Master Plan identified that a project requires a Schedule B or C EA as per the 2015 manual, and under the 2020 amendments the project would be A or A+, what is the required or recommended process to be followed to proceed with the project?</p> <p>Regarding "Phase-In", how is "project completion" defined?</p>	<p>All Schedule A and A+ projects listed in the MCEA before May 1, 2019 are exempt from the EA Act requirements as of June 2019. This overrides any statements in a Master Plan. It may be appropriate to provide stakeholders with notice that that the project is proceeding and of this change to the MCEA Schedule.</p> <p>Project completion refers to the Notice of Completion for the MCEA process.</p>

4	What is the process by which a design or plan is "...completed to the satisfaction of the MHSTCI"? Are multiple review rounds required as elements are adjusted during detailed design?	Following the screening checklist and the advice of heritage professionals (if the checklist deems their involvement necessary) will ensure MHSTCI is satisfied.
5	What is the difference between "water crossing" and "structure"?	Structure is a more general term that would include a bridge over a road/railway
6	In the Water Wastewater Table, what is the difference between 5b and 15?	5b is water system 15 is wastewater system
7	Is inclusion of a Consultation Record in the PFR or ESR, including all items described in the proposed manual updates, required or is it recommended	Inclusion of a Consultation Record is mandatory but the proponent should ensure the details in the Consultation Record are appropriate for the circumstances based on the advice in the MCEA
8	I have noticed that item 12 in wastewater 12 Roadside ditches, culverts and other such incidental stormwater works constructed solely for the purpose of servicing municipal road works Schedule A is not necessary as it is covered in the following roads items. 8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in drainage area. Schedule A 18. Construction of a new culvert or increase culvert size due to change in the drainage area Schedule A+	In the long term, roads item 12 should be deleted. This should be noted and addressed when the project list for the new regulation is developed.
9	While preparing the Heritage Bridge Checklist I noted a small error. I believe item 32 in the Roads table of Appendix 1 should read; 32 Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, or capacity or not remain at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks	Either a change to location or a change to used/capacity should trigger the Schedule B process. Revise Appendix 1 – Roads as follow: 32 Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, or capacity or not remain at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks With this change item 32 will match the heritage bridge checklist

10	<p>The opening text to the water/wastewater section in Appendix 1 includes the highlighted statement.</p> <p>The dams and weirs referred to in Schedule A, Schedule B and Schedule C 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. Take, for example, the expansion of a water storage facility in an existing utility corridor. This is a Schedule A+ project. However, if the utility corridor contains recreational trails and has abutting residential properties it is possible that the construction could have significant community impacts and as such should perhaps be considered as a Schedule B or C project. A proponent may elect to undertake an individual environmental assessment should the magnitude of the project, the anticipated environmental impact of the project or its controversial nature warrant it. As another example, Septic tanks need to be cleaned out regularly.</p>	<p>Proponents cannot elevate an exempted project. Revise Appendix 1 – Water/Wastewater as follows:</p> <p>Delete highlighted text</p> <p>The dams and weirs referred to in Schedule A, Schedule B and Schedule C 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. Take, for example, the expansion of a water storage facility in an existing utility corridor. This is a Schedule A+ project. However, if the utility corridor contains recreational trails and has abutting residential properties it is possible that the construction could have significant community impacts and as such should perhaps be considered as a Schedule B or C project. A proponent may elect to undertake an individual environmental assessment should the magnitude of the project, the anticipated environmental impact of the project or its controversial nature warrant it. As another example, Septic tanks need to be cleaned out regularly.</p>
11	<p>Reconstruction of water crossing are addressed but new water crossings are not included in either O Reg 231/08 or the MCEA Appendix 1 transit chart.</p> <p>To be consistent with Roads and inclusive, the term bridge should be used.</p>	<p>Revise Appendix 1 – Transit as follows:</p> <p>10. Reconstruction of bridge where the reconstructed facility will be for the same purpose, use and at the same location as the facility being reconstructed Schedule A+</p> <p>11. Reconstruction of bridge where the reconstructed facility will not be for the same purpose, use or not at the same location as the facility being reconstructed Schedule B</p> <p>26. Construction of new bridges Schedule C</p> <p>Reg 231/08 should also be amended</p>
12	Subject: Application of Ontario Regulation 345/93	Appendix 1 – Water/Wastewater should be amended as below :

The Municipal Engineers Association (MEA) thanks you and your staff for proceeding with the process to amend the Municipal Class Environmental Assessment (MCEA). MECP staff have been very helpful to the MEA while we prepared our submission and we look forward to approval of the numerous improvements. However, we do want to make you aware of an outstanding concern that came up recently.

A private developer contacted the MEA for advice related to the MCEA. The developer is well underway with constructing a 120-unit retirement residence in a rural community with no municipal water supply; an on-site water well and a regulated private drinking water system will be constructed. MECP staff have recently referenced O. Reg. 345/93 and directed the owner to complete a MCEA Schedule C process to select a private well as the preferred water supply system.

In the Ministry's 1994 guidance document for O. Reg. 345/93, it clearly explains that projects like the above example can utilize their Planning Act application to address their EA Act requirements – no MCEA Schedule C process would be required according to this guidance document. However, somehow there were unintended changes made to the MCEA that your staff believes disallow this option and a MCEA Schedule C process is now required.

MEA has explained to MECP staff that Reg 345/93 was adopted in 1993 and was designed to ensure that the responsibility for constructing growth related major municipal infrastructure was not transferrable to a developer and bypass EA requirements. The regulation was never intended to apply and has historically not been applied to private on-site water systems. The Ministry's current interpretation that developers can no longer utilize their Planning Act application to address their EA Act requirements was never publicized.

76 Construction of the following infrastructure provided the infrastructure is required as a specific condition of approval on a consent, site plan, plan of subdivision or condominium which will come into effect under the Planning Act prior to the construction of the facility.

- Construction of stormwater management facilities, including LID features
- Establish a new wastewater system including private treatment provided all works are contained on-site or, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage outlet
- Establish, a new water system including a new private well or other water supply provided all works are contained on-site or extend or enlarge water distribution system and all necessary works to connect the system to an existing system

Remains Schedule A

We currently are only aware of this one project being impacted by this new interpretation; however, MECP staff have advised MEA there have been other projects where the Ministry has also provided this new interpretation. Except for these selected projects, the balance of similar projects that have been constructed since 1993 were not required to follow an MCEA Schedule C process. In the past 27 years, since Reg 345/93 was adopted, there have been hundreds, if not thousands, of projects successfully constructed where there was no requirement for an MCEA Schedule C process for private services.

MECP staff have confirmed to MEA there is no identified ongoing problem/issue with these projects that would be corrected if future owners are subject to the new interpretation requiring the completion of Schedule C MCEA process. If there is no identified problem, the MEA believes it is not necessary to subject such projects to a more complicated and expensive process. We believe in the principle of not fixing something that is not broken.

The MEA suggests the concern by MECP staff can be easily addressed with a minor change to the current proposed amendments to the MCEA. However, MECP staff believe this issue should wait and be addressed during the planned ongoing EA modernization. We disagree with this position – let's fix this now. Requiring developers in rural areas to complete an MCEA Schedule C process for their private well and septic system is significant, expensive and would delay or potentially cancel planned development. Other regulations and permits ensure that private wells and septic systems are properly designed – there is no value added by requiring an MCEA Schedule C process for this.

The MEA respectfully requests that you consider approving a minor change to our current amendment to the MCEA that would address this issue by allowing developers to use their Planning Act process to satisfy their EA Act requirements. This would eliminate overlap between the EA process and the planning process, eliminate a bureaucratic process and

	<p>remove obstacles for growth/development/economic activity in rural areas.</p> <p>We would be pleased to discuss this with you if need be. Our Executive Director, Dan Cozzi dan.cozzi@municipalengineers.on.ca , and our MCEA Advisor Paul Knowles, pknowles@carletonplace.ca would both be available for a meeting. They will keep me posted.</p>	
13	<p>Subject: Support for MEA's letter of July 28, 2020 re. Ontario Regulation 345/93</p> <p>The Residential and Civil Construction Alliance of Ontario (RCCAO) supports the recommendations advocated by the Municipal Engineers Association (MEA) in the attached letter dated July 28, 2020 regarding the Municipal Class Environmental Assessment (MCEA) process and O. Reg. 345/93.</p> <p>The MEA letter describes how a private 120-unit retirement residence, which has already obtained all of the building and zoning approvals for the project, must now undertake a multi-year Schedule C MCEA study, a process that is normally intended for municipalities, not private developers, who choose to build and operate new infrastructure projects such as major wastewater treatment plants.</p> <p>Some of your Ministry's staff are interpreting O. Reg. 345/93 in a new manner, which both the MEA and RCCAO views as inconsistent with prior Ministry practices and the Ministry's 1994 guidance document. Water infrastructure for private development projects, such as the retirement residence, are already subject to Ministry oversight through the necessary approvals under the Ontario Water Resources Act, 1990 to drill a private water well using Ministry-licensed contractors, obtain a water taking permit under section 34 and approvals under Part VI of the Safe Drinking Water Act, 2002 to construct and operate a private drinking water system.</p>	<p>Points raised in letter are valid. Appendix 1 – Water/Wastewater should be amended as below:</p> <p>76 Construction of the following infrastructure provided the infrastructure is required as a specific condition of approval on a consent, site plan, plan of subdivision or condominium which will come into effect under the Planning Act prior to the construction of the facility.</p> <ul style="list-style-type: none"> - Construction of stormwater management facilities, including LID features - Establish a new wastewater system including private treatment provided all works are contained on-site or, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage outlet - Establish, a new water system including a new private well or other water supply provided all works are contained on-site or extend or enlarge water distribution system and all necessary works to connect the system to an existing system <p>Remains Schedule A</p>

	<p>The Ministry's 1994 guidance document for O. Reg. 345/93, clearly explains that projects such as the above can utilize their Planning Act application to address EA Act requirements – no MCEA Schedule C process would be required according to this guidance document. Inexplicably, unintended changes were made to the MCEA that your staff now interprets as disallowing this option. The result would be that a lengthy and expensive MCEA Schedule C process would now be required.</p> <p>MEA has been attempting to get resolution on this matter since March. Based on a June 19, 2020 call between senior MECP staff and RCCAO/MEA representatives, ADM Sarah Paul indicated that with the upcoming modernization of EA she would get an answer to us soon once there was a better 'understanding of how the landscape has changed'. The ADM added that a robust system is required to ensure that these private water systems are designed and operated safely.</p> <p>MEA has pointed out to MECP staff that O. Reg. 345/93 was never intended to apply and has historically not been applied to private on-site water systems. In addition, the Ministry's current interpretation that developers can no longer utilize their Planning Act application to address their EA Act requirements was never publicized.</p> <p>Fortunately, MEA has suggested that any concerns by MECP staff can be easily addressed with a minor change to the current proposed amendments to the MCEA. RCCAO supports the MEA's recommendations regarding the interpretation of O. Reg. 345/93 and encourages your Ministry to rectify this situation</p>	
14	<p>Hope this email finds you well and healthy.</p> <p>First, I would like to appreciate the Province for proposing the changes to the <i>Environmental Assessment Act</i>.</p> <p>I believe this is a significant step forward in streamlining and facilitating the review and approval process of projects.</p>	<p>In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. This would include bridges over water and bridges over other features (grade separations). Any structure with a span of 3.0 m or less is considered a culvert which is covered by the following items in Appendix 1 – Roads:</p> <p>8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity</p>

<p>I have one comment. My comment is for item number R28, "the construction of new water crossing".</p> <p>Previously, there was a threshold which defines when a water crossing could be considered Class C project and when it can be considered Class B. The threshold was based on the cost of construction.</p> <p>The Province's explanation that the cost of the project does not relate to the environmental risk is a very valid point but it paints all types of water crossings with one brush. In some conservation authority jurisdictions, small surface drainage features or ditches can be considered water course by using their guideline. Those features require very small culvert since they are not river or creek. For instance a small ditch to convey small drainage area might require 500~900mm crossings.</p> <p>If we eliminate the cost threshold, then we need to carry out class C study for any culvert (regardless of their size and their environmental impact):</p> <p>To avoid this problem, I suggest to</p> <p>1- consider a cost threshold but reduce the cost limit to a reasonable amount so small culverts are not included in Class C; or</p> <p>2- Qualify in the document which criteria will exempt a crossing to become a Class C project.</p> <p>Most of the crossing is being proposed throughout the draft plan of subdivision process where public and agencies are involved.</p> <p>I should mention that any culvert even the small ones are being reviewed by agencies so their hydraulic conveyance as</p>	<p>required to adequately drain the area, whichever is greater, and where there is no change in drainage area. Schedule A</p> <p>18. Construction of a new culvert or increase culvert size due to change in the drainage area Schedule A+</p> <p>However, it needs to be clarified about bridges that are being constructed as part of a road project. Items 14a and 14b in Appendix 1 – Roads recognize that Planning Act applications that include the construction of roads are Schedule A activities because the Planning Act process satisfies EA requirements. Once the alignment of the road is determined (through the Planning Act process) there is no ability to consider alternative locations for a bridge though an EA process. The Planning Act application includes public and agency involvement and other approvals (shoreline permits) ensure the technical requirements for a bridge are addressed. Items 14a and 14b should be revised as below to include bridges.</p> <p>14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to "local" roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA] Schedule A</p> <p>14b. Construction or re-construction of a collector or arterial road and any bridge located on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically</p>
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well as their environmental impacts are being reviewed but not to the extent of Class C study.

defined in the Planning Act approval; and one of the following applies:

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or
- c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.

NOTES

1) If a new alignment is being used, alternative alignments must have been considered for this exemption to apply.

2) Reconstruction or alteration of a bridge structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, must be found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.

[Schedule A](#)

Re-construction is added to 14b to include work on an existing bridge on an adjacent existing road. Note 2) ensures work on an existing bridge respects heritage requirements.

Also, in Appendix 1 – roads, the terms bridge, structure and water crossing are all used which is confusing. The term bridge should be used consistently in items 28, 29, 30, 32, 33 and 35.

Revise Appendix 1 – roads as follows:

28. Reconstruction of a **bridge** where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks.

29. Reconstruction or alteration of a **bridge** or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation,

		<p>is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>30. Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use</p> <p>32. Reconstruction of a bridge where the reconstructed facility will not be for the same purpose, use, capacity or not at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.</p> <p>35. Construction of new bridge. This includes ferry docks.</p>
15	<p>A. PROPOSED EXEMPTION OF 28 PROJECT TYPES THAT ARE CONSIDERED TO BE LOW IMPACT. RCCAO supports the Municipal Engineer Association's ('MEA') recommendation to exempt all Schedule A project types (there are currently 28 separate descriptions for Schedule A projects). Examples of the types of projects that would be exempted include: shaping and cleaning of existing roadside ditches; construction or removal of sidewalks; plowing and sanding of roads; snow and de-icing operations that comply with the Ministry's guidelines; culvert repairs; new fence installations; and establishing new municipal patrol yards or maintenance facilities. The listed examples and other Schedule A projects are considered by both the MEA and the Ministry to be low impact.</p>	<p>Supportive of proposed amendments.</p>

16	<p>B. UPGRADING OR DOWNGRADING PROJECTS FROM ONE SCHEDULE TO ANOTHER. RCCAO has reviewed the eight proposed MCEA Schedule changes for municipal roads projects, the nineteen proposed MCEA Schedule changes for municipal water and/or wastewater projects and the eight proposed MCEA Schedule changes for municipal transit projects and RCCAO respectfully recommends that the Ministry approve all of MEA's proposed changes. MEA's proposed changes represent a better matching of level of scrutiny and evaluation to the potential risk associated with the various types of municipal projects</p>	Supportive of proposed amendments.
17	<p>C. REMOVING COST THRESHOLDS FOR ROAD PROJECTS. In 2012, RCCAO commissioned and published a report entitled 'Municipal Class Environmental Assessments – Categorization Review Study' to determine if Ontario's use of project capital costs was a suitable categorization feature to determine which projects were more likely to pose a greater environmental risk than other projects. The report involved the review of 13 countries, including the USA, and 16 separate US states. Overall, the subject jurisdictions used quantitative measures other than capital cost to differentiate potential environmental risk. No other jurisdictions based its degree of environmental review on the capital cost of the project. Alternative criteria for roads included length of route, the number of lanes being added or constructed and whether the project was a brand-new route or an upgrade of an older road along the same right of way. Water treatment plants and sewage systems were differentiated based on daily volume of water capacities or the size of population served. Based on that report, RCCAO has consistently recommended that capital cost should not be used as the threshold for determining the required level of environmental assessment. Consequently, RCCAO supports MEA's proposed replacement of capital cost thresholds with other measurement criteria for the level of environmental review for roads and related municipal projects.</p>	Supportive of proposed amendments.
18	<p>D. CLARIFYING AND MODERNIZING PROCESS REQUIREMENTS. Many of the current EA process requirements, such as publishing Notices of Project</p>	Supportive of proposed amendments.

	Commencement and Notice of Project Completion have been entrenched in the MCEA Manual since its inception in the 1980's. Over the past 40 years, there are far fewer printed daily newspapers and a much greater reliance on internet services and electronic media sites. RCCAO supports and endorses all of the MEA's proposed process changes related to the MCEA class.	
19	E. UPDATING REQUIREMENTS FOR TRANSIT PROJECTS. Ontario Regulation 231/08 was passed at a time when municipal transit projects were experiencing significant delays and high costs to bring rail and certain other municipal transit projects from the drawing board to operational services. Prior to 2008, most municipal rail transit projects followed the procedures set out in the GO Transit Class Environmental Assessment. There was also a separate series of projects and procedures for municipal transit projects within the MCEA process. The object of the new regulation was to shorten the time required to complete environmental assessments for subway and certain other projects to a maximum of six months. To shorten the time frame, Ontario Regulation 231/08 introduced certain new simpler and less onerous procedures and processes, to replace the high level of environmental assessment that would otherwise apply. Although Ontario Regulation 231/08 had merit, there were no changes to the Transit sections in the MCEA Manual. MEA has now completed a detailed review of the Transit sections in the MCEA Manual and has recommended changes for all eight categories of municipal transit projects to make their requirements more consistent with the counterparts in the Roads section of the MCEA Manual. RCCAO supports and endorses all the MEA's proposed changes to the Transit sections of the MCEA Manual. As soon as the MEA's proposed changes to the Transit sections are implemented, RCCAO expects that the relevant municipal transit projects can complete the EA process in a timelier and less expensive manner.	Supportive of proposed amendments.
20	CONCLUSIONS AND RECOMMENDATIONS. RCCAO has been consistently advocating for improvements to the MCEA processes over the past decade and has worked closely the MEA and other stakeholders to identify potential	Supportive of proposed amendments.

	<p>improvements. The MEA established the MCEA process in the 1980's and has administered the MCEA Manual and recommended various changes that have been implemented over the past 30 years. RCCAO has carefully reviewed MEA's proposed changes to the MCEA Manual and recommends that your Ministry approve all of the proposed changes. RCCAO remains willing and able to continue to work with the MECP and other stakeholders to improve all EA processes that might impact municipal infrastructure projects.</p>	
21	<p>Re: A Place to Grow 2020 – Updated growth forecasts (ERO 019-1680) and Amendment Proposals for Class Environmental Assessments (ERO 019-1712) – Municipal Wastewater Class EAs</p> <p>Ecojustice is a national environmental law organization with offices across Canada. For more than 25 years we have gone to court to protect wilderness and wildlife, challenge industrial projects, and keep harmful chemicals out of the air, water, and ecosystems we all depend on. We 2 of 8 represent community groups, non-profits, Indigenous communities and individual Canadians in the frontlines of the fight for environmental justice. This submission is made on behalf of Ecojustice and not on behalf of any client organization. Please also see our letter to Minister Clark in relation to this matter sent by 85 environmental organizations.</p> <p>We are extremely concerned about the reckless decision to update growth forecasts to 2051 under A Place to Grow. This decision would have significant impacts on waterways in the Greater Golden Horseshoe (GGH) which have at no time been evaluated or considered by Ontario. Further, we object to the amendments proposed that would permit aggregate extraction within endangered species habitat and the amendments to the definition of hydrologic functions.</p> <p>Issue 1 – The Growth Plan forecast could result in serious harm to Ontario's waterways It is our submission that it is</p>	<p>The letter provides comments on the province's A Place to Grow 2020 and primarily raises issues that are outside the scope of the proposed amendment to the MCEA. Sections of the letter that are relevant to the MCEA amendment are highlighted.</p> <p>The Companion Guide Notes includes the following advice for proponents.</p> <p>CGN-A1-22 It is common for growth in a community to result in an increased demand for drinking water and treatment of sanitary wastewater. To address this, municipalities should always consider the following alternatives:</p> <ol style="list-style-type: none"> 1) Reduce the demand for increased supply of water or wastewater treatment by maintenance and operational improvements such as repairing leaks in the system, limiting lawn watering to reduce demand, revising charges for water/wastewater services based on volume, reduce infiltration and eliminate combined sewers. This is all operations and maintenance and Schedule A. 2) Consider the distribution/collection system – is the system able to convey anticipated flows to/from the growth areas from/to the treatment facilities? Preparing a Master Plan may be worthwhile. Or, for a small system, confirming pipe capacity can demonstrate adequacy. This work could be undertaken as a formal Master Plan or as a background study (which is exempt from EA requirements). 3) Consider the water source/receiving water – is the water source/receiving water able to meet the demands if the capacity of the treatment plant is expanded? Depending upon the circumstances, studies such as hydrological, assimilative capacity or cumulative effects may be justified to establish the treatment requirements and support the ECA and PTTW applications.

irresponsible to increase the mandatory growth forecasts in A Place to Grow without examining the assimilative capacity of Ontario watersheds to handle this additional growth. Growth forecasts are treated as binding by municipalities who must alter their planning for water and sewer infrastructure in accordance with updated planning horizons. Further, Policy 3.2.6 of A Place to Grow requires that municipalities design, construct or expand their systems to serve growth that supports achievement of the minimum intensification and density targets in the Plan. The inevitable effect of these forecasts is to trigger decades of municipal planning for expensive sewage infrastructure upgrades which may not be environmentally or financially feasible. It is clear that the growth forecasting for A Place to Grow does not, nor does it purport to take into account assimilative capacity constraints on waterways that service wastewater infrastructure. Growth forecasts should not be updated until Ontario has undertaken a regional environmental assessment of the impacts of future growth.

Ontario municipal sewage treatment is currently inadequate to handle growth

The Region of Peel's 2020 Wastewater Master Plan estimates that an additional employee or resident in that Region requires a wastewater treatment design criteria to be planned of 315 L / resident-employee per day.² The reference forecast would amount to a 2,920,000 increase in population in the GGH and an increase in the number of employees by 1,360,000 between 2031 and 2051. Using Peel's figures to calculate potential sewage volumes this would require additional wastewater treatment capacity in the GGH of 1348.2 MLD between 2031 and 2051. This is in addition to the approximately 500 MLD in treatment expansion already planned in the GGH to service 2031 growth forecasts. Most Ontario sewage treatment plants are at best secondary treatment facilities. Some are only primary treatment and many are reaching the end of their serviceable life. Only a small number of facilities provide tertiary treatment and none provide quaternary treatment.

4) If the Master Plan or background study shows that a minor (<50%) increase to the existing treatment plant's capacity will address the community's long term (20 years) needs then this should proceed as a Schedule A+ project (**no additional property**) or Schedule B project (**additional property is required**). The technical merits of projects at treatment plants are covered by the ECA and PTTW approval process. The local community is engaged with the Schedule A+ process.

The MCEA Schedule B process is a formal examination of alternative solutions. If the proponent has already concluded that the preferred solution is a minor expansion at the existing plant and this work can be accommodated without acquiring additional property then completing the formal Schedule B process would be redundant – the preferred solution has already been determined. However, if the proposed work requires property acquisition then the proponent needs to follow the formal Schedule B process to determine how to expand the size of the property and justify the property acquisition.

5) If the Master Plan or background study concludes that a major (>50%) increase to the existing treatment plant's capacity to address the community's long term (20 years) needs then this project should proceed as a Schedule C and expanding the existing plant should be compared with other alternatives such as constructing a second treatment plant.

This is despite the fact that MECP guidelines require secondary treatment to be the minimum level of treatment. The Environmental Commissioner has previously noted that “Available public data indicate that the effluents of Ontario STPs are putting very serious pressure on the environmental quality of Ontario waterways, and that a large proportion of STPs need upgrades.” While some facilities have been upgraded in recent years, there are still a number of facilities in need of upgrading to meet current effluent standards.

Assimilative capacity cannot fairly be considered when growth is predetermined

According to MECP guidelines, it is up to each individual municipal proponent to study the capacity of receiving water bodies to take additional sewage volume when there is a proposed new sewage treatment plant or sewage treatment plant expansion. Where the receiving waters cannot withstand additional volumes using secondary treatment more advanced treatment may be required. However, in the past MECP has failed to require assimilative capacity studies to be properly carried out through the Municipal Class Environmental Assessment process. For example, York Region’s planned expansion of the Duffin Creek Water Pollution Control Plant from 340-630 MLD did not include an assimilative capacity study to assess the link between the existing outfall and algae growth in the nearshore of Lake Ontario. When the Town of Ajax requested such an assessment be done, the proponent refused. In our experience the MECP is not requiring adequate assimilative capacity studies be done by proponents. Further, the MECP refuses to require proponents to examine the cumulative effects of multiple proposed or planned sewage expansions on a receiving water body. The expansion of urbanization also poses serious challenges for stormwater management in the GGH. There is currently no provincial requirement for municipalities to minimize stormwater runoff covering the GGH growth plan areas. The cumulative effects of increased urban land cover combined with increased

As per above, an assimilated capacity study should be used to establish the effluent discharge criteria and support the ECA application.

As above, cumulate effects should be considered when appropriate

sewage flows have not been examined in preparing the growth forecasting for A Place to Grow.

Assimilative capacity of many GGH water bodies is limited

Lake Simcoe

Lake Simcoe is a severely impaired water body struggling to recover its once rich fisheries to self-sustaining levels. Lake Simcoe is facing combined threats from excessive nutrients, particularly phosphorus, invasive species, and climate change. In June 2006, an assimilative capacity study was prepared for Lake Simcoe. It determined that the scenario for committed growth in 2006 would result in increases in phosphorus loads to the Lake by 24%. Even with best management practices to reduce phosphorus, some watersheds would continue to become more impaired. The committed growth scenarios have only increased since that study was conducted. In 2012, the Lake Simcoe Science Committee commented that the 2031 growth horizon forecasts in A Place to Grow were not compatible with reaching a 44 tonne per year assimilative capacity target for Lake Simcoe total phosphorus levels:

There is no current solution proposed to accommodate increased P loading with population growth and with current growth projections of 150,000 in the watershed by 2031, the increased bio-solids and associated phosphorus generated will become an increasingly important issue. A “no net increase in P” discharge for sewage treatment plants and other sites of discharge may be the preferred approach to resolve this issue, over the longer term.

The Committee recommended that there be no net increase in phosphorus discharge limits from sewage treatment plants. This was incorporated into the designated policies of the Lake Simcoe Protection Plan. Currently, Ontario proposes to fundamentally undermine these designated policies by permitting a new sewage treatment plant on

Lake Simcoe. In addition to a lack of commitment to the policies in the Lake Simcoe Protection Plan, it is clear that there is actually no long-term plan for managing the growth pressures on Lake Simcoe in light of high growth forecasting in multiple jurisdictions around the Lake. As York Region has noted in its staff reports, coordinated planning across the Lake Simcoe watershed has remained elusive: "There is no defined mechanism to coordinate the competing growth options and aspirations in the Lake Simcoe watershed between Simcoe County and other watershed municipalities and balance these to ensure no net impacts on Lake Simcoe water quality."

Lake Ontario

While areas of Lake Ontario are able to meet Provincial Water Quality Objectives, there is increasing pressure on nearshore environments impacted by urban sprawl and sewage, particularly as a result of combined sewage overflows and spills. Many areas along the Toronto harbourfront contain consistently high levels of E-coli attributable to combined sewers. The intense urbanization that has occurred in portions of the Lake Ontario Basin has significantly contributed to the degradation of the ecosystem within the Lake, connecting channels and the surrounding watershed. Lake Ontario is only in "fair" condition and the trend is "unchanging" in recent years. Chemical contaminants, nutrient and bacterial pollution, and other factors limit the health, productivity, and use of Lake Ontario and its connecting river systems. In the nearshore waters, despite lake-wide nutrient declines, mats of Cladophora algae are causing problems in some areas, including areas near large sewage treatment facilities such as Duffin Creek. Ontario has committed to an action plan to reduce algae blooms and under Annex 1 of the Great Lakes Water Quality Agreement Ontario has committed to developing phosphorus loading targets consistent with a healthy Great Lakes ecosystem. The growth plan forecasts are most likely incompatible with these objectives and there has been no attempt by Ontario to understand whether adequate

wastewater and stormwater infrastructure can be created to achieve ecological nutrient and other surface water quality targets. Despite Ontario's commitment to undertaking a collection and reporting of data to support science-based analyses about nutrient loadings from regulated sewage treatment plants under Annex 1 of the Great Lakes Water Quality Agreement, no such information was used in developing the growth forecasts.

Ontario has no plan to deal with emerging issues

Ontario still does not have appropriate total phosphorus or soluble reactive phosphorus objectives for the shoreline or nearshore environment of GGH lakes. In addition to concerns about nutrients and conventional sewage pollution from growing sewage volumes and increasing urban stormwater there are important emerging concerns about the potential impacts of Pharmaceuticals and Personal Care Products (PPCPs). These contaminants can severely impact fish populations at very low levels. MECP lacks any strategy for limiting or effectively monitoring the impacts of these contaminants from increasing sewage volumes. Increasingly these contaminants are being found in both Lake Ontario and Lake Simcoe. As the assimilative capacity of receiving water bodies within the GGH become even more strained, municipalities will increasingly look to expensive and complex solutions such as piping sewage to the Georgian Bay-Lake Huron watershed. This will create complex issues of intra basin and inter-basin bulk transfers of water which are regulated under the Great Lakes Charter and the Ontario Water Resources Act. Development pressure in York Region has already resulted in complex intra basin transfer issues related to sewage infrastructure used by York and Peel Regions. Ontario has no plan to address increasing sewage volumes in surface waters Ontario has not upgraded its requirements for sewage to require tertiary or quaternary treatment to prevent surface water ecosystems from becoming stressed. Ontario has not gained effective control of combined sewers, bypasses and spills in the GGH. Ontario has no comprehensive

understanding of either increased sewage requirements or their potential impacts on the assimilative capacity of receiving waters. Finally, Ontario lacks any understanding or effective regulatory framework to deal with cumulative effects or the potential need for bulk water transfers for drinking water and sewage servicing for growth. The potential impacts of the growth forecasts are staggering in terms of water quality impacts on both surface water quality and potentially also on groundwater and municipal drinking water sustainability. All of the planning around addressing the impacts of growth is delegated to municipalities who have limited funding and capacity to undertake the necessary research. Instead of a comprehensive provincial plan covering areas under population growth pressure, municipalities inevitably must engage in a piecemeal understanding of their specific issues. However, fundamentally the growth plan forecasts assume that municipalities can solve these problems and still adhere to planning using high growth forecasts. This represents a fundamental misunderstanding of the environmental context of growth in the GGH.

There is widespread non-compliance with end-points of planning for sewage in receiving water bodies under A Place to Grow

Historically, planning for sewage to service growth has been addressed at the Regional municipal level through water and wastewater master planning. While this still does not amount to a broader regional plan for managing infrastructure growth and assimilative capacity in the GGH, it at least ensures that some minimal planning is done. This planning occurs through the Municipal Class EA process. However, Ontario recently tabled Bill 197 which would eliminate Class EAs, it is unclear if water and wastewater planning will continue to undergo an EA process. Planning would still be required in accordance with Policy 3.2.6 of A Place to Grow, which requires comprehensive water and wastewater plans to demonstrate that the effluent discharges and water takings will not negatively impact the

quality and quantity of water. This policy further requires that water and wastewater plans must not permit the preferred option for servicing growth to exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological and other needs. Similarly, the Provincial Policy Statement (PPS) requires that planning for sewer and water services “shall” accommodate forecasted growth and optimize existing services. Policy 1.6.6.1 also requires that these systems are provided in a manner that can be sustained by the water resources upon which these services rely and protects the natural environment. However, most municipal water and wastewater plans in the GGH do not address assimilative capacity of water bodies receiving sewage and stormwater, nor do they demonstrate that effluent discharges will have no negative impact on the quality and quantity of water. These items are completely missing from many, if not all, municipal water and wastewater plans in the GGH. It may not be possible to comply with all of the Policies in 3.2.6 of A Place to Grow, or the PPS, for example where there is no available or cost effective technology to service forecasted growth and address environmental quality and assimilative capacity. Without robust provincial oversight of these planning processes, the policies of A Place to Grow are ineffective at ensuring that there will be a credible examination of these issues. The policies in A Place to Grow and the PPS that require wastewater servicing for forecasted growth undermine the goals in these same plans and policies requiring that wastewater servicing address assimilative capacity and sustainability. In essence, the growth forecasts prevent municipal planners from effectively addressing or planning for capacity constraints in receiving water bodies. The widespread problem of non-compliant water and wastewater plans in the GGH is compounded by Ontario’s ongoing process of streamlining EAs for wastewater facilities. Ontario has also proposed to eliminate Class EAs in the near term for significant expansions to sewage treatment plants allowing increases of up to 50% of rated capacity, even where outfall locations are altered. The exemptions would include the expansion of ineffective

primary treatment such as lagoons. These amendments would allow 50% expansions every 20 years, without any environmental assessment process required. No EA will be required where there is a significant increase in volume achieved through internal improvements. Further, the amendments propose to use streamlined or Class EAs for expansions up to 50% of rated capacity, even where new land is required. Only notice to adjacent residents would be provided. The environmental compliance approval and permit to take water process would be exempt from posting on the Environmental Registry. There would be no Ministry oversight of the planning for these projects. After the amendments in Schedule 6 of Bill 197 there would also be virtually no opportunities for Part II order requests to seek such oversight. Currently, a schedule C Class EA is required for the construction of a new sewage treatment plant or expansion of an existing sewage treatment plant beyond existing rated capacity including outfall to receiving water body. In the Lake Simcoe watershed, an individual Part II or comprehensive environmental assessment is required under Designated Policy 4.1 of the Lake Simcoe Protection Plan wherever there is an expansion in the rated capacity of a plant or a new sewage treatment plant. The proposed changes to environmental assessment under Bill 197 and related environmental registry postings would mean that there is effectively no Ministry of the Environment, Conservation and Parks oversight of high level water and wastewater planning in the GGH, nor effective public scrutiny of municipal plans to expand wastewater treatment facilities and related infrastructure. This will only further entrench the non-compliance of water and wastewater master plans, and will exacerbate the lack of any forum in which to effectively address assimilative capacity of receiving waterways impacted by growth in multiple jurisdictions. Ontario must move to a model of integrated watershed planning and regional strategic environmental assessment that would address the long-term vision for the restoration of Ontario's watersheds.

The formal MCEA process is a tool to compare alternatives and determine the best solution. If the pipe system connecting the growth areas to the treatment facility has adequate capacity and the water source/receiving water can accept the demand then the best solution is to expand the existing facility. A formal MCEA process to compare with other alternatives (construct a second treatment facility) would not add value. The community will be engaged through the Schedule A+ process and the technical merits are confirmed through the ECA and PTTW process. If additional property is required a Schedule B process is triggered. The Schedule B process includes notice to all agencies as well as the community and an evaluation of alternatives.

The Schedule A+ process includes notification to the community. The technical merits are assessed by MECP during the EAC and PTTW application process.

<p>Issue 2 – Proposal to allow aggregate extraction within the habitat of endangered and threatened species</p> <p>We agree with the comments submitted by the Canadian Environmental Law Association and Ontario Nature and others on ERO 019-1680 and object to the proposal to allow aggregate extraction within the habitat of endangered and threatened species throughout the non-Greenbelt GGH. This amendment is unjustified and poses serious risks to the survival and recovery of endangered and threatened species in Ontario, particularly as it comes on the heels of both the 2019 amendments that significantly weakened the Ontario Endangered Species Act (“ESA”), and the extension to June 2021 of O. Reg. 242/08 which exempts forest operations in Crown forests from the prohibitions in ss 9(1)(a) and 10(1) of the ESA. Issue 3 – Proposal to remove the term “hydrologic functions” from the defined term “ecological functions” The definition of the term “ecological functions” in the current A Place to Grow plan includes “hydrologic functions.” The proposal in ERO 019-1680 would remove hydrologic functions from the definition of ecological functions. We agree with the Canadian Environmental Law Association’s comments that the proposed amendment would be inconsistent with current government policies. Notably, we are extremely concerned about the vulnerability of drinking water and environmental flows in the GGH given the scale of the development proposed in the growth forecast. Aquifers in the GGH have limited recharge and limited capacity to support increased population. Many are poorly understood and under severe stress such as the Yonge Street Aquifer servicing York Region. We are not aware of any analysis that would support the sustainability of increased takings from stressed aquifers for growth beyond 2041. The potential impacts on sustainable water supply and environmental flows of increased drinking water takings has not been considered in growth forecasting. The current growth forecasting process is divorced from the development of source water protection plans under the Clean Water Act. Once the forecasts are in</p>	<p>The MCEA continues to recommend the use of Master Plans</p>
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	<p>place the source water protection committees will have limited ability to address excessive planned takings in support of forecasted growth, and no jurisdiction to address potential harms to environmental flows. Ontario should not rely exclusively on source protection committees to ensure that drinking water sources are not diminished unsustainably. Again we recommend that Ontario move towards strategic regional assessment and integrated watershed planning.</p> <p>Conclusion</p> <p>Ecojustice opposes the amendments to the growth forecasts and requests that a comprehensive assimilative capacity study be done to address environmental constraints on future growth through a regional strategic environmental assessment of future growth in the GGH. In-addition, the GGH must have a comprehensive strategy for integrated watershed management that is adequately funded.</p>	
22	<p>I am writing in response to the proposed Major Amendment to the MCEA currently posted on the Ontario EBR.</p> <p>To provide some background to my comments I am a municipal engineer employed by a small municipality (formerly) responsible for all road, water and sewer improvements.</p> <p>I have administered approximately 12 Schedule B and C EA's and currently developing a Master Plan for all of the Township's core infrastructure. Two of my projects were subject to Part II Orders. One of these projects clearly required a Provincial decision while the other dealt with whether or not to remove trees within a municipal right of way – clearly a local issue.</p> <p>Our municipality is growing and as such I have some familiarity with the issues related to core infrastructure constructed within plans of subdivision approved under the Planning Act and interactions with the MCEA. The</p>	Supportive of proposed amendments.

reduction in overlap of reviews and reporting which have occurred in the past between the Planning Act and the MCEA has created extra costs and delays so the proposed associated amendments and clarifications will be a benefit with respect to speeding up development with less burden to Developers and municipalities particularly in regards to collector and arterial roads.

Municipalities have seen a steady increase in the costs to complete an EA over the past several years as well as an increase in public expectations. The step from a Schedule A or A+ project to a Schedule B project is simply not the brief technical, consultation and agency review that it was originally intended to be. Municipalities are spending more time dealing with both real and frivolous claims in an effort to maintain their project schedules meanwhile expending hard to find resources. Municipalities feel obligated to spend more on studies to shield themselves of potential Part II Orders. The proposed amendments place low risk projects on A and A+ Schedules allowing these projects to move forward swiftly once the technical elements of the project are in place.

In general I find the proposed Amendments for Roads projects to be encouraging. The amendment provides clarifications or amendments for several Schedule A and A+ projects. Items as Emergency Bridge Repairs, minor road alignment alterations, roundabouts, stockpiling of de-icing materials in internal leak resistant structures, which traditionally caused major delays to much needed priority projects due to EA requirements. For many municipalities unwarranted EA work is not always simply a financial issue as it is a human resource issue. Small municipalities are generally not in a position to manage the day to day affairs of the community along with completing a multitude of background studies on projects with relatively benign environmental risk. These amendments are very helpful as they allow technical staff to focus on priorities and not red tape.

On a similar note the updated heritage screening for bridge repair and new bridges is very helpful. The process to date has been confusing, complicated and expensive often causing serious delays in important projects. The proposed screening process will streamline future projects. Bridge replacements are often major projects for small municipalities and often projects are subject to external funding. Delays in these types of projects can have serious impacts including potential loss of funding. The screening process should eliminate some of the unknowns and facilitate a smoother project. When a community is looking for a new safe bridge it is not easy to explain to them that the project is delayed due to the Heritage assessment required for the structure.

The proposed amendments for water/wastewater schedules include several relatively minor amendments and several clarifications that will simplify many of the projects. These changes appear to be all risk based and although some projects move from Schedule A and A+ there are some other activities that will have their projects elevated. The amendments also include some modernization with respect to the inclusion of LID approaches within road right of ways projects as a Schedule A+ project. It would be too bad if the requirement of having to complete a Schedule B EA was the sole reason a proponent decided not to include an LID component in an otherwise Schedule A street reconstruction project. Most importantly the amendments to Schedules for minor increases in water and wastewater treatment capacity will likely have a significant benefit to many municipalities. Treatment capacity is very expensive and municipalities are always looking for ways to meet growing demands. The former criteria was not risk based and all projects were subject to Schedule C processes which are both very costly and time consuming. This approach did not make sense when many capacity increases at treatment plants could have essentially no environmental impact at all i.e adding additional membranes to a membrane filtration process and no other changes to facility.

	Thank you for the opportunity to comment.	
23	<p>In Appendix 6 the sample Notices of Completion includes the following:</p> <p>Interested persons may provide written comments to the project team by April 12, 2019. If concerns regarding this project cannot be resolved in discussion with the project team, a person may request that the Minister of the Environment, Conservation and Parks (MECP) make an order for the project to comply with Part II of the Environmental Assessment Act (Part II Order). Requests must be received by the Minister by April 12, 2019. Part II Order Request Forms are available on the MECP website. Send your completed Part II Order Request Form to the Minister of Environment, Conservation and Parks and to the Director of Environmental Assessment and Permissions Branch at the addresses below:</p> <p>MECP has amended the EA Act and provided the wording below that is to be included in Notices:</p> <p>SAMPLE NOTICE OF COMPLETION TEMPLATE – FOR REFERENCE</p> <p>Interested persons may provide written comments to our project team by DATE. All comments and concerns should be sent directly to PROPONENT CONTACT at the COMPANY/MUNICIPALITY.</p> <p>In addition, a request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies), only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered.</p>	<p>Revise the sample Notices of Completion for Master Plans, Schedule B, Schedule C and Addenda in Appendix 6 to include wording provided by MECP as follows:</p> <p>Interested persons may provide written comments to our project team by DATE. All comments and concerns should be sent directly to PROPONENT CONTACT at the COMPANY/MUNICIPALITY.</p> <p>In addition, a request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies), only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. Requests should include the requester contact information and full name for the ministry.</p> <p>Requests should specify what kind of order is being requested (request for additional conditions or a request for an individual/comprehensive environmental assessment), how an order may prevent, mitigate or remedy those potential adverse impacts, and any information in support of the statements in the request. This will ensure that the ministry is able to efficiently begin reviewing the request.</p> <p>The request should be sent in writing or by email to:</p> <p>Minister of the Environment, Conservation and Parks Ministry of Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto ON M7A 2J3 minister.mecp@ontario.ca</p> <p>and</p> <p>Director, Environmental Assessment Branch Ministry of Environment, Conservation and Parks 135 St. Clair Ave. W, 1st Floor Toronto ON, M4V 1P5</p>

	<p>Requests should include the requester contact information and full name for the ministry.</p> <p>Requests should specify what kind of order is being requested (request for additional conditions or a request for an individual/comprehensive environmental assessment), how an order may prevent, mitigate or remedy those potential adverse impacts, and any information in support of the statements in the request. This will ensure that the ministry is able to efficiently begin reviewing the request.</p> <p>The request should be sent in writing or by email to:</p> <p>Minister of the Environment, Conservation and Parks Ministry of Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto ON M7A 2J3 minister.mecp@ontario.ca</p> <p>and</p> <p>Director, Environmental Assessment Branch Ministry of Environment, Conservation and Parks 135 St. Clair Ave. W, 1st Floor Toronto ON, M4V 1P5 EABDirector@ontario.ca</p> <p>Requests should also be sent to the PROPONENT by mail or by e-mail.</p> <p>This Notice issued DATE.</p> <p>Information will be collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record</p>	<p>EABDirector@ontario.ca</p> <p>Requests should also be sent to the PROPONENT by mail or by e-mail.</p> <p>This Notice issued DATE.</p> <p>Information will be collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record</p>
24	<p>The following is located at the end of Appendix 5:</p>	<p>Revise the section at the end of Appendix 5 to comply with amendments to the EA Act as follows:</p>

	<p>Change in Project Status – Appeal Provision</p> <p><i>It is recommended that all stakeholders (including the proponent, public and review agencies) work together to determine the preferred means of addressing a problem or opportunity. If you have any concerns, you should discuss them with the proponent and try to resolve them. In the event that there are major issues which cannot be resolved, you may request the Minister of the Environment, Conservation and Parks by order to require a proponent to comply with Part II of the EA Act before proceeding with a proposed undertaking which has been subject to Class EA requirements. This is called a Part II Order. The Minister will make one of the following decisions:</i></p> <p>Section A.3.5.3 states as follows:</p> <ul style="list-style-type: none"> • For Notice of Completions, advice of the public’s right with regards to the provisions to request a Part II Order, including information on the mandatory form and the date by which the request must be received by the Minister; • For Notice of Completions, information on who/where the Part II Order request must be sent to including Minister of the Environment, Conservation and Parks, Environmental Assessment and Permission Branch (EAPB) Director and proponent contact. 	<p>Change in Project Status – Appeal Provision</p> <p><i>It is recommended that all stakeholders (including the proponent, public and review agencies) work together to determine the preferred means of addressing a problem or opportunity. If a stakeholder has any concerns, they should discuss them with the proponent and try to resolve them. In the event that there are outstanding concerns regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights , the stakeholder may request the Minister of the Environment, Conservation and Parks by order to require a proponent to comply with Part II of the EA Act before proceeding with a proposed undertaking which has been subject to Class EA requirements. This is called a Part II Order. The Minister will make one of the following decisions:</i></p> <p>Revise A.3.5.3 to delete reference to PIOR form as follows.</p> <ul style="list-style-type: none"> • For Notice of Completions, advice of the public’s right with regards to the provisions to request a Part II Order if there are outstanding concerns regarding potential adverse impacts to constitutionally protected Aboriginal and treaty rights including information on the date by which the request must be received by the Minister; • For Notice of Completions, information on who/where the Part II Order request must be sent to including Minister of the Environment, Conservation and Parks, Environmental Assessment and Permission Branch (EAPB) Director and proponent contact.
25	<p>Amendment Table 2: Proposed Changes to Water/Wastewater Schedules (Version 4, December 23, 2019) 1. Proposed Change No. W30 (Appendix 1) - CH supports the clarification added to distinguish between projects that may or may not be significant drinking water threats in a source water protection vulnerable area.</p>	<p>Supportive</p>

26	<p>Section A.1.2.2 - CH has no outstanding concerns with the proposed changes to the descriptions for Schedule A and A+ projects. However, we recommend that further guidance be provided to clarify what “minimal adverse environmental effects on the natural environment” would entail. Further, we recommend that the last paragraph be amended to state (underlined text is recommended):</p> <p>“While Schedule A and A+ projects are exempt from the EA Act, this does not relieve the municipality from acting as a responsible level of government, consulting with the local community and obtaining any necessary approvals from relevant agencies.”</p> <p>CH supports the proposed changes to the descriptions of Schedule B and Schedule C undertakings</p>	<p>This is a worthwhile clarification. Executive Summary and Section A.1.2.2 should be revised as below:</p> <p>While Schedule A and A+ projects are exempt from the EA Act, this does not relieve the municipality from acting as a responsible level of government, consulting on Schedule A+ projects with the local community and obtaining any necessary approvals from relevant agencies</p>
27	<p>Section A.1.7 – CH supports the proposal to provide updated information about the Codes of Practice and Climate Change direction from the Companion Guide. However, we recommend that the Province provide clear guidance and further direction to proponents related to climate change assessment methods and evaluation criteria.</p>	<p>Companion Guide includes addition advice related to climate change Supportive – potential action by MECP</p>
28	<p>Section A.2.7 & A.2.9.1 – A.2.9.4 – CH supports the intention of the proposed changes to Section A.2.7, which is to clarify Master Plan process requirements/expectations and, more specifically, we support the Province’s desire to promote integration between the Planning Act and Class EA processes. However, further guidance and training from the Province for municipalities and review agencies would be helpful in this regard. Missed opportunities for integrating Planning Act and Class EA processes results in duplication of efforts for municipalities and/or other review agencies (e.g., Conservation Authorities) and can pose delays for critical community projects.</p>	<p>Supportive – potential action by MECP</p>
29	<p>Section A.2.7.2 – CH supports the proposed changes to this section, specifically the recommendation that proponents review and update (amend) their Master Plans on a regular basis.</p>	<p>Supportive</p>
30	<p>Section A.2.10 – CH supports the proposed inclusion of references to the Clean Water Act and Source Protection Plans in this section. In their capacity as a Source</p>	<p>Section A.2.10 identifies legislation not organizations. Section A.3.6 identifies Conservation Authorities and agencies to be contacted as appropriate.</p>

	<p>Protection Authority, Conservation Authorities (CAs) should be involved in the Class EA process to review for any potential impact to sources of municipal drinking water. However, we also recommend that the Conservation Authorities Act be listed under “Other key provincial, plans and policies legislation”. CAs should be considered a key stakeholder in the review of Class EAs, as CA regulatory approvals are often required to implement road, water/wastewater or transit projects. Under the Conservation Authorities Act and as agencies with delegated responsibility for the review of planning matters under Sections 3.1.1 – 3.1.7 of the Provincial Policy Statement – Natural Hazards, CAs can provide technical comments related to potential impacts of proposed alternatives on the creation of new natural hazards or the aggravation of existing natural hazards for areas adjacent to CA regulated areas. CA staff is knowledgeable about local environmental conditions and can provide environmental planning, water resource engineering and/or ecological expertise to the EA planning and approval process in a timely manner</p>	
31	<p>Section A.2.10.6 – CH supports the administrative updates proposed to the text related to the Clean Water Act.</p>	Supportive
32	<p>Section A.2.10.7 – CH supports the proposed inclusion of description and guidance regarding the Endangered Species Act.</p>	Supportive
33	<p>Item 3A: Municipal Class EA Amendment – Table 1 Proposed Changes to Road Schedules The County has reviewed the proposed changes to the Road Schedules and is supportive. The addition of clarification regarding traffic calming, roundabouts, cycling infrastructure and removal of Schedules based on proposed construction value are positive clarifications.</p>	Supportive
34	<p>Item 3B: Municipal Class EA Amendment – Table 2 Proposed Changes to Water/Wastewater Schedules While supportive of the attempt to simplify specific projects into larger/broader categories, the County does not agree with moving the following previously categorized Schedule A projects to Schedule A+, as proposed. We believe there is little – if any – public interest in these activities: W5-5A,</p>	<p>Companion Guide Notes includes the following advice:</p> <p>CGN - A.2.1.1 The manner in which the public is advised of Schedule A+ projects is to be determined by the proponent. This could be a notice provided to adjacent property owners, a notice posted at the site, a report to council, a list of projects posted on the municipality’s website etc. For some routine Schedule A+ projects, the annual budget approval process</p>

	<p>W7-7, W14-15, W22-22, W39-W40B, W40-41, W41-42, W52-53, W56-60, W57-61.</p> <p>Additionally, the County believes the following items should be moved from Schedule A+ to Schedule A: W6-6, W12-13, W20-20</p>	<p>could be sufficient notice to the community. The level of Consultation should vary with the Complexity of the Project. (Note: the mandatory requirements for a “Public Notice” as outlined in Section A.3.5.3 do not apply to Schedule A+).</p> <p>MEA suggests that the community should be notified about the projects identified by Oxford. However, if there is little interest in the community, this notice could simply be inclusion in the annual budget – this is a local decision.</p>
35	<p>Item 3C: Municipal Class EA Amendment – Table 3 Proposed Changes to Class EA Manual – Parts A & D</p> <p>The County is in support of modernizing this manual, particularly the proposed changes to Items 12 and 14 in the table. The revisions proposed in Item 16 closely align with the County’s goals. Including our Strategic Plan, as well as the Transportation Master Plan, Energy Management Plan and 100% Renewable Energy Plan and we believe it is imperative to look at the EA process through the lens of climate change. Additionally, we support the proposal regarding no time limit lapses on Master Plans, as outlined in Item 19. In regards to Items 33 & 34, we are in support, although municipal timelines for Public Notices currently being upheld by by-laws may take precedent over the proposed changes. We are also in support of Item 35 and have already undertaken this digitization process due to COVID-19 in order to keep Project Files accessible to the public.</p>	Supportive
36	<p>Item 3D: Municipal Class EA Amendment – Table 4 Proposed Changes to Transit Schedules</p> <p>The County is supportive of the proposed changes and associated improvements</p>	Supportive
37	<p>City of Ottawa is in agreement with all of the amendments proposed to the Roads Section of Appendix 1 with the following comments:</p> <p>R4 - Suggest dropping the \$9.5million figure and only compare based on environmental risk</p>	<p>R4 – The current MCEA includes parking lots < \$9.5m as Schedule A. No issues have been reported and no change to this classification is proposed. The amendment continues uses environmental risk to classify projects >\$9.5m.</p>

	<p>R8 - Suggest dropping to Schedule A from A+ as there is no significant environmental effect.</p> <p>R15 - in agreement, how about retirement of bridge for vehicles to be used for active transportation only?</p> <p>R16 - in agreement, how about retirement of laneways for vehicles to be used for active transportation only?</p> <p>R19 - See no need to upgrade to Schedule A+ from previous Schedule A</p> <p>R21 - For clarity refer to bridge or bridge structure rather than water crossing as a culvert is a water crossing.</p> <p>R25 - For clarity refer to bridge or bridge structure rather than water crossing as a culvert is a water crossing.</p> <p>R26 - what if it is a heritage structure not on the checklist and only partly within Ontario?</p> <p>R28 - For clarity refer to bridge or bridge structure rather than water crossing as a culvert is a water crossing.</p>	<p>R8 – MEA suggests that the community should be notified. However, if there is little interest in the community, this notice could simply be inclusion in the annual budget – this is a local decision. No change to classification is proposed.</p> <p>R15 & R16 – Converting a bridge or lane from vehicle to active transportation would be included in Schedule A+</p> <p>R19 – MEA suggests that the community should be notified. However, if there is little interest in the community, this notice could simply be inclusion in the annual budget – this is a local decision.</p> <p>R21 & R25 & R28 - In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. The term water crossing is used to capture culverts > 3.0m diameter.</p> <p>R26 – The checklist is a tool to evaluate a bridge. It does not include a list of specific bridges. The MCEA only applies to the portion of the project located within Ontario.</p>
38	<p>City of Ottawa is in agreement with the amendments proposed to the Water/Wastewater Section of Appendix 1 with the following comments:</p> <p>W5 - 1. Provide definition for municipal servicing site (MSS). If an existing pump station is located on a municipal park property, is the property considered a MSS?</p> <p>2. For projects that shift from Schedule B to A+, consider imposing requirement to document an identification and evaluation of conceptual alternatives from a life-cycle cost</p>	<p>W5 – 1. The glossary should be amended to include the following: Municipal servicing site means municipally owned property on which the municipality has determined it suitable to locate water/wastewater infrastructure.</p> <p>2. Schedule A+ projects are exempt from the EA Act. However, municipalities should use good engineering design principles for these projects. This is a local decision.</p>

<p>perspective. Discuss value of and need for this work in manual.</p> <p>W7 - I recommend objecting to reduce the schedule from B to A+ for new water storage infrastructure. This is a significant change in land use, and in activity. It is also a significant increase in risk: storing water is inherently dangerous. Looking at alternatives, which is required with a Schedule B, has proven effective in finding alternatives solutions that are more cost effective and/or have fewer negative impacts on the community and/or the environment. The terms "existing municipal servicing site" is not defined. Would a park under which there is small watermain in one corner of the park make that park eligible for construction of a water tower? I also recommend that the City warn the Province that, in the City's experience, the public is usually very concerned about new water storage facilities.</p> <p>W13 - I recommend that the City object to adding the language "on an existing municipal servicing site"</p> <p>W14 - I recommend that the City object to reducing from Schedule B to A+ the construction of a new pumping station. Reasons are provided in W7.</p> <p>W15 - I recommend that the City object to adding the language "on an existing municipal servicing site"</p> <p>W17 - I recommend that the City object exempting non-municipal holding tanks, unless said non-municipal holding tanks are for single residential units.</p>	<p>W7 – Section A.2.1.1 Level of Complexity explains the importance matching the consultation and process with the complexity of the project. The Companion Guide Notes expands on this topic and provides more direction for proponents. A Schedule A+ process can include an evaluation of alternative sites when appropriate.</p> <p>W13 & W15 & W22 – It is not possible to locate all municipal water/wastewater infrastructure on a road allowance or in a utility corridor.</p> <p>W14 – see W7 above</p> <p>W17 – The MCEA is an approval process for municipalities for their projects. The term Municipal was added to ensure this is clear. Ontario Regulation 345/93 designates certain private sector projects (Schedule C for residential) but as holding tanks are Schedule B, private holding tanks have never been subject to EA approval.</p> <p>W20 – Many municipalities may want to install LID features but have not developed a Master Servicing Plan</p> <p>See above</p> <p>W24 – There is no change to this item – the Note – <i>does not include LID features</i> was added.</p>
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<p>W20 - I recommend that the City requests that the following language be added: "... provided that said LID is a component of an approved master servicing plan."</p> <p>W22 - I recommend that the City object to adding the language "on an existing municipal servicing site"</p> <p>W24 - Provide definition of a "stormwater infiltration system for groundwater recharge" and LID for the purposes of this item, in order to distinguish one from the other. I recommend that the City express concern about the risk of contaminating groundwater. Particularly around utilities</p> <p>W28 - See W31, Clarify what is meant by "once for a 20 year planning period". If the planning period is updated every five years, does this mean that Schedule A+ could be used once every 5 years?</p> <p>W30 - I recommend that the City object to this change. Otherwise, this will inevitably result in some incidents of ground and ground water contamination which often migrate onto other's properties, including the City's. Furthermore, there is sufficient history of governments (of all levels) having to decontaminate sites contaminated by others to make this proposition unappealing.</p> <p>W31- suggest that the City recommend to leave this one with existing language. Reasons: 1) A Schedule B is not that onerous. If the municipality has already examined alternatives (as suggested under the "Rationale" column, the process of documenting this examination and posting notice of completion isn't very onerous, and certainly more transparent. If an evaluation of alternatives has never been done, and is not required, this is not very rigorous. 2) an increase in capacity will likely require additional</p>	<p>W28 & W31 – No – The 20 years starts when project proceeds and extends for 20 years.</p> <p>W30 – The ECA process will assess the technical merits and impose appropriate conditions to protect/monitor groundwater.</p> <p>W31 – This item includes an expansion to a treatment plant where land acquisition of required. This remains Schedule B.</p> <p>These comments seem to address W28. The Companion Guide Notes includes: CGN-A1-22 It is common for growth in a community to result in an increased demand for drinking water and treatment of sanitary wastewater. To address this, municipalities should always consider the following alternatives: 1) Reduce the demand for increased supply of water or wastewater treatment by maintenance and operational improvements such as repairing leaks in the system, limiting lawn watering to reduce demand, revising charges for water/wastewater services based on volume, reduce infiltration and eliminate combined sewers. This is all operations and maintenance and Schedule A. 2) Consider the distribution/collection system – is the system able to convey anticipated flows to/from the growth areas from/to the treatment facilities? Preparing a Master Plan may be worthwhile. Or, for a small system, confirming pipe capacity can demonstrate adequacy. This work could be undertaken as a formal Master Plan or as a background study (which is exempt from EA requirements). 3) Consider the water source/receiving water – is the water source/receiving water able to meet the demands if the</p>
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traffic, and/or additional chemical deliveries, and/or additional chemical storage, and/or additional noise, and/or disturbance to existing natural features on as-of-yet unaffected land within the owned property etc.
3) It seems to me that the current approach is easier to understand, both for the proponent and for the public. It does not need to get more complicated.

capacity of the treatment plant is expanded? Depending upon the circumstances, studies such as hydrological, assimilative capacity or cumulative effects may be justified to establish the treatment requirements and support the ECA and PTTW applications.

- 4) If the Master Plan or background study shows that a minor (<50%) increase to the existing treatment plant's capacity will address the community's long term (20 years) needs then this should proceed as a Schedule A+ project (**no additional property**) or Schedule B project (**additional property is required**). The technical merits of projects at treatment plants are covered by the ECA and PTTW approval process. The local community is engaged with the Schedule A+ process.

The MCEA Schedule B process is a formal examination of alternative solutions. If the proponent has already concluded that the preferred solution is a minor expansion at the existing plant and this work can be accommodated without acquiring additional property then completing the formal Schedule B process would be redundant – the preferred solution has already been determined. However, if the proposed work requires property acquisition then the proponent needs to follow the formal Schedule B process to determine how to expand the size of the property and justify the property acquisition.

- 5) If the Master Plan or background study concludes that a major (>50%) increase to the existing treatment plant's capacity to address the community's long term (20 years) needs then this project should proceed as a Schedule C and expanding the existing plant should be compared with other alternatives such as constructing a second treatment plant.

W32 – This item includes new or major expansions to treatment plants and remains Schedule C

	<p>W32 – See W31</p> <p>W37 - See W31 Clarify what is meant by "once for a 20 year planning period". If the planning period is updated every five years, does this mean that Schedule A+ could be used once every 5 years?</p> <p>W38 - I recommend that the City object to this change. Again, a Schedule B is not that onerous. And storage of sewage can cause sedimentation and odours where these problems did not exist before. And will likely require construction of new facilities (flow regulators, gate chambers, etc.), where no such facility existed before.</p> <p>W39 - Again, I recommend that the City object to this "50% rule", for reasons previously provided above.</p> <p>W42 - Same objection/concerns re: the "50% rule". However, I note that, in this particular case, we have an activity that used to be a "C" that is now proposed to go to an "A". So a proponent can now increase rated capacity by establishing new lagoons on land it doesn't currently own (presumably through expropriation?), getting closer to other receptors etc.. This activity should remain a "C".</p> <p>W44 - Again, I recommend that the City object to this "50% rule", for reasons previously provided above.</p>	<p>W38 - Item is shifted from Schedule B to A+ as the technical merits of project are evaluated and approved through the ECA process. The Schedule A+ process encourages proponents to provide notice to adjacent residents so they have the opportunity for input to their local government.</p> <p>See above</p> <p>See above</p> <p>See above</p> <p>See above</p> <p>See above</p> <p>W55 – it would be very unusual to plan to relocate water/wastewater infrastructure at the end of the expected lifespan.</p> <p>W74 – The Director will monitor the application of this provision. Yes – there is a cut and paste error in the rational. Rational should state:</p>
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<p>W46 - Again, I recommend that the City object to this "50% rule", for reasons previously provided above.</p> <p>W47 - Again, I recommend that the City object to this "50% rule", for reasons previously provided above.</p> <p>W55 - I recommend that the City object to amendment 57. While the impacts are "short-term", they can nonetheless be significant, and permanent. Furthermore, the original crossing may have been built with a stated or implied understanding that the sewer or watermain would be there for a finite (non infinite) period equivalent to the expected lifespan of the infrastructure in question. Replacement extends this period. I note that the proposed amendment language does not specify whether or not the new crossing would be in an existing road allowance (bridge, or tunnel) or existing utility corridor.</p> <p>W74 - I recommend that the City express concern. Is there a clear mechanism to ensure that proponents do not abuse this clause? What are the consequences if there are abuses? The "Rationale" language is not correct, possibly a cut and paste error: the proponents would reduce the schedule from B or C, down to an A+.</p> <p>General comment: in many cases, new / expanded infrastructure projects are classified as A / A+ (exempt) if they do not require land acquisition - this does not appear to consider potential effects on significant natural features that may be present on the municipally-owned lands. Shouldn't expansions of stormwater management facilities or other infrastructure that affect natural features be subject to the MCEA process, regardless of who owns the land? Compare with the Roads schedules, where presence or absence of environmentally sensitive features is used to differentiate between processes for new parking lots, or Transit schedules where new facilities are required to</p>	<p>This item is added to allow proponents to undertake work that is subject to this Class EA if it is determined to be an emergency, provided that notification is given to the Director</p> <p>Once installed, water/wastewater infrastructure, particularly the pipe network, has little impact on the community.</p>
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	undergo Planning Act process if environmental features are present.	
39	<p>City of Ottawa is in agreement with the amendments proposed to Part A and Part D with the following comments:</p> <p>A2 - Consider imposing requirement (or recommending best practice) to document identification and evaluation of alternatives from life cycle cost perspective for Schedule A+ projects (or a subset thereof).</p> <p>A6 - Consider imposing requirement (or recommending best practice) to document identification and evaluation of alternatives from life cycle cost perspective for Schedule A+ projects (or a subset thereof).</p> <p>A26 - Support the intent of this addition. Final two paragraphs should be revised to correct typos and improve readability.</p>	<p>A2 & A6 – This is a worthwhile suggestion that can be incorporated into training material. However, the proponent should determine the criteria that will be used to evaluate alternatives – this is a local decision.</p> <p>A26 – Revise the final paragraphs of A.2.10.7 as below:</p> <p>Proponents are expected to assess impacts to species at risk during the Class EA process. By doing so, the proponent will identify any Endangered Species Act permitting that is required as part of the proposed activity. This includes:</p> <ul style="list-style-type: none"> • consideration of alternatives that avoid impacting species at risk • Identification of mitigation actions that minimize impacts • Identification of overall benefit of actions <p>For additional information on requirements for ESA authorizations, proponents can consult the Ministry’s website https://www.ontario.ca/page/how-get-endangered-species-act-permit-or-authorization or can contact the Ministry at SAROntario@ontario.ca</p> <p>A29 - Supportive</p> <p>A34 – A bylaw should be used to establish notice requirements.</p> <p>A35 – Supportive. Accessible documents are required.</p> <p>A36 – Lapse of time applies to both Schedule C and Schedule B projects.</p>

	<p>A29 - Support this revision regarding the Fisheries Act.</p> <p>A34 - Support modernization of notification approach; is this covered by our Public Engagement Strategy or would a by-law / formal process need to be developed?</p> <p>A35 - Support this modernized approach. Ensuring accessibility of online reports may be costly; presume this is now standard requirement for consultants?</p> <p>A36 - Lapse of time provisions for Schedule C projects should also apply to Schedule B projects, which may also be phased. Clarification needed. // Do we currently publish Project Files online? If not then this will add costs - documents may need to be redacted for privacy, translated, made accessible...</p> <p>D.1.5(2) Discussion of significant Natural Heritage Features should be revised slightly to more closely align with the Provincial Policy Statement (e.g., should not refer only to "significant portions of" habitat for endangered species).</p> <p>D.3.1 - shouldn't local climate / weather patterns also be described, to support analysis of potential effects and climate mitigation / adaptation recommendations?</p>	<p>Section D is to be reviewed by MECP and may be revised.</p>
40	<p>City of Ottawa is in agreement with all of the amendments proposed to the Transit Section of Appendix 1 with the following comments:</p> <p>T4 - in agreement, refer to water crossing as bridge or bridge structure to be clear. A water crossing can be completed by a pipe as well.</p>	<p>T4 - In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. Any structure with a span of 3.0 m or less is considered a culvert which is covered by the following items in Appendix 1</p> <p>8. Culvert repair or replacement where the capacity of the culvert is not increased beyond the minimum municipal standards or capacity required to adequately drain the area, whichever is greater and where there is no change in drainage area</p>

	<p>T6 - Why increase to schedule C, but leave at Schedule B and change road and transit Reg 231/08 accordingly. This would save time for in locations where we are crossing other municipal infrastructure and the environmental effects at these locations would be limited.</p> <p>Additional - Similar to roadway widening (Appendix 1 - Roads R24 -Item 31) Item 26 should go from Schedule C to Schedule B where the area of the road allowance for the project does not increase more than 10%.</p>	<p>Schedule A 9. Culvert repair or replacement where the capacity of the culvert or drainage area is changed. Schedule A+</p> <p>T6/Additional – Schedule B ends after the preferred solution is identified. MEA feels that the preferred conceptual design (Phase 3 in the Schedule C process) should be identified and presented to the public for these types of projects.</p>
41	<p>Since its inception in the 1980s, the Municipal Class Environmental Assessment (MCEA) process has been a collaboration between the Ministry of Environment, Conservation, and Parks (MECP) and the Municipal Engineers Association (MEA). The MCEA established an approach to compliance of environmental legislation by creating a standardized document which detailed procedures for municipal infrastructure projects. MEA has long been the leader and steward of the MCEA and the Ontario Good Roads Association (OGRA) has supported them along the way. The changes proposed by MEA are long overdue.</p> <p>Over time, the MCEA process has become more likely to delay projects and significantly increase costs. A 2014 study by the Residential and Civil Construction Association of Ontario (RCCAO) showed that it was typically taking almost 27 months to complete the process for Schedule B and C projects, with study and consultant costs averaging \$386,500 – not including municipal staff time. The process has not led to more environmental protection. Rather, it has</p>	Supportive

simply delayed projects that would have been approved anyways.

The Government of Ontario passed the COVID-19 Economic Recovery Act which addressed some of the issues brought forward by MEA, RCCAO, and OGRA by overhauling the Environmental Assessment Act. While these changes were welcome, some issues specific to the MCEA process were left to be solved at a later date with the development of a new all-encompassing Class EA regulation. Waiting for this regulation to be developed before making the necessary changes will put the economic recovery at risk.

The federal and provincial governments are investing billions of dollars into infrastructure projects in Ontario. A new COVID-19 Resilience Stream was recently announced as part of the Investing in Canada Infrastructure Program. With the federal government offering to fund a larger percentage of these projects, both the Government of Ontario and municipalities across the province must utilize this opportunity. As this stream is time limited it favours projects which are already approved. If valuable local projects do not already have the necessary approvals, municipalities may opt to fund “shovel ready” projects rather than “shovel worthy” projects that do not provide as much economic benefit. We have seen this played out before. In 2009, as part of the federal government’s Economic Action Plan many Ontario municipalities advanced these sorts of projects in part because the MCEA process would have taken too long. History risks repeating itself in 2020.

Since 2017, OGRA has had over 100 meetings with Members of Provincial Parliament of all parties as well as the Minister of Environment, Conservation, and Parks on this issue. In these meetings, OGRA specifically requested that MECP adopt the changes to the MCEA process that were proposed by MEA. OGRA has also circulated a resolution calling for MCEA reform which was endorsed by 123 municipal councils across the province.

	<p>OGRA holds MEA's expertise regarding the MCEA process in the highest regard and has long amplified their call for reforming it. OGRA supports all of MEA's proposed changes to the MCEA process in all four tables. It is worth re-emphasizing that these changes are not meant to change outcomes, but rather to update the process. To be clear, OGRA would not be supportive of these measures if they facilitated environmental exploitation. These amendments do not have this effect.</p>	
42	<p>This submission is in response to the Ministry of the Environment, Conservation and Parks' request for feedback on the "Municipal Class Environmental Assessment". We appreciate being given this opportunity to express our views and provide our member firms' expert perspective on this topic. For 45 years Consulting Engineers of Ontario (CEO), has been the non-profit advocacy association representing the business interests of engineering firms in the province. Founded in 1975 by the Ontario Chapter of the then Association of Consulting Engineers of Canada and the consulting engineers division of Professional Engineers Ontario, we have become a valuable advocate and resource for our member firms and represent approximately 150 companies employing nearly 22,000 people. Our industry generates a gross contribution to the Canadian economy of more than \$31 billion annually. Where "engineering" is a profession, "consulting engineering" is a business that makes engineering viable and sustainable. CEO represents our member firms who provide a wide range of engineering services to government and private sector clients. Their professional staff are not just engineers, but also technicians, technologists, geoscientists, architects and planners. Through their service offerings, CEO member companies directly impact the economic, social and environmental aspects influencing Ontario's quality of life. These documents were circulated widely to CEO's membership for feedback. Those providing input all have an established history and extensive experience working with provincial and municipal public sector clients in Ontario. It is from this feedback that we</p>	Background information

	<p>offer the following constructive clause overview for review and discussion.</p> <p>GENERAL COMMENTS</p> <p>The focus of this commentary is on amendments to specific Class EA (Environmental Assessment) processes with which our practitioners are most familiar. These comments represent the views of environmental assessment practitioners working on a variety of infrastructure projects across Ontario and seek to provide a balanced assessment of the amendments. There is a broad agreement that changes to the Ontario EA framework were required, with certain key decision-making processes being based on outdated assumptions or involving methods which unduly added time to those decision-making processes. However, it is our strong opinion that any amendments to EA processes should be focused on maintaining the key tenets of the Environmental Assessment Act to protect and conserve the environment, while also being transparent and keeping public participation at their core. Overall, the objective should be to improve EA processes and deliver a better outcome for all involved and most importantly for the environment.</p> <p>CEO COMMENTARY TABLE OF PROPOSED CLASS EA AMENDMENTS – APPENDIX 1 ROADS</p> <p>CEO has provided commentary on specific sections within the Table of Proposed Class EA Amendments – Appendix 1 Roads document. Each section has been divided into the issue, the rationale for change and finally the proposed changes/suggestions offered by CEO. We trust that the following suggestions will be considered as the document is revised:</p>	
43	<p>Schedule A and A+: Schedule A and A+ projects are proposed to be exempt from the requirements of the Environmental Assessment Act. Previously these projects were subject to the Act, but “preapproved.” Also, the Municipal Class Environmental</p>	<p>Comment relates to a legislative change</p>

	<p>Assessment (MCEA) process allowed for proponents to voluntarily elevate Schedule A or A+ projects to B or C for a more comprehensive study. With A and A+ projects exempt, proponents will no longer be able to elevate these projects to Schedule B or C. Proponents could still carry out consultations and additional study for these projects in areas of concern or environmental sensitivity, but this would be outside of the Class EA process. This reduces some transparency for A or A+ projects that may be controversial or have the potential for significant impacts in sensitive areas.</p>	
44	<p>Master Plans Three approaches are proposed for Master Plans. When contemplating a Master Plan EA, the proponent must select an approach. Approach 3 (Comprehensive) is potentially beneficial to a proponent to “bundle” several Schedule B and C projects within a Master Plan. With the limitations on with Part II orders, it is unclear how the principle of projects only being implemented if there are no outstanding concerns.</p> <ul style="list-style-type: none"> • Approach 1: Broad Master Planning where identified projects are subject to projects specific requirements that is completed on a regional/systems scale to identify needs and broad alternatives and solutions. Environmental features to be considered may also be broad and more general. There are no Part II order provisions for the Master Plan itself, but component Schedule B projects would require filing of a Project File Report. Schedule C project would have to complete Phases 3 and 4 and completion of an ESR. Part II order provisions may be submitted. • Approach 2: Detailed Master Planning where Schedule B projects have completed the EA process, but Schedule C projects are subject to project-specific requirements. In this approach, the Master Plan is undertaken with enough detail to meet the requirements of Schedule B projects. Schedule B projects are identified within the Master Plan and require more detailed environmental inventories for each component project. Part II provisions are available only for component Schedule B projects within the Master Plan. The 	Comments on existing process

	<p>Master Plan would become the basis for and used to support specific Schedule C projects identified within it.</p> <ul style="list-style-type: none"> • Approach 3: Comprehensive Master Planning, where identified Schedule B and C projects have completed the EA Process. Specific projects that are required to achieve the preferred solution described in the Master Plan are identified within the Master Plan document. The level of investigation, consultation and documentation are sufficient to fulfil the requirements for the Schedule B and C projects identified within the Master Plan. The final public notice for the Master Plan would become the Notice of Completion for the Schedule B and C projects within it. Part II Order provisions are available for the Schedule B and C projects identified. These projects shall be specifically identified on the final notice as being subject to the Part II Order provision 	
45	<p>Consultation The proposed amendment gives proponents more flexibility in developing a consultation plan that would be based on a municipal notice by-law. There are no specific consultation methods or guidelines specified in the Class EA (e.g. traditionally two notices were published in a newspaper with general circulation in the study area). The proponent will have fulfilled their EA notification requirements if they follow the municipal notice by-law. This approach appears to be inconsistent with the provincial goal of standardizing EA workplans in the future, as it is conceivable that municipalities will take different approaches to their notification and consultation plans.</p>	<p>There are significant differences in municipalities and how they communicate with their local community. Flexibility is required so consultation can be effective.</p>
46	<p>Municipal Class EA Principles: The “bump up” principle is proposed to be removed except for matters related to adverse impacts on Aboriginal or treaty rights. The ability to formally challenge the decision-making process is a critical mechanism that allows the public to hold a proponent accountable for compliance with the Class EA process. It is particularly important for projects undergoing “self-assessment.”</p> <p>As with MTO Class EA proposed amendments, we recognize that the previous Part II Order request process</p>	<p>Comment relates to legislative change.</p>

	<p>could be ineffective and overly burdensome. We also understand amendments to the EA Act that significantly reduce the grounds on which a bump-up request can be made have already been passed. One of the principles of the Class EA is stated: "If there are no outstanding concerns, then the proponent may proceed to implementation once the Class EA process has been completed." It is unclear what the mechanism for determining and resolving concerns will be if there is no Part II option available.</p> <p>The upgrading of some projects to a Schedule C from a Schedule B, removal of the cost threshold for road projects, and recognition of current potential overlap with the Transit Project Assessment Process (TPAP) for transit projects all appear to be reasonable suggestions.</p> <p>The notion of a project list for providing clarity over what projects are eligible (in the same manner as the Federal EA process) seems reasonable but crucially the important factor is therefore on which types of projects are identified.</p> <p>The notion of mandated timelines for completing EAs seems reasonable (also in line with the Federal EA process, and indeed provincial TPAP) if the intent is to increase efficient delivery while crucially still being able to undertake an appropriate level of assessment.</p> <p>The harmonization between federal and provincial processes is also a reasonable suggestion and clear guidance will need to be provided on this matter where projects involve both levels of jurisdiction.</p>	
47	<p>OHBA is supportive of the Made-in-Ontario Environment Plan and the Housing Supply Action Plan. A key component of both these plans is to modernize the environmental assessment program and streamline environmental approvals. We have been actively engaged with the MECP's modernization efforts and have submitted recommendations to respond and generally support the Modernizing Ontario's Environmental Assessment Process</p>	Supportive of proposed amendments

(ERO 013-5101) in May 2019. Additionally, OHBA passed a resolution (Modernization of Approvals) at our AMM in September 2019 and, the OHBA Made in Ontario Environment Plan Submission in early 2019. OHBA has consistently supported streamlining the Municipal Class Environmental Assessment process.

The current environmental registry (019-1712) posting seeks to “modernize the environmental assessment program by working with proponents of Class Environmental Assessments (Class EA) to propose changes that would ensure strong environmental oversight, while aligning assessment requirements with environmental impact, reducing duplication and increasing efficiency of the Class EA process.” OHBA broadly welcomes this approach and believe that the current proposed modernization changes can be strengthened by considering additional technical recommendations, which we have detailed herein.

As part of OHBA’s June 2020 submission to Ontario’s Economic Jobs and Recovery Committee submission, OHBA recommended that the MECP fast track the implementation of the Made in Ontario Environment Plan including Municipal Class Environmental Assessments. It is important to recognize that as we reopen the economy to recover from the detrimental affects of COVID-19, we will need to continue delivering housing supply, jobs and economic activity to Ontarians. Based on historic averages, there are approximately 70,000 – 75,000 new housing starts in Ontario on an annual basis. Following the 2007-2008 economic recession, the residential construction sector in played a key role in helping our province rebound economically by delivering new housing and renovations, spurring economic activity and creating jobs across Ontario. Our sector is ready and able to help Ontario rebound from the economic disruption caused by COVID19, as we did back in 2008.

This OHBA submission responding to ERO 019-1712 will be exclusively focused on the amendment proposal #3 Municipal Class Environmental Assessment (Municipal Engineers Association):

A. Municipal Class EA Amendment Table 1 Proposed Changes to Road Schedules

B. Municipal Class EA Amendment Table 2 Proposed Changes to Water/Wastewater Schedules

C. Municipal Class EA Amendment Table 3 Proposed Changes to Municipal Class EA Manual

D. Municipal Class EA Amendment Table 4 Proposed Changes to Transit Schedules

OHBA strongly believes that there are opportunities for the province to streamline Ontario's EA process to ensure that Ontario is open for business while balancing environmental protections. OHBA is supportive of the Made-in- Ontario Environment Plan commitment to: "modernize Ontario's environmental assessment process, which dates back to the 1970s, to address duplication, streamline processes, improve service standards to reduce delays, and better recognize other planning processes." OHBA notes that the current process takes too long, is costly, unpredictable and often involves multiple government authorities.

OHBA believes that the current MECP proposal achieves the objectives outlined in our recommendations in the OHBA Made-in-Ontario Environment Plan submission:

- Modernization of Approvals: OHBA recommended the MECP to modernize approvals processes by taking a risk-based approach, eliminate duplication, improve customer service, eliminate regulations or take a rules-in-regulation approach to low-risk activities. A modernized risk-based approvals process will make it easier and more affordable to live and conduct business in Ontario while protecting people and resources. OHBA believes we can maintain the integrity of the approvals process, while finding efficiencies in process.

- MCEA process related to Part II Order Requests: OHBA recommended MECP streamline the Part II Order process

	<p>for MCEA schedules (risk-based approach for requirements).</p> <p>OHBA also believes the current proposal achieves the objectives outlined in our recommendations responding to the May 2019 Discussion paper: Modernizing Ontario's Environmental Assessment Program (ERO: 013- 5101. OHBA was broadly supportive of the provincial direction:</p> <ul style="list-style-type: none"> • OHBA shares concerns raised by the RCCAO, MEA and OGCA that “all aspects of the environment” are unnecessarily broad with respect to the MCEA process as decisions made by municipal proponents under the Planning Act already address social and economic impacts for municipal infrastructure as well as the presence and interaction with existing infrastructure. Thus, the scope of MCEA review should be adjusted to avoid duplication with the Planning Act processes. • Municipal infrastructure such as local roads, alternatives to the proposed project are likely to have already been considered in the Official Plan, secondary plans or transportation master plans. There is often overlap and duplication of studies and consultations between MCEA and Planning Act processes. MECP should ensure that the MCEA process does not duplicate municipal efforts if alternatives have been considered through Planning Act processes. • The time to complete the Part II Order responses adds to an already long-time frame for many low risk municipal infrastructure projects. Many of the Part II Order requests come from persons who have not indicated a direct adverse impact from the proposed project (simply NIMBYism). • Long delays for MCEA projects such as wastewater management improvements or bridge replacements add costs and uncertainty to deliver municipal infrastructure. <p>OHBA has a number of specific technical recommendations responding to ERO 019-1712:</p>	
48	<p>Roads - R28, Appendix 1 – Watercourse crossings are proposed to all move to be Schedule C items whereas in the past many of them were Schedule B items. OHBA</p>	<p>In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. This would include bridges over water and bridges over other features (grade separations). Any structure with a span of 3.0</p>

<p>believes this will be a very significant problem for development applications implemented under the Planning Act that have a roadway or pedestrian crossing of a watercourse. Requiring a Schedule C for every crossing regardless of the size would be extremely onerous (both time and cost). This should be no different from collector roads and should exclude applications done through the Planning Act, which should be Schedule B or less.</p> <p>As an example, OHBA is concerned our members will be required to conduct a Schedule C Municipal Class EA for a small culvert crossing on a local road that is already approved and already reviewed by multiple agencies through the planning process, or even a larger bridge under a collector road that goes through the same process. The approval process for any crossing is already extremely onerous, costly and time consuming. Adding an EA to the mix would not add any value.</p> <p>While OHBA understands that MEA's rationale for this schedule change is that the cost of a project does not relate to the environmental risk and should not be used as criteria for classification of the project, these projects do not, in OHBA's view, warrant a full analysis during the EA process. OHBA therefore recommends a slight change to the amendment so that when a road is approved via the Planning Act as a condition of development it would include any bridges on these roads all as Schedule A and that any pedestrian bridges should be Schedule A+</p>	<p>m or less is considered a culvert which is covered by the following items in Appendix 1 – Roads:</p> <p>8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in drainage area. Schedule A</p> <p>18. Construction of a new culvert or increase culvert size due to change in the drainage area Schedule A+</p> <p>However, it needs to be clarified about bridges that are being constructed as part of a road project. Items 14a and 14b in Appendix 1 – Roads recognize that Planning Act applications that include the construction of roads are Schedule A activities because the Planning Act process satisfies EA requirements. Once the alignment of the road is determined (through the Planning Act process) there is no ability to consider alternative locations for a bridge through an EA process. The Planning Act application includes public and agency involvement and other approvals (shoreline permits) ensure the technical requirements for a bridge are addressed. Items 14a and 14b should be revised as below to include bridges.</p> <p>14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA] Schedule A</p> <p>14b. Construction or re-construction of a collector or arterial road and any bridge located on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and</p>
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alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or
- c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.

NOTES

1) If a new alignment is being used, alternative alignments must have been considered for this exemption to apply.

2) Reconstruction or alteration of a bridge structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, must be found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.

[Schedule A](#)

Re-construction is added to 14b to include work on an existing bridge on an adjacent existing road. Note 2) ensures work on an existing bridge respects heritage requirements.

Also, in Appendix 1 – roads, the terms bridge, structure and water crossing are all used which is confusing. The term bridge should be used consistently in items 28, 29, 30, 32, 33 and 35.

Revise Appendix 1 – roads as follows:

28. Reconstruction of a **bridge** where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks.

		<p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>30. Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use</p> <p>32. Reconstruction of a bridge where the reconstructed facility will not be for the same purpose, use, capacity or not at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.</p> <p>35. Construction of new bridge. This includes ferry docks</p>
49	<p>Water and Wastewater – W66, Appendix 1 – OHBA believes that it would be helpful to add in “significant” in front of “flows” for this specific clause. It is nearly impossible to avoid some level of minor watershed diversion when switching from natural drainage to a piped urban system. The intention of this clause is to avoid significant watershed diversions, not minor drainage changes incurred during the planning process. OHBA notes that as “significant” is not currently defined in the Class EA, therefore the MEA should provide criteria and a definition for how this schedule is interpreted.</p>	<p>The Companion Guide Notes will include the following comment:</p> <p><i>70 Construction of a diversion channel or sewer for the purpose of diverting flows from one watercourse to another.</i> <i>Remains Schedule C</i> <i>CGN – A1-27 This item applies to projects where the purpose is to divert flows from one watercourse to another. It does not include normal development practices where the creation of an urban drainage system may divert runoff so it outlets into a different watercourse.</i></p>

50	<p>Water and Wastewater W68 – OHBA suggests that this clause appears to conflict with W59. OHBA recommends adding a qualifier “unless part of a water crossing”. Alternatively, OHBA suggests removing the words “or weir” and if necessary add “weir” to W59 as a schedule B.</p>	<p><i>63 Modify existing water crossings for the purposes of flood control.</i> Refers to changing the size of the hydraulic opening for a bridge or culvert to improve flood control.</p> <p><i>72 Construct a new dam or weir in a watercourse.</i> Refers to a new dam or weir.</p> <p>There is no conflict.</p>
51	<p>A.1.3 – Private Sector Developer – this clause been reviewed by a member company’s legal team to confirm it still has the same implications as the original clause, which is that an A, A+ or B projects were exempt for private developers provided they are going through a Planning application. Private developers are subject to the full Class EA process for schedule C projects.</p> <p>Lastly, OHBA recommends that the MECP review using O Reg 345/93 to require rural developers to complete the MCEA Schedule C process for a private well and septic system. This policy should be reconsidered.</p> <p>On behalf of our 4,000 member companies organized into a network of 27 local home builders’ associations across Ontario, OHBA appreciates the opportunity to provide the provincial government with our feedback and recommendations for modernization of class environmental assessments. OHBA looks forward to continuing to work with the MECP to reduce the administrative burden, impacting the timely construction of basic infrastructure</p>	<p>Appendix 1 – Water/Wastewater should be amended as below:</p> <p>76 Construction of the following infrastructure provided the infrastructure is required as a specific condition of approval on a consent, site plan, plan of subdivision or condominium which will come into effect under the Planning Act prior to the construction of the facility.</p> <ul style="list-style-type: none"> - Construction of stormwater management facilities, including LID features - Establish a new wastewater system including private treatment provided all works are contained on-site or, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage outlet - Establish, a new water system including a new private well or other water supply provided all works are contained on-site or extend or enlarge water distribution system and all necessary works to connect the system to an existing system <p>Remains Schedule A</p>
52	<p>Amendment Table 1 – Proposed Schedules for Road Projects</p> <p>Question: How an intersection improvement such as introduction of a roundabout or adding turn lanes would be viewed, specifically, if the roundabout is in the vicinity of environmentally sensitive area and additional property is required? What schedule to be followed?</p>	<p>Schedule A+ or Schedule B if property is required. Other approvals are still required.</p> <p>Either amend the Planning Act approval or Schedule C.</p>

	<p>Comment: It appears that if a missing link of a road that was not captured in the Planning Application (i.e. later addition) is to be constructed at a relatively low construction cost, Schedule C will apply. It is currently a Schedule B if the cost is under \$2.4 million.</p>	<p>Schedule B ends after the preferred solution is identified. MEA feels that the preferred conceptual design (Phase 3 in the Schedule C process) should be identified and presented to the public for these types of projects.</p>
53	<p>Part II Order Request: Questions: How existing projects will be treated with respect to the new Part II Order request process? If Part II Order request is addressed to the proponent, how will the Ministry get informed?</p> <p>Public Review Period: It appears that additional 30 days will be required (beyond the regular 30-day review period) for the Ministry review of the project even for non-controversial projects or where no Part II Order has been requested. Can this provision be removed for non-controversial projects?</p>	<p>The legislation has been adopted and the new PIOR process is in effect including for existing projects.</p> <p>MECP's Regional EA Coordinators will monitor Class EA projects.</p> <p>This additional 30 days is included in the legislation</p>
54	<p>In general City Staff are supportive of the proposed amendments to the Municipal Class Environmental Assessment (MCEA) process. We welcome the renewed focus on integration opportunities and consultation that has been included. We also welcome the proposed amendments to project schedules that better align study requirements with the potential environmental impact of the project, thereby ensuring environmental protection is provided where it matters most.</p>	<p>Supportive</p>
55	<p>A.1.3 Private Sector Developers</p> <p>Based on proposed amendment City staff understands that private sector developers must refer to the list of schedule C undertakings in the Municipal Class EA that was approved on October 4, 2000 to determine whether a proposed project is designated as an undertaking. Given the proposed changes to the list of schedule C undertakings since 2000 we believe that this could potentially lead to confusion going forward on developer lead EA projects and it would be preferable if the current list of schedule C undertakings referenced instead</p>	<p>This would require a change to Ont Reg 345/93 which is outside the scope of the amendment to the MCEA</p>

56	<p>A.1.5.2 and A.2.8 Please confirm if there will be an opportunity to review and comment on this section once wording has been confirmed by MECP</p>	<p>MECP is to provide these sections. MEA will add Companion Guide Notes as appropriate.</p>
57	<p>Appendix 1 – Roads Item 19 Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities or parking lanes – no change to motor vehicle lanes may decrease but not increase) REMAINS SCHEDULE A+</p> <p>The proposed amendment notes that the number of vehicle travel lanes may be decreased. However this would result in a reduction in the roadway capacity even though the first sentence notes this is not permitted. The removal of the reference to capacity, similar to Appendix 1-31, could resolve this confusion.</p>	<p>The proponent should only be reducing the number of travel lanes if the remaining lanes can adequately accommodate the traffic flow. If the remaining travel lanes are adequate for the traffic then the capacity of the road to accommodate traffic flow has not changed. Existing wording has not created problems and should remain at this time. This will be considered during the development of the new regulation that will replace the MCEA</p>
58	<p>Appendix 1 – Roads Item 23b New Construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way and/or utility/rail corridors SCHEDULE A if < \$3.5million SCHEDULE B if > \$3.5million Projects that cost greater than \$9.5 million are shifted from Schedule C to B</p> <p>We note that the values in cost threshold criterion remain the same. An increase in the thresholds may be warranted to reflect cost indexing considerations.</p>	<p>The \$9.5m could be adjusted but the \$3.5m is from a regulation so cannot be adjusted unless the regulation is amended. This will be considered during the development of the new regulation that will replace the MCEA.</p>
59	<p>Appendix 1 – Roads Item 34</p> <p>Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act (see items 14a and 14b) ALL SCHEDULE C</p> <p>While we acknowledge that cost of the project does not relate to the environmental risk, in urban areas like</p>	<p>For the circumstance described, likely the location and number of lanes for the short new road is obvious. However, the Schedule B process ends after the preferred solution (location/number of lanes) is identified. MEA feels that the preferred conceptual design (Phase 3 in the Schedule C process) should be identified and presented to the public for these types of projects. This could be accomplished by either an amendment to the Planning Act approval or an abbreviated (phase 2 should be short) Schedule C process.</p>

	<p>Mississauga, there are new planned road sections that are minimal in length and environmental impact that would be more suited for a Schedule B. The requirement for a Schedule C for all these projects could:</p> <ul style="list-style-type: none"> • Delay the implementation of these straight forward projects; • Increase costs for proponents since more Schedule C will be required; • Increase frequency of additional Class EA processes such as addendums as it is not always possible to confirm roadway design and built form considerations at the time of the EA process. <p>Given this we would ask that consideration be provided to retain the possibility of using a Schedule B process in certain situations either using the existing cost threshold criterion or another criterion such as maximum length We note that the cost criterion was also retained for item 23B in the current update.</p>	<p>This will be further considered during the development of the new regulation that will replace the MCEA</p>
60	<p>The City of Richmond Hill Water Resources Section has the following comments related to Amendment Table 2: Proposed Changes to the Water/Wastewater Schedules:</p> <ul style="list-style-type: none"> • The term “existing municipal servicing site” has been added to some of the stormwater and wastewater categories but the revisions to the Class EA document does not provide a definition of what this means. A definition for this term should be provided. 	<p>The glossary should be amended to include the following: Municipal servicing site means municipally owned property on which the municipality has determined it suitable to locate water/wastewater infrastructure.</p>
61	<ul style="list-style-type: none"> • For Line #24 (previously W23), it is noted that this clause only applies to projects that are not covered by lines 21 and 22, this exemption should also include line #20. <ul style="list-style-type: none"> ○ #24 – “Construct a stormwater control demonstration or pilot facility for the purpose of assessing new technology or procedures. Note – only applies to projects that are not covered by items 21 or 22” ○ #21 (previously W21)– “Modify, retrofit, or improve a retention/detention facility including outfall or infiltration system for the 	<p>Revise Appendix 1 Water/Wastewater as follows;</p> <p>24. Construct a stormwater control demonstration or pilot facility for the purpose of assessing new technology or procedures; Note – only applies to projects that are not covered by items 20, 21 or 22</p>

	<p>purpose of stormwater quality control. Biological treatment through the establishment of constructed wetlands is permitted.”</p> <ul style="list-style-type: none"> ○ #22 (previously W22) – “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, an existing road allowance or an existing municipal servicing site where no additional property is required.” ○ #20 (new) – “Establish new or modify, retrofit or improve LID features within an existing road allowance or an existing utility corridor, provided they are subject to an ECA.” 	
62	<ul style="list-style-type: none"> • For Line #26 (previously W25), definitions should be provided for chemical and biological treatment to provide clarity. Specifically, does chemical treatment include phosphorus removal technologies like Sorbtive Media or is it more related to systems that may require dosing of flocculants? 	As a general comment, MEA suggest that active treatment systems should follow the Schedule C process to formally evaluate alternatives whereas passive systems would be considered operations.
63	<ul style="list-style-type: none"> • For Line #67 (previously W63), the wording should note “and/or” rather than just “and” <ul style="list-style-type: none"> ○ #67 – “Reconstruct existing weir or dam at the same location where the purpose, use and capacity are changed.” 	<p>Revise Appendix 1 Water/Wastewater as follows;</p> <p>67 Reconstruct existing weir or dam at the same location where the purpose, use and/or capacity are changed.</p>
64	The City of London is in support of the proposed changes to the water and wastewater schedules and the Municipal Class EA Manual, as posted in ERO 019-2051.	Supportive of amendment
65	The City of Guelph (City) appreciates the opportunity to review and comment on the proposed changes posted on the environmental registry pertaining to:	Supportive of amendment

1. Environmental assessment modernization: amendment proposals for Class Environmental Assessments (ERO 019-1712)

2. Proposed Environmental Assessment Act (EAA) Amendments in the COVID 19- Economic Recovery Act (ERO 019-1712).

The following letter is in response to these proposed amendments.

The Municipal Class Environmental Assessment (MCEA) process was first developed by the Municipal Engineers Association (MEA) in the 1980s. The current version of the MCEA Manual was originally written and released in 2000 and amended in 2007, 2011 and 2015. While past amendments addressed specific issues that developed since 2000, the majority of the MCEA Manual content is 20 years old.

Environmental assessment modernization: amendment proposals for Class Environmental Assessments (ERO 019-1712)

Overall, the City is supportive of the proposed amendments. In particular, the City offers support for the following changes:

- changing the project schedules for some projects to better align study requirements with the potential environmental impact of the project and reduce duplication, including:
 - o exempting 28 project types that are considered to be low impact (e.g. modifications to traffic signals), where there is duplication with other processes, or the project types would be needed in cases of emergency
 - o upgrading or downgrading assessment requirements for projects (e.g. shifting project schedules from B to C, or from C to B)
 - o removing cost thresholds for road projects

	<ul style="list-style-type: none"> • clarifying and modernizing current process requirements (e.g. removing the requirement to publish project notices in newspapers) • updating the requirements for transit projects to be more consistent with O. Reg. 231/08: Transit Projects and Metrolinx Undertakings under the Act and proposing additional exemptions <p>The current amendments are intended to change process, not outcomes. The MEA believes that with the approval of the amendments, timelines and costs for carrying out EA approvals will be reduced.</p> <p>The key principles MEA followed to amend the MCEA process included:</p> <ol style="list-style-type: none"> 1. Providing Clearer Project Descriptions in Appendix 1 of the Manual 2 2. Classifying Project Schedules Based on Environmental Risk 3. Recognizing the Value of Other Approvals 4. Eliminating Duplication with the Planning Act 5. Recognizing the Role of Local Government/Councils 	
66	<p>In addition to the general comments above, the City has the following comments specific to Table of Proposed Class EA Amendments – Water/Wastewater (Version 4, December 23, 2019):</p> <ul style="list-style-type: none"> • Administrative question: Is “Water Treatment Facilities” a distinct category under “Drinking Water Systems”? 	The table has been organized with sub-headings but this is just for user convenience.
67	<ul style="list-style-type: none"> • W6 – Retire a facility – Rationale states “Minor change made to advise proponents retiring water facilities planned under schedule B or C projects to provide notice to residents”, however both items were already Schedule A+ so there doesn’t seem to be any change other than combining items (administrative change). 	Correct
68	<ul style="list-style-type: none"> • W29 – replacement of intake – Rationale states that “technical merits of project are evaluated and approved through the ECA and PTTW process”. It does seem reasonable for this to be an A+ activity - however, the ECA process doesn’t seem to apply to this scenario and if the capacity isn’t being increased, the PTTW may not need to 	ECA would be required if there were any changes. Other permits (CA and DFO) would be required.

	be changed either. However, agree that permit from CAs or DFO may also be needed.	
69	<ul style="list-style-type: none"> • W30 – WTP process WW – wondering how common it would be that a WTP would not be located in SP vulnerable area? 	Perhaps not common but the site may be large and a portion could be outside the SP vulnerable area.
70	<ul style="list-style-type: none"> • W32- expand WTP beyond 50% - should this reference 'including intake' (as W31 does above)? • W55 – water crossings – what heading will this appear under? “Shoreline / In Water Works”? Rationale does not say. 	<p>In W32, the reference to water plant refers to all component including the intake.</p> <p>There is a heading for Water Crossing</p>
71	<ul style="list-style-type: none"> • W69 - Standby power – Rationale – will this appear under new heading 'Other Approvals'? 	Correct
72	<ul style="list-style-type: none"> • W74 – emergency work – the rationale does not seem to align with the proposed change. 	Cut and paste error. Rational should state: This item is added to allow proponents to undertake work that is subject to this Class EA if it is determined to be an emergency, provided that notification is given to the Director
73	<ul style="list-style-type: none"> • General note – inconsistency in use of “wastewater treatment plant vs. sewage treatment plant amongst items (eg. W44 vs W46) 	Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA
74	<p>And we have the following comments specific to the communication and consultation:</p> <p>Section A.3.1</p> <ul style="list-style-type: none"> • Consultation is a recognized level of engagement. We recommend using internationally-recognized language (public participation or engagement) that doesn't presuppose the level of participation that should be used in each situation. Consultation is actually mostly one-way. Also recommend referring to iap2 (international) standards for participation/engagement to ensure that this process doesn't continue to be viewed as a box to check through the EA process, and instead provides meaningful opportunities for participation in decisions that affect the public. • Can the change dealing with compliance with public policy and regulation be broken down and clarified to help ensure the process is followed and requirements are met? • Were there any changes to the appendices? 	<p>Consultation is important and the MCEA provides guidance but proponent should develop their own specific consultation program that works in their community.</p> <p>There are only minor changes to Appendices other than Appendix 1</p>
75	Section A.3.5.1	Discuss specific Indigenous consultation requirements with MECP

	<ul style="list-style-type: none"> • If following iap2 standards, records and reporting back are part of proper engagement (i.e. the plan outlines how you will record and use data, and a plan for evaluation and reporting back). • Participation/engagement could be added to the minimum mandatory requirements as could needing to know what the decision is and what can be influenced. The consultation record should include surveys or any type of engagement. • In the case where the procedural aspects of rights-based consultation has been delegated to the proponent, is this duty to consult? How does the proponent know when this has been delegated to them? <ul style="list-style-type: none"> • Consultation records are a best-practice as recognized by international (iap2) public participation standards: reporting back to the public about what was heard and how it influenced the decision is critical to sustainable decisionmaking. 	
76	<p>Section A.3.5.2</p> <ul style="list-style-type: none"> • Has Appendix 5 been updated to include social media (including paid promotions), digital advertising, municipal apps and websites? 	<p>Proponents are encouraged to utilize the latest consultation techniques but Appendix 5 has not been extensively updated.</p>
77	<p>Section A.3.5.3</p> <ul style="list-style-type: none"> • Can the public notice language be modified to stipulate digital (two weeks in a row) or print (two issues)? • A modern day example of a public stakeholder type of notice could include social media. Social media has become the primary way people get info about local government, and Redbrick Communications reports that all Ontario municipalities currently use at least one social media channel (100% are on Twitter; 97% on Facebook). • With respect to the format for notice, providing a real example would be helpful. These notices are typically overly long (and confusing) because of a lack of clarity on what this looks like. Efforts should be made to keep this as simple as possible so more people read about and understand the project and their opportunity to participate, and offer ways to get more info (i.e. web address and contact info). 	<p>Proponents are encouraged to adopt their own customized notice procedure.</p>

78	<p>Section A.3.8</p> <ul style="list-style-type: none"> • With respect to locations for the report to be viewed by the public, we suggest that the amendment specify that the locations need to be convenient to stakeholders (not the proponent) i.e. accessible after hours. 	Agreed
79	<p>Proposed Environmental Assessment Act (EAA) Amendments in the COVID 19- Economic Recovery Act (ERO 019-1712).</p> <p>On July 21, 2020, the Province passed the COVID-19 Economic Recovery Act, which included important amendments to the Environmental Assessment Act (EA Act).</p> <p>The amendments to the EA Act make two important changes that will affect municipalities. Specifically, the Act changes the Part II Order Request (PIIOR) process and sets up the authority for the Ministry of Environment Conservation and Parks (MECP) to create new regulations that would replace all Class EAs, including the Municipal Class Environmental Assessment (MCEA) process.</p> <p>The Act changes the Part II Order appeal process (PIIOR) for MCEA projects. The former PIIOR process added significant delays (often more than 12 months) to the MCEA process. The Auditor General had previously identified this problem and the MEA, Ontario Good Roads Association (OGRA) and Residential Civil Construction Association of Ontario (RCCAO), along with the support of other groups, sought out a way to change to the process.</p> <p>With the new appeal process implemented by the amendments to the EA Act, proponents will continue to issue a Notice of Completion and still place the EA documentation/Environmental Study Report (ESR) on the public record for 30-days. However, instead of concerns being filed with the Ministry, concerns will be addressed to the proponent. The PIIOR process will only apply if the objection deals with aboriginal or treaty rights.</p>	<p>Comments relate to legislative changes outside the amendment to the MCEA</p> <p>MEA will incorporate guidance related to the new PIIOR process when information becomes available.</p> <p>MEA will represent municipal interests and participate in the process to develop a new regulation that will replace the MCEA.</p>

For all other concerns, the PIOR process has been replaced with an additional 30- day window for the Ministry to decide if the Minister should take any action. Regional coordinators from the Ministry of Environment, Conservation and Parks (MECP) will continue their role of monitoring MCEA projects. During the additional 30 days the Minister will decide if the project will be elevated (PIOR granted) or if it will be approved with conditions. If the Minister advises the proponent that the project will be approved but with conditions, the Minister has more time to draft these conditions. If there is no response from the Minister within the additional 30-days the proponent may proceed with the project. This is similar to the process included in O Reg 231/08, Transit Project Assessment Process (TPAP).

Generally, for projects with serious concerns raised by the public that would have resulted in a PIOR, the new process is an improvement as there are legislative deadlines for decisions. However, the additional 30-day review period applies to all projects, even those projects where no concerns were raised during the first 30-day review period. This will introduce a new/additional opportunity for MECP review and delay non-controversial projects by 30-days. The City is generally supportive of this process however clarity is required on the notification process between the appellant, proponent and the Ministry. For example if certain concerns are dealt with directly between the appellant and the proponent, how does the Ministry get involved to determine the appropriate course of action?

Previously, in 2008, the government created O Reg 231/08 (TPAP) that essentially replaced section D of the MCEA. It is the MEA's assumption that if this transit regulation is used as a model for the new regulation(s) that will replace the MCEA, there will be some potential significant impacts to municipalities such as:

Section A of the MCEA manual sets out the steps that must be followed to obtain EA approval for municipal projects. In

a similar way, O Reg 231/08 sets out the following steps in Section 6 (1);

- I. Prepare and distribute a notice of commencement of the transit project assessment process under Section 7.
- II. Conduct consultations under Section 8.
- III. Prepare an environmental project report under Section 9.
- IV. Prepare and distribute a notice of completion of the environmental project report under Section 11.
- V. Submit statements of completion of the transit project assessment process to the Director of the Environmental Assessment Branch and the appropriate regional director of the Ministry

It is noteworthy that identifying the problem, preparing an inventory of the environment, and evaluating alternatives are not included in the above list steps in the EA process. This would be significant departure from the established MCEA process.

- Completing the MCEA Schedule C process often takes 12 – 24 months or more. Section 6 (2) of O Reg 231/08 states that the notice of completion must be within 120-days of the Notice of Commencement which is significantly less time than for the current MCEA process. Given the 120-day timeline, any studies, inventory of the environment and consideration of alternatives must all occur prior to the notice of commencement.

This is a significant departure from the MCEA process where the public is to be consulted early in the process and participates in the selection of the final solution. This is similar to the Planning Act process where an application will not be accepted until it is deemed complete – studies/inventory, the conceptual design and proposed mitigating measures are all completed. The Planning Act consultation only occurs after this complete package is submitted. If the new MCEA regulation follows the process in O Reg 231/08 and the time to complete the EA work is capped at say 120-days, proponents will still need to plan for time to assemble the information that will be required before issuing the notice of commencement.

	<p>These are just a couple of examples that the MEA has identified through its review of the proposed amendments that has potential to impact how municipalities will undertake MCEAs.</p> <p>The amendments are intended to be phased in over time to allow for the modernization of the EA program through new regulations which will be developed in consultation with the public and stakeholders in the coming months, while maintaining environmental oversight now and in the future.</p> <p>The City looks forward to participating in these discussions and providing relevant feedback to the proposed amendments as part of Ontario's environmental assessment program.</p>	
80	<p>Thank you for the opportunity to review and comment on the Ministry of Environment, Conservation and Parks' (MECP) proposed amendments to the Municipal Class Environmental Assessment process. City of Hamilton staff from Public Works (Engineering Services and Hamilton Water) and Planning and Economic Development (Growth Management, Tourism and Culture, and Planning) offer the following comments for consideration:</p> <p>Below are some general comments and questions, followed by detailed comments. The general questions and comments are as follows:</p> <ol style="list-style-type: none"> 1. What is the recourse for a member of the public – non-proponent if a proponent has erroneously classified their project as Schedule A or A+? 2. Can MECP provide more details on the role of the Minister in the review of projects, as described in Slide 10 of the Modernizing Ontario's Environmental Assessment Program information session? 3. For proposed meetings with representatives with Municipal Engineers Association – is there a pre-set timeline and potential Agenda set? 4. For consistency, will the revised Companion Guide be released at the same time as the amended Manual? 	<ol style="list-style-type: none"> 1. MECP enforces the EA Act. Any compliance issues should be forwarded to MECP. 2. not related to amendment to MCEA 3. MEA can be contacted through the MCEA web site for questions related to the MCEA 4. Yes

	<p>N/A – various references " ...removing cost thresholds for road projects..." Some projects in Amendment Table 1 still use cost as a threshold (e.g., 12a, 14b, 23a, 23b). It is recommended that this be revised to align with the removal of cost thresholds.</p>	<p>Cost seem to be the best available trigger at this time for these selected projects. This issue will be re-visited when the new regulation and project list is developed.</p>
81	<p>N/A – various references " ...road allowance is new or needs to be substantially altered (the area of the road allowance for the project increased by more than 10%)..." In general, we are concerned with the use of such a specific threshold to determine project schedules. Often such a detail would not be confirmed until detailed design, during which time it would be too late to elevate the EA schedule. Recommend that this be revised to support clear and defensible decision-making. Possible modifications could include:</p> <ul style="list-style-type: none"> • Revise to a range • Quantify with "approximately" • Provide a level of design upon which to base the calculation (e.g., approximately <10% based on the preliminary design) 	<p>The Companion Guide Notes includes the following:</p> <p>CGN - A1-20: The cost of the project does not relate to the environmental risk and should not be used to classify the project. Instead, impact to property is used for assessing environmental impact. If the road allowance is new or needs to be substantially altered (the area of the road allowance for the project increased by more than approximately 10% based on preliminary design) then there is a substantial impact that should be assessed by following the Schedule C process. New infrastructure such as this must now follow the Schedule C process regardless of the size/cost of the project (greater or less than \$2.4m). The alternatives presented during the EA process need to include sufficient detail to allow the public and agencies to determine the details of the impacts of the project and be satisfied with mitigation measures</p>
82	<p>N/A – various references Property acquisition and project schedules We have concerns about the proposed project schedules and property impacts/acquisition. Based on the proposed amendments, several project types that likely require property acquisition are classified as A+ (e.g., centre turning lane with additional pavement, roundabouts, etc.). For such projects, if there are disputes about required property acquisition and expropriation is required, other locations in the document state that a Schedule B would be necessary. However, the amendments state that Schedule A+ projects cannot be electively elevated to a B or C.</p> <p>This also has implications if property ownership changes during the planning stage of project.</p> <p>We recommend that further consideration be given to such situations before finalizing the changes. It seems that</p>	<p>This is not elevating a project to B or C. If property is required the project is classified as Schedule B or C. If the proponent has already acquired the property then property is not required and the project is classified as Schedule A+.</p>

	allowing elective bump-ups to a B in such instances would be prudent. Otherwise, it is recommended that the schedule of such projects be reconsidered for consistency with other projects (e.g, road widenings).	
83	R1 (page 1) Once the proponent recognizes that the activity is exempt, the proponent may proceed with the activity without any notice or documentation. Based on the MEA webinar on A+ projects, engagement and certainly notification are strongly recommended, especially for more complex A+ projects. It is recommended that this text be updated accordingly.	Everything in R1 is Schedule A not A+. The complete comment is "As of June 2019, Schedule A activities are deemed exempt from the EA Act. Once the proponent recognizes that the activity is exempt, the proponent may proceed with the activity without any notice or documentation." and refers to Schedule A projects. Requirements for Schedule A+ projects are shown elsewhere.
84	R2 (page 2) 11b Stockpiling of de-icing material, where the de-icing material will be stored in an outdoor facility.) Recommend that item be updated to include "initial" to be aligned with the rationale.	Item 11b of Appendix 1 – Roads should be revised to: 11b. Initial stockpiling of de-icing material, where the de-icing material will be stored in an outdoor facility.
85	R12 (page 6) Continuous centre turning lanes Recommend that addition of continuous centre turning lanes, where additional pavement is required, be added as a specific project example in the table. It is a very common project and currently the classification is not clear as proposed without referring to several definitions and the Companion Guide.	For clarity, continuous turn lanes should be added to item 19 as below: <i>19. Reconstruction where the constructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities, continuous turn lanes or parking lanes – motor vehicle lanes may decrease but not increase).</i> Schedule A+
86	R16 (page 7) Retirement of existing laneways Rationale says that it is an administrative change, but it is going from A+ to A so it is recommended that this description be revised to include an explanation of the change.	Typo – remains Schedule A+
87	R17/R18 (page 7) 23b – proposed schedules Based on the project classification for 23a, it is recommended that the split for Category 23b be A+ or B instead of A or B.	Revise Appendix 1 – Roads as follows: 23b New Construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way and/or utility/rail corridors Schedule A+ if <3.5m Schedule B if >3.5m

88	<p>R21/R22 (page 8) Terminology of water crossings and structures</p> <p>It is our understanding that the difference between the terms water crossing and structure is that structure is a more general term that would include a bridge over a road/railway.</p> <p>We find these definitions, and how they are separated in the table, to be unclear. For example, it does not appear that heritage value is a consideration for water crossings, only structures.</p> <p>Another consideration could be to reference Water/Wastewater W55 which has similar components and may help provide more context.</p>	<p>Heritage value is considered for structures. Structures includes both water crossings and overpasses.</p> <p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
89	<p>R22 (page 8) ... cultural heritage features are protected or replicated to the satisfaction of MHSTCI...</p> <p>Does the checklist or companion guide recommend a specific stage in the project planning that the checklist is completed within? For example, if it is completed too early in the planning process, details of the final design and therefore protection or replication of features may not be confirmed.</p> <p>It is also recommended that this text be reviewed as “replicated” may not be the preferred mitigation method for some projects.</p> <p>A recommendation to work with local municipal heritage planning authorities should also be considered.</p>	<p>Checklist is to be completed at the beginning of the process to determine EA Schedule and determine Heritage value. If project assumptions change later in the process then re-apply the checklist.</p>
90	<p>R22/R26 (pages 8 and 10) Reconstruction or alteration to a structure’ or the grading adjacent to it “, when the structure is over 40 years old...”</p> <p>The provided text indicates that the heritage value of the site is derived specifically from the structure and grading.</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>

	We recommend that further consideration be given to the surrounding context area rather than just the structure itself.	
91	<p>R30 (page 11) 37 - Reconstruction or expansion of an existing expressway</p> <p>Recommend that either “reconstruction” be removed, as road reconstruction (like-for-like) is covered under #19, or that a qualifier is included (e.g., not for the same purpose, use, capacity, or at the same location).</p> <p>Recommend that consideration be given to including the same text that is provided in R27 regarding substantial alteration</p>	<p>Expressways are not included in the definition of roads and they are not covered by #19. With the Schedule C process there is that option to adjust the alignment.</p>
92	<p>Water/Wastewater - N/A – various references Project and table organization</p> <p>Recommend that the schedules include linked/ similar project types, or be organized into subcategories (e.g., “For other options, see Section 7”, or labelling projects using 1a, 1b, 1c).</p> <p>We appreciate the final version of the document may be more defined. Our preference is to have projects listed under individual sections (e.g. water management projects, wastewater management projects and stormwater management projects) rather than under a single heading of Municipal Water and Wastewater Projects.</p>	<p>Projects are listed in categories in the final version of the table</p>
93	<p>W20 (page 6) 20 - "Establish new or modify, retrofit or improve LID features..."</p> <p>Recommend that a definition of "modify, retrofit, or improve" be included. For example, would this include maintenance? If so, would it include all maintenance or just minor maintenance (e.g., clearing of storm ponds). Does “modify” include new plantings?</p>	<p>Modify, retrofit or improve covers any changes. Maintenance is covered by item 10.</p>
94	<p>W22 (page 6) 23 – "...where all such facilities where additional property is required."</p>	<p>To correct typo revise Appendix 1 – Water/Wastewater as follow:</p> <p>Delete red text</p>

	Recommend that wording of this project be confirmed (is it possible that "...where all such facilities" was included in error?)	23 Establish new or replace or expand existing stormwater detention/retention ponds or tanks and appurtenances including outfall to receiving water body where all such facilities where additional property is required.
95	W24 (page 7) 25 - "Establish stormwater infiltration system for groundwater recharge. Note - does not include LID features." Is there a definition or description of what is or what is not part of an LID feature?	Add the following definition to the glossary: Low impact development (LID) means a stormwater management strategy that seeks to mitigate the impacts of increased runoff and stormwater pollution by managing runoff as close to its source as possible.
96	W53 (page 14-15) 54 and 55 With the current wording, there is not a clear distinction between #54 and #55. Recommend that additional wording be added to #55 for clarification	#54 is at an existing site #55 is at a new site
97	Overall Water/Wastewater in the Manual The proposed amendments to the Water/Wastewater project schedule table clearly differentiate between stormwater ("Item has been recategorized under new heading Stormwater Management") and wastewater ("Item is recategorized into Wastewater Treatment Facilities"). However, this is not conveyed through the manual. It is recommended that the manual is updated accordingly.	Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA
98	Overall "MECP to provide standardized wording..." This phrase is used several times; however, the wording was not provided. What will the standardized text include, and will it be made available for comment?	MECP is to provide wording for section
99	Overall Part II Order process We are concerned about the lack of Part II Order content, considering the significance of the proposed changes. A detailed explanation should be provided in the manual, and this explanation should be aligned with what was presented in the MECP's webinar. Furthermore, in the MECP webinar	Add section from MECP and associated CGN

	<p>included the following statement (page 10 of the slide deck): “Retain the Minister’s authority, on his or her own initiative and in a time-limited manner, to impose conditions or require a comprehensive (individual) EA for streamlined projects and impose a 30-day timeline (or other, as prescribed) within which the Minister can issue an Order.”</p> <p>Further information about authority should be provided. Would this be within, or beyond the 30-day review? If not, is there a time window? Is there a specific process this would follow? Would this apply to A/A+ projects? With the updates, will there be any changes to the Tables that must be submitted during the Part II Order process?</p>	
100	<p>#2 (page 1) List of past amendments</p> <p>We recommend that all past amendments (minor and major) be included in this section because this information can help us to understand past project schedule decisions and other information about past projects.</p> <p>For example, it was our understanding that a minor amendment was undertaken in 2017. We recommend exploring options to provide all past amendment information in alternative forms such as a roadmap, graphic or table.</p> <p>Should the information be unable to fit within the main section of the document, we recommend maintaining the information in another Appendix or in a separate document.</p>	<p>Past amendments are listed in this section. Work on this current amendment began in 2017.</p>
101	<p>#2 (page 2) Schedule A/A+</p> <p>Recommend that the description of A/A+ projects includes a reference to Section A.1.2.2 for further information about the exemption.</p>	<p>This is just the executive summary. Users know to seek details within the manual.</p>
102	<p>#2 (page 2) Definitions for Schedule B and C projects</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>

	<p>For Schedule C - there is no mention of the screening and mandatory engagement with the public/ agencies (as included in the Schedule B definition).</p>	
<p>103</p>	<p>#3 and #4 (page 6) Glossary of Terms</p> <p>Please add a definition of "substantial" to the Glossary (in terms of ROW impacts).</p> <p>It is recommended that the definition for "exempt activity" be updated. Wording for the exclusion of A/A+ activities should be included and the last sentence ("...not to be confused with Schedule 'A' activities which are pre-approved but not exempt.") should be removed.</p> <p>With the water table now separating water/ wastewater (sewage)/ stormwater into distinct categories, "stormwater" should be included and considered for any definitions pertaining to sewage, wastewater, or definitions that are applicable to all three categories but only mention two. Current examples under the "Project" definition are no longer reflected in the proposed amendments. Definition for "Master Plan" should be updated to reflect proposed changes in Section A.2.7</p>	<p>The Companion Guide Notes includes the following:</p> <p>CGN - A1-18: Same location means there is not a substantial change in location. A substantial change could be considered a change of less than approximately 10%. For example a road allowance 20m wide and 1km long has an area of 20,000m² and a change less than 2,000m² would be <10%. Also, there should not be a requirement for new property – see CG-A1-15 (new property should trigger Schedule B).</p> <p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
<p>104</p>	<p>#6 (page 8) Definition for A+ ("...minimal adverse environmental effects on the natural environment and matters of provincial importance".)</p> <p>It is recommended that "natural" be removed from the definition, as A+ projects should consider effects on all aspects of the environment (e.g., social, cultural, etc.) and the definition should be consistent with the definitions for other project Schedules. If "natural" environment is to take precedence over other aspects of the MCEA definition, this should be clearly stated in that definition and specified where appropriate. However, having the natural environment prioritized exclusively for A+ projects is inconsistent with the rest of the MCEA process so further changes throughout the Manual may be required.</p>	<p>Schedule A+ projects have a minimal impact on the natural environment but can have a significant impact on other aspects of the environment. Other aspects of the environment are dealt with locally through the Schedule A+ process.</p>

105	<p>#11 (page 15) A.1.4 PHASE-IN</p> <p>Recommend that further guidance be included with respect to currently approved Master Plans that have projects that may be required to transition in new project schedules based on the 2020 amendments.</p> <p>Further guidance could include a sample of a Notice of Schedule Change and confirmation that all requirements, prior to changing the project schedule, are fulfilled by the Notice.</p>	<p>Projects is a currently approved Master Plan would be classified as per the amended MCEA.</p>
106	<p>#11 (page 16) Minimum requirements for Notice of Schedule Change</p> <p>MECP has specific text that must be included in notices regarding the Part II Order process.</p> <p>Is there any specific text that should be included in notices that contain a project schedule change under the newly amended document?</p>	<p>Revise the sample Notices of Completion for Master Plans, Schedule B, Schedule C and Addenda in Appendix 6 to include wording provided by MECP as follows:</p> <p>Interested persons may provide written comments to our project team by DATE. All comments and concerns should be sent directly to PROPONENT CONTACT at the COMPANY/MUNICIPALITY.</p> <p>In addition, a request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies), only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. Requests should include the requester contact information and full name for the ministry.</p> <p>Requests should specify what kind of order is being requested (request for additional conditions or a request for an individual/comprehensive environmental assessment), how an order may prevent, mitigate or remedy those potential adverse impacts, and any information in support of the statements in the request. This will ensure that the ministry is able to efficiently begin reviewing the request.</p> <p>The request should be sent in writing or by email to:</p> <p>Minister of the Environment, Conservation and Parks Ministry of Environment, Conservation and Parks</p>

		<p>777 Bay Street, 5th Floor Toronto ON M7A 2J3 minister.mecp@ontario.ca</p> <p>and</p> <p>Director, Environmental Assessment Branch Ministry of Environment, Conservation and Parks 135 St. Clair Ave. W, 1st Floor Toronto ON, M4V 1P5 EABDirector@ontario.ca</p> <p>Requests should also be sent to the PROPONENT by mail or by e-mail.</p> <p>This Notice issued DATE.</p> <p>Information will be collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record</p>
107	<p>#14 (page 20) g. Reconstruction of expressways is added as a Schedule C”</p> <p>Recommend that this be revised to “g. Reconstruction and expansion of expressways is added as a Schedule C”</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
108	<p>#16 (page 23) "A logical approach to incorporate some consideration into the Class EA evaluation, if warranted, is to include climate change mitigation criteria into the decision-matrix..."</p> <p>It is recommended that “if warranted” be removed. Currently this section could be interpreted to mean that consideration of climate change is optional. However, the Part II Order tables that proponents are required to complete ask how climate change was addressed.</p> <p>The inclusion of climate change mitigation in the EA evaluation must also be included based on both Federal and Municipal direction.</p>	<p>Revise A.1.7 to delete the red text below:</p> <p>A logical approach to incorporate some consideration into the MCEA evaluation, if warranted, is to include climate change mitigation criteria into the decision-matrix as one of the factors impacting the selection of a preferred solution (Phase 2 of the MCEA) and/or preferred project design option (Phase 3 of the MCEA). Possible criteria descriptions may be as follows:</p>

	<p>The same comment applies to the wording on pg. 24 about climate change adaptation Stating climate change consideration as a requirement removes or decreases error by omission at EA level</p>	
109	<p>#16 (page 25) "...recommendations in the Phase 2 Report of Environmental Study Report</p> <p>Recommend that this be revised to "...recommendations in the Project File Report or Environmental Study Report</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
110	<p>#18 (page 27) Phases covered under a Master Plan</p> <p>The proposed update changes the phrasing of some sentences from, "at a minimum, Master Plans address Phases 1 and 2..." to wording around fulfilling the consultation requirements of Phases 1 and 2. We recommend clarifying whether this is just a wording change or if, with the changes, all Master Plans will follow Phases 1 and 2 but will not technically fulfil them.</p> <p>If Master Plans are no longer required to cover Phases 1 and 2 at a minimum, the definition in the Glossary should be updated.</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
111	<p>#28 (page 44) Impact Assessment Act</p> <p>This should be added to the Glossary and any required changes should be made to the Canadian Environmental Assessment Act definition currently included in the Glossary.</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
112	<p>#34 (page 51) Inclusion of PIIO information on notices</p> <p>Prior to this update, MECP had very specific phrasing on the wording regarding the PIIO process required to be included in all notices. Will MECP be releasing updated phrasing or updated notice examples?</p>	<p>Revise the sample Notices of Completion for Master Plans, Schedule B, Schedule C and Addenda in Appendix 6 to include wording provided by MECP as follows:</p> <p>Interested persons may provide written comments to our project team by DATE. All comments and concerns should be sent directly to PROPONENT CONTACT at the COMPANY/MUNICIPALITY.</p>

		<p>In addition, a request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies), only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. Requests should include the requester contact information and full name for the ministry.</p> <p>Requests should specify what kind of order is being requested (request for additional conditions or a request for an individual/comprehensive environmental assessment), how an order may prevent, mitigate or remedy those potential adverse impacts, and any information in support of the statements in the request. This will ensure that the ministry is able to efficiently begin reviewing the request.</p> <p>The request should be sent in writing or by email to:</p> <p>Minister of the Environment, Conservation and Parks Ministry of Environment, Conservation and Parks 777 Bay Street, 5th Floor Toronto ON M7A 2J3 minister.mecp@ontario.ca</p> <p>and</p> <p>Director, Environmental Assessment Branch Ministry of Environment, Conservation and Parks 135 St. Clair Ave. W, 1st Floor Toronto ON, M4V 1P5 EABDirector@ontario.ca</p> <p>Requests should also be sent to the PROPONENT by mail or by e-mail.</p> <p>This Notice issued DATE.</p> <p>Information will be collected in accordance with the Municipal Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record</p>
113	#36 (page 53)	This is covered by the sample notices in Appendix 6

	<p>Removal of "The location of the file shall be made known to the public through the Notices issued"</p> <p>Is this regarding a permanent file location in municipal offices or the file available for comment during the Project File's 30-day review period? If the latter, then it is recommended that this statement be maintained as it is an important part of the Notice of Completion.</p>	
114	<p>#36, 37, 38 (pages 53- 57) A.4.1 SCHEDULE B – PROJECT FILE A.4.2 SCHEDULE C – ENVIRONMENTAL STUDY REPORT A.4.3 Revisions and Addenda to Environmental Study Report</p> <p>Recommend headings/sections for the Schedule B and C projects described in Sections 36, 37, and 38 be aligned.</p> <p>What is the difference between a "Revised Notice of Completion" described in the Schedule B section, and a "Notice of Filing of Addendum" described for a Schedule C? As written, it does not seem that you would ever issue a "Notice of Filing of Addendum" for a B, only for a C.</p> <p>Furthermore, the descriptions under "lapse of time" should be consistent. The Schedule C description speaks about the beginning of construction within 10 years of completion; Schedule B does not.</p> <p>For example, the headings are:</p> <p>A.4.1 SCHEDULE B – PROJECT FILE A.4.1.1 Revisions to Schedule B Projects - this section includes lapse of time and changes in environment, but not necessarily changes to the project. This situation could be even more likely for a Schedule B project because it is a relatively higher level of study compared to a Schedule C project.</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>

	<p>A.4.2 SCHEDULE C – ENVIRONMENTAL STUDY REPORT</p> <p>A.4.3 Revisions and Addenda to Environmental Study Report Change In Project or Environment Lapse of time</p>	
115	<p>Amendment Table 4: Proposed Changes to Transit Schedules</p> <p>No comments.</p> <p>If you have any questions, please do not hesitate to contact myself at megan.salvucci@hamilton.ca or any of the others copied on this letter.</p>	Supportive
116	<p>County of Brant Staff have reviewed the proposed changes to the Municipal Class Environmental Assessment process. The County agrees with the changes proposed and looks forward to their approval by the Province. We would like to thank the Municipal Engineers Association and the MECP for their work on this task.</p> <p>One issue that the County would like to raise is consultation with Indigenous People. The County is fortunate to be neighbours with two Indigenous People's; Six Nations of the Grand River and the Mississaugas of the Credit First Nation. We do our best to have good consultation and business dealings with these great neighbours. What makes our dealings complicated at times is that these communities contain a number of other internal groups. Consultation with any internal groups within these communities is not a problem. However, it is not practical or cost efficient for the County to pay fees and monitoring costs to any group that may come forward and request such. The County feels that there are practical and cost efficient ways for us all to work together and share resources and data as we all need to be conscious of taxpayer funds and resources.</p> <p>Again, thanks for your work on this project!</p>	<p>Supportive of amendment The Companion Guide Notes offers some advice related to Indigenous consultation.</p>
117	General Feedback to MEA/MECP:	Comment not related to current amendment

	<p>1) We understand that the future vision for the Environmental Assessment Act (per Bill 197) is to streamline the EA process and eventually phase out the Class EA system. As proponents of Municipal Class EAs, Halton Region has found the current MCEA process to work well for our municipal water, wastewater and roads projects. We hope the MCEA process is used as a starting point for the development of the streamlined process and would ask to be included in the review of the future regulations that are proposed.</p>	
118	<p>Amendment Table 1: Proposed Changes to Road Schedules No Comments</p>	Supportive
119	<p>Amendment Table 2: Proposed Changes to Water/Wastewater Schedules 1) Item 29 should include reference to water intakes (similar to Item 32).</p>	<p>This is covered by 30 Replacement of water intake pipe and outfall for a surface water source.</p>
120	<p>2) Regarding Items 29, 32, 38 and 45 (related to minor expansions of water and wastewater treatment plants). There is a new provision that has been added stipulating that these schedules can only be used once in a 20-year planning period. Please confirm the following:</p> <ol style="list-style-type: none"> Is this stipulation meant to apply once per facility, once per municipality, etc.? For example, could a municipality or region with two water facilities use Schedule 29 at both facilities in the same 20-year planning period? Could a single facility use both Item 29 (expansion < 50% where no land acquisition is required (Schedule A+)) and Item 32 (expansion > 50% where land acquisition is required (Schedule B)) in the same 20-year planning period? What are the MCEA requirements if a facility has two minor expansions scheduled in a 20-year planning period (for example to appropriately utilize the capacity of the plant)? Does the second expansion require the proponent to 	<ol style="list-style-type: none"> 20 year stipulation is applied once at each facility. yes The example provided needs to be classified as a Schedule C project – expansion within the 20 year planning window exceeds 50%. It should not be piecemealed into two separate projects.

	undertake a higher level Schedule? For example, consider a 50 MLD plant which is scheduled for a 20 MLD expansion in 2027 and a second 20 MLD expansion in 2037 (no land acquisition is required). The first expansion would be classified as a Schedule A+. What would the second expansion require?	
121	Please clarify Item 78 (new item added). The wording seems to allow a proponent to reclassify a Schedule B or C project to a Schedule A+ project if it is deemed an emergency, but the Rationale indicates that Schedule 78 was added to allow proponents to elevate a Schedule A or A+ undertaking to a Schedule B or C.	W74 – There is a cut and paste error in the rationale. Rationale should state: This item is added to allow proponents to undertake work that is subject to this Class EA if it is determined to be an emergency, provided that notification is given to the Director
122	Amendment Table 3: Proposed Changes to the Municipal Class EA Manual (Parts A and D) 1) Section A.1.1. includes a summary of the changes resulting from Bill 108. With the approval of Bill 197 this section should be updated to reflect the current and future changes to the EAA that are now in-force, specifically and especially related to Part II Orders. 2) Section A.1.2.4 summarizes information in postings ERO 013-5012 and ERO 013-5101. Information in ERO 019-1712 should be included here as well, especially and specifically related to changes in the Part II Order process.	Bill 197 was not approved when the amendment was prepared. Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA
123	Amendment Table 4: Proposed Changes to Transit Schedules No Comments	Supportive
124	Appendix 1 Roads – R7 Proposed Amendment - The requirement for the majority of the collector or arterial road to be located within a single site plan, consent, plan of subdivision or condominium may not be compatible with the typical intent and function of a collector or arterial road. It is rare for these roadways not to span multiple developments, as it is their function to collect or accommodate significant through traffic across an area. If the intention of these amendments is to streamline the process and avoid duplication, this criteria may need to be	MEA will be providing a training webinar specifically on this topic.

	<p>modified or removed. It could be the case that a Secondary Plan and TMP can assess the impacts of a collector or arterial road, and the implementation of such road can be tied to multiple applications through the Planning process.</p> <p>Rationale - The rationale states under 3) that the amendment clause shifting Schedule B and C collector and arterial road projects to Schedule A is appropriate where the expanded or new road is reasonably short and intended to service adjacent development. This statement is generally not compatible with the intent and function of collector and arterial roads. Collector and arterial roads are intended to span more significant distances and to collect and facilitate the movement of traffic from multiple developments. A reasonably short road that services adjacent developments more closely matches the intent and function of a local road, which are already Schedule A projects.</p> <p>Consideration related to new item row R7 - introduction of Collector and Arterial in the Road Schedule and specifically exemptions. Table 3A.Municipal Class EA Amendment Table 1 Proposed Changes to Road Schedules.pdf: The table (or perhaps through amendment to Appendix 4-Master Plans?) should clarify and provide guidance as to how the exemptions would apply in particular exemption <i>c</i> (see below) - noting that Transportation Master Plans and Secondary Plans (i.e. transportation network schedules) processes do not establish and finalize road alignments. <i>c. The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.</i></p> <p>Note that new item R7 collector and arterial, unlike R6 local, does not provide cross reference to the definition of collector and arterial in the MCEA glossary.</p>	
125	Appendix 1 Roads – R16 Retirement of existing laneways is currently Schedule A+, and the proposed amendment states the retirement of	Typo – remains Schedule A+

	existing laneways will remain Schedule A. Is this mismatch a possible typo?	
126	<p>Appendix 1 Roads – R27</p> <p>Proposed Amendment - All substantial road construction not approved through a Planning Act approval is now moved to Schedule C and the possibility for following Schedule B activities is removed. Differences between this change and R24 are unclear. The difference between a widening and a "substantial alteration" doesn't seem to be quantified.</p> <p>Rationale - The rationale states that impact to property is a better determinate of environmental impact versus construction cost, specifying that in circumstances where the road allowance increases by more than 10%, Schedule C activities would now be required. This measurement is not captured under the proposed amendments and is not clear in differentiating R24 from R27</p>	<p>Substantial alterations refers to the road allowance not the road. Item 31 covers widening a road in the same location. Item 34 covers new or relocated roads.</p>
127	<p>Appendix 1 Roads – R28</p> <p>Proposed Amendment - All water crossings and grade separations now require Schedule C activities. This seems to negate the intention of streamlining and avoiding duplication by the proposed amendments with respect to road construction. Any roadway that contains a water crossing will be required to follow Schedule C, which is more stringent than the current regime. It is typically rare that a collector or arterial roadway does not require a water crossing of some kind whether a bridge or culvert, or a grade separation. It appears that most collector and arterial roads, regardless of Planning Act approval, will now be required to follow Schedule C activities, whereas currently, there is opportunity for Schedule B activities. With this change, the proposed amendments may achieve the opposite of what is intended and will create more effort and more duplication for road projects. Please clarify if this change is as intended?</p>	<p>See revised item 14b – Bridges are included with road project approval.</p> <p>Schedule B ends after the preferred solution is identified. MEA feels that the preferred conceptual design (Phase 3 in the Schedule C process) should be identified and presented to the public for these types of projects.</p>
128	<p>A.1.5.2</p> <p>"Section will be deleted and replaced with standardized wording from MECP." Given this section discusses amending processes which are important to the EA process, this text should be made available for review.</p>	MECP to provide
129	A.2.8	MECP to provide

	"Section will be deleted and replaced with standardized wording from MECP." Given this section discusses Part II Orders which are critical to the EA process, this text should be made available for review.	
130	<ul style="list-style-type: none"> Staff is particularly in agreement with the following: "Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use SHIFT TO SCHEDULE A+" previously SCHEDULE A IF <\$2.4M AND SCHEDULE B IF >\$2.4. (R23, Appendix 1) 	Supportive
131	<p>However, there are concerns with making the EA process more onerous than it is today for certain projects. For example: (R26-28, Appendix 1) Projects which currently require Schedule B process (Reconstruction with Increase to Travel Lanes, New Roads, Bridges, Overpasses and Grade Separation projects <\$2.4M) are now proposed to be bumped up to Schedule C no matter how insignificant the financial cost are of the project. Municipalities will have to incur the added costs to carry out the additional Schedule C scope of works, such as evaluating alternative design concepts for the preferred solution for each project, which may further delay or deter project completions.</p>	Schedule B ends after the preferred solution is identified. MEA feels that the preferred conceptual design (Phase 3 in the Schedule C process) should be identified and presented to the public for these types of projects.
132	A.1.3 – suggest a process chart be created to assist City staff in this determining roles and responsibilities	This could be included in training material
133	A.1.6 – Clarify if the Companion Guide will provide direction on Indigenous Communities Engagement	Companion Guide does include some guidance
134	A.2.9 - City staff requires guidance on how legal and funding agreements should be established for co-proponency projects	These agreements need to be developed locally.
135	A.2.9.1 – Please provide examples of Block Plans (non-statutory under the Planning Act) and MCEA Schedule C Road projects.	This could be included in training material

136	<p>MCEA – Table 3 Proposed Changes to Municipal Class EA Manual Various Part II Order – various references to Part II Orders and the impact they have on some of the decision-making Given the recent passing of COVID-19 Economic Recovery Act, 2020, the proposed amendments will need to be further revised to remove references to the Part II Order process unless it relates to Aboriginal or treaty rights.</p>	<p>Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA</p>
137	<p>MCEA – Table 3 Proposed Changes to Municipal Class EA Manual 10 Proponency states that “...activities by a private sector developer that are of a type listed in Schedule C of this Class EA as it was approved on October 4, 2000 and are a road, water or wastewater project...” Confirmation is needed as to whether the proposed amendments will be considered part of the October 4, 2000 approval? This would allow private sector developers to use the Schedule C projects as listed in the Class EA as approved with the proposed amendments</p>	<p>No – Regulation refers specifically to 2000 approval. This would require a change to Ont Reg 345/93 which is outside the scope of the amendment to the MCEA</p>
138	<p>MCEA – Table 3 Proposed Changes to Municipal Class EA Manual 11 Phase – In “...unless the proponent provides a Notice of Schedule Change to impacted stakeholders, government agencies, Indigenous communities, and any interested persons due to the 2020 Class EA amendments” It is not stated but it is assumed that the notice is only issued and no opportunity is provided for challenges to this decision.</p>	<p>Correct</p>
139	<p>MCEA – Table 3 Proposed Changes to Municipal Class EA Manual 34 – A.3.5.3 Public Notices - Sample detailed process – Public Stakeholders for Notice of Commencement for Schedule B and C projects would require “signage at project location” For the sample provided it is not clear how ‘signage at project location’ would be met for linear infrastructure such as roads, sewer, watermains and at the Notice of</p>	<p>The sample provided is simply to illustrate what might work for a municipality. The municipality should decide on the best approach for the local community. The mandatory points of contact apply regardless of t a notice bylaw – the bylaw only establishes the minimum notice provided for each mandatory contact.</p>

	<p>Commencement it is difficult for some projects to know where the project will be located.</p> <p>First, second and third mandatory points of contact state that “two (2) published notices” are required. The initial description of notices indicates that a municipal notice by-law meets the requirements of Section A.3.5.3 but it should clearly state that the requirements for notification for the mandatory points of contact apply where this by-law is not in place for a project.</p>	
140	<p>MCEA – Table 1 Proposed Changes to Road Schedules R7</p> <p>14b - Collector or arterial roads item c requires “...new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act” shifts from Schedule B and C based on cost to all are Schedule A.</p> <p>What about transportation studies that have been done but are not formally called a Transportation Master Plan? These may have been completed by a municipality or developers.</p> <p>Under “14b Rationale” it states that for item c to be used “This approach is appropriate where the new/expanded road is reasonably short and constructed primarily to service adjacent development.</p> <p>How critical is the rationale for this section? Doesn’t the rationale provide the basis for allowing this undertaking to be considered a Category A? – This statement is not generally true in particular for arterial roads since they tend to be longer and are key for moving traffic throughout larger areas beyond the development alone. The statement should be deleted.</p>	<p>MEA will offer specific training in a webinar on this topic. Proponent would use their professional judgement to determine if the transportation study was equivalent to a transportation master plan.</p>
141	<p>MCEA – Table 1 Proposed Changes to Road Schedules R28</p> <p>35 – “Construction of new water crossings. This includes ferry docks” shifts from Schedule B and C based on cost to all are now Schedule C.</p> <p>– Under “35 Rationale” it states that they will be included under the heading Bridges, Overpasses and Grade Separations.</p>	<p>In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. This would include bridges over water and bridges over other features (grade separations). Any structure with a span of 3.0 m or less is considered a culvert which is covered by the following items in Appendix 1 – Roads:</p> <p>8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity</p>

<p>NOTE: R11 allows construction of a new culvert or increase in culvert size due to change in the drainage area to be a Schedule A+ but this is specific and is proposed to be listed under Reconstruction of Roads with No Increase to Travel Lanes. W19 (Water Schedules) “roadside ditches, culverts and other such incidental stormwater works constructed solely for the purpose of servicing municipal road works” remains a Schedule A.</p> <p>The current definition in the Glossary of “water crossing for municipal roads” is “a culvert, bridge, tunnel causeway...carrying a roadway or linear paved facility which crosses a naturally occurring water body or surface drainage feature such as a lake, swamp, marsh, bay, river, creek, stream or man-made drainage facility such as a ditch, canal or municipal drain”.</p> <ul style="list-style-type: none"> – The proposed amendments do not change this definition and any “culvert” would now be Schedule C regardless of the size or cost or potential environmental effects unless it is for a reconstructed road with no increase in travel lanes. – While the rationale indicates it will be listed under Bridges, Overpasses and Grade Separations the Glossary (which is proposed to remain unchanged) clearly states that culverts are captured. – Add further confusion to the issue since W19 under Water has culverts a Schedule A for stormwater works servicing municipal road works. Does that permit a culvert for new roads as well? It is not clear how culverts are to be dealt with. – It is difficult to determine the location or type of water crossings until the roads have undergone some level of design and then it would be challenging to differentiate the limits of what is included in the Class EA, in particular for 	<p>required to adequately drain the area, whichever is greater, and where there is no change in drainage area. Schedule A</p> <p>18. Construction of a new culvert or increase culvert size due to change in the drainage area Schedule A+</p> <p>However, it needs to be clarified about bridges that are being constructed as part of a road project. Items 14a and 14b in Appendix 1 – Roads recognize that Planning Act applications that include the construction of roads are Schedule A activities because the Planning Act process satisfies EA requirements. Once the alignment of the road is determined (through the Planning Act process) there is no ability to consider alternative locations for a bridge though an EA process. The Planning Act application includes public and agency involvement and other approvals (shoreline permits) ensure the technical requirements for a bridge are addressed. Items 14a and 14b should be revised as below to include bridges.</p> <p>14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA] Schedule A</p> <p>14b. Construction or re-construction of a collector or arterial road and any bridge located on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically</p>
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<p>the culvert versus the road (which could proceed as an exempt Schedule A project).</p> <ul style="list-style-type: none"> - Depending on the Approach selected for the Master Plan you may not know at completion of the Master Plan whether there are Schedule C projects (e.g. culverts or bridges). - All water crossings should not be considered Schedule C instead there should be both Schedule B (size of culverts or type of watercourse) and Schedule C (bridges with footings) to better reflect the potential environmental risks. - Developers and municipalities include paths in their developments. With typical requirements now to provide accessible paths there is concern that these may be seen to fall under the term “linear paved facility” which would mean that culverts associated with these paths may be subject to Schedule C 	<p>defined in the Planning Act approval; and one of the following applies:</p> <ul style="list-style-type: none"> a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or b) The project is located within an existing road allowance; or c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act. <p>NOTES</p> <ul style="list-style-type: none"> 1) If a new alignment is being used, alternative alignments must have been considered for this exemption to apply. 2) Reconstruction or alteration of a bridge structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, must be found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website. <p>Schedule A</p> <p>Re-construction is added to 14b to include work on an existing bridge on an adjacent existing road. Note 2) ensures work on an existing bridge respects heritage requirements.</p> <p>Also, in Appendix 1 – roads, the terms bridge, structure and water crossing are all used which is confusing. The term bridge should be used consistently in items 28, 29, 30, 32, 33 and 35.</p> <p>Revise Appendix 1 – roads as follows:</p> <p>28. Reconstruction of a bridge where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks.</p> <p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation,</p>
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		<p>is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>30. Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use</p> <p>32. Reconstruction of a bridge where the reconstructed facility will not be for the same purpose, use, capacity or not at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.</p> <p>35. Construction of new bridge. This includes ferry docks</p> <p>MEA will offer specific training in a webinar on this topic. Proponent would use their professional judgement to determine if the transportation study was equivalent to a transportation master plan.</p>
142	<p>MCEA – Table 2 Proposed Changes to Water/Wastewater Schedules W42 43 states that “Add additional lagoon cells or install new or additional sewage storage tanks at an existing lagoon site that result in a minor (<50%) increase to existing rated capacity and where land acquisition is required” would be either Schedule A or B. Where existing rated capacity is exceeded by up to 50%, schedule shifts from Schedule C to A Where existing rated capacity is not exceeded, schedule remains Schedule B</p>	<p>Items related to lagoons are:</p> <p>40a Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including expanding lagoon capacity up to existing rated capacity, provided no land acquisition nor additional lagoon cells are required. Schedule A</p> <p>40b Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including a minor (<50%) expansion in rated capacity to the existing lagoons to increase capacity</p>

	<p>This could be a typo but it is not clear why exceeding rated capacity is now proposed to be a Schedule A and exempt but not exceeding rated capacity is a Schedule B requiring a Class EA be completed.</p>	<p>provided no land acquisition. Note – This schedule can only be used once for a 20 year planning period. Schedule A+ - Minor expansion, no property</p> <p>43 Add additional lagoon cells or install new or additional sewage storage tanks at an existing lagoon site that result in a minor (<50%) increase to existing rated capacity and where land acquisition is required. Note – This schedule can only be used once for a 20 year planning period. Schedule B Minor expansion but new property.</p> <p>48 Establish new lagoons or a major (>50%) expansion to existing lagoons or install new or additional sewage storage tanks which will result in a major (>50%) increase to existing rated capacity. Schedule C</p>
143	<p>Thank you for the opportunity to provide comments on the proposed changes to the Municipal Class EA process. Credit Valley Conservation (CVC) works closely with our municipal partners on numerous municipal projects in our jurisdiction and the Class EA process provides mechanisms which help in planning for the infrastructure in a responsible manner, addressing various environmental factors including natural heritage and natural hazard features that are of interest to CVC.</p> <p>SUMMARY OF CHANGES TO MUNICIPAL CLASS EA The summary below provides an overview of the proposed changes to the Municipal Class EA which can have direct impacts on CVC programs and areas of interest.</p> <p>The proposed amendments include:</p> <ul style="list-style-type: none"> • Changing the project schedules for some projects to better align study requirements with the potential environmental impact of the project and reduce duplication, including: <ul style="list-style-type: none"> ○ exempting 28 project types that are considered to be low impact (e.g. modifications to traffic signals), where there is duplication with other processes, or the project types would be needed in cases of emergency 	<p>Supportive with some specific comments to follow</p>

	<ul style="list-style-type: none"> ○ upgrading or downgrading assessment requirements for projects (e.g. shifting project schedules from B to C, or from C to B) ○ removing cost thresholds for road projects <p>EVALUATION OF POTENTIAL IMPACTS ON CVC CVC is supportive of many of the proposed changes aimed at modernizing and streamlining the Class EA process. We have taken the opportunity to provide comments on items that may affect CVC interests in detail below.</p> <p>We have listed our comments below based on specific proposed changes to Sections A – Class EA planning process, and the proposed schedule changes. Generally, we have concerns with some proposed changes of projects from Schedules B to A+ for certain classes of projects. New and expansions of infrastructure are proposed to be shifted to Schedule A+ due to their common nature, a technical review through a different process (ECA/PTTW) or when property is not required. CVC’s position is that commonality of infrastructure, technical merit which does not properly address environmental concerns due to its focused nature, and property may not preclude certain new or expanded projects from having environmental impacts which would be better addressed through a Schedule B evaluation of alternatives. Further, it is CVC’s position that Schedule A+ is intended, as described in the Class EA document, for minor projects including rehabilitation and similar projects that may be of interest to the local community. Projects that propose new infrastructure or expansions to infrastructure should remain as Schedule B projects to ensure a proper evaluation of alternative can be undertaken.</p>	
144	<p><i>Changes to Part A – Class EA Planning Process</i> The scope of proposed changes includes minor administrative changes, legislative Updates – sections updated to reflect legislative changes, including recent changes included in Bill 108 (More Homes, More Choices Act, 2019) and addition of new sections regarding legislation previously not mentioned in the EA Manual such</p>	Supportive of amendments

	<p>as Endangered Species Act. Further revisions are proposed to clarify requirements and expectation from proponents. CVC has no objection to these changes as they do not affect any of our program interests and provide an update to reflect the current status of legislation in Ontario.</p> <p>The proposed changes also include added considerations for Climate Change Mitigation and Adaptation for inclusion in the Class EA process for Schedule B and C projects including reference to provincial climate change guidelines and examples of how Climate Change can be incorporated into the evaluation of alternatives and/or alternative solutions. CVC is encouraged by this and supportive of this change to advance the need for incorporating realities of climate change into the Municipal EA planning process and projects.</p> <p>The proposed changes provide an Expansion on approaches to Master Planning with the intent to provide flexibility to the proponent to accommodate their particular needs. CVC has no objection to the expansion of approaches to master planning. The intent of each approach is to meet the requirements of the Class EA as such the overall goal of the Class EA is met while providing additional flexibility to the proponent during the Master Planning process.</p> <p>Finally, the proposed changes refine and clarify requirements and promote taking an integrated approach between EA Act and Planning Act requirements, where possible. CVC is supportive of added encouragement to match up Planning Act approval requirement steps with Class EA requirement steps to identify opportunities to reduce duplication and coordinate timing of both processes. Elimination of duplication between various approval processes leads to more efficient review processes and more effective use of staff time.</p>	
145	<i>Changes to Schedules that may affect CVC interests:</i>	The following definition will be included in the glossary:

	<p>R4 - Parking lots >\$9.5 million that are not located within or adjacent to an environmentally significant area shift to Schedule A meaning they are pre-approved without need for an EA to evaluate options.</p> <p>CVC Comments - There is no definition for 'environmentally significant area' which can provide conflict and risk to CVC in areas of CVC interest where the parking lot is proposed. CVC recommend a definition be included and include both natural heritage and natural hazard areas to clearly identify the intent of this change or a mechanism to confirm the lack of environmentally significant areas adjacent to project is required from various agencies with interest, including CVC.</p>	<p>Environmentally Significant Area means the area has one or more of the following environmental qualities:</p> <ul style="list-style-type: none"> • It is home to rare or endangered plants or animals. • It is large, diverse and relatively undisturbed which many plants and animals need to survive and reproduce. • It contains rare, unusual or high quality landforms that help us understand how Toronto's landscape formed. • It provides important ecological functions that contribute to the health of ecosystems beyond their boundaries, such as serving as a stopover location for migratory wildlife.
146	<p>R7 - Construction of a collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act - New item is created for collector and arterial roads. This item will be grouped under the heading Other Approvals. In some cases, the details of a collector or arterial road are determined through a Planning Act Approval. In these cases, the planning process could be duplicative with the EA process. Therefore, if a collector or arterial road is required as a specific condition of a Planning Act approval, e.g. plan of subdivision, and the environmental impacts have been assessed, mitigation measures have been developed and will be implemented, and alternative alignments have been considered, there are three cases where an EA would not be required: a. Where the majority of the project is located within a single Planning Act Approval. b. Where the project is located within an existing road allowance c. Where the project will be located on a new alignment that has been finalized through a Transportation Master Plan and a Secondary Plan.</p> <p>CVC Comments - Planning applications are subject to CVC review and as such CVC has no objection to this change subject to the Planning Act process confirming the details noted in the posting. It is important to ensure that a full</p>	Supportive

	level of review of the road project is undertaken at the planning stage so that any future permitting can be supported.	
147	<p>R27 - Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act. The cost of the project does not relate to the environmental risk and should not be used to classify the project. Instead, impact to property is used for assessing environmental impact. If the road allowance is new or needs to be substantially altered (the area of the road allowance for the project increased by more than 10%) then there is a substantial impact that should be assessed by following the Schedule C process. New infrastructure such as this must now follow the Schedule C process regardless of the size/cost of the project (greater or less than \$2.4m). The alternatives presented during the EA process need to include sufficient detail to allow the public and agencies to determine the details of the impacts of the project and be satisfied with mitigation measures.</p> <p>CVC Comments - CVC is supportive of this approach to ensure that alternatives are considered for any road expansion projects that have substantial impacts due to expansion of the road allowance.</p>	Supportive
148	<p>R29 – New item - Reconstruction or expansion of an existing expressway classified as Schedule C. Expressways are not addressed in the current document. A proponent needs to follow the individual EA process for the construction of an entirely new expressway. However, the reconstruction or expansion (including realignment) of an existing expressway can be approved by following the Schedule C process.</p> <p>CVC Comments - CVC has no objection to the proposed change. Most significant impacts would have been addressed through the initial individual EA to site the facility. CVC is supportive that a Schedule C process would</p>	Supportive

	be an appropriate method address impacts for a modification to such a facility.	
149	<p>R30, W74– new item – provision for emergency works to follow schedule A+ process (even if normally considered a Schedule B or Schedule C project with notification of Director, EA and Permissions branch.</p> <p>CVC Comments - In order to ensure a proposed project is considered an emergency, proper definitions should be put in place to clearly define what type of works constitute an emergency and what can trigger the emergency definition. Emergency works should only be works that require immediate attention due to the risk to the infrastructure, the public or other. CVC recognizes that emergency works to protect the public need to have an expedited process for implementation. CVC already works with our municipal partners to ensure emergency works are processed in an expeditious manner while addressing appropriate environmental impacts. CVC has no objection to this change subject to proper definitions of what constitutes emergency works.</p>	Supportive – MECP will monitor projects utilizing this category
150	<p>W5 & W14 – expansion of pumping stations (Water and Wastewater respectively) including construction of new stations within exiting servicing site or road allowance moving to Schedule A+ from Schedule B. Rationale states that this is common infrastructure located throughout the community. The Schedule A+ process encourages proponents to provide notice to adjacent residents so they have the opportunity for input to their local government. A requirement for additional property would trigger a Schedule B process to evaluate alternative locations.</p> <p>CVC comments – commonality of infrastructure does not preclude it from having potential environmental impacts. Although water pump stations can usually be located in various locations within a system due to the pressurized nature of the water infrastructure, wastewater</p>	Public notice is part of the Schedule A+ process. If a new infrastructure is proposed within a hazard or other area regulated by the CA then the CA can require an evaluation of alternatives as part of their permitting process if appropriate.

	<p>pump stations usually have to be located near the lowest points in a system, which tend to be in/near valleys or other natural systems. The elimination of Schedule B requirements which would evaluate alternative solutions which could include various locations could lead to concerns with locating potential stations. CVC policies allow for locating certain infrastructure facilities within hazard or natural heritage features subject to comprehensive environmental studies, such as would be completed through a Schedule B EA. With the lack of such studies, CVC policies generally do not support locating infrastructure in natural features or hazards which may create conflict on certain municipal projects, including on already owned property. Although expansion of existing stations may be captured within a Schedule A+ project, the need for new stations should continue to be considered a Schedule B project to ensure that locating the proposed infrastructure involves a proper level of evaluation of potential impacts to both natural heritage and hazards features, even if the new station is proposed within an existing service corridor. Existing service corridors typically contain sub-surface pipe infrastructure which in many cases can be installed with little to no impacts on the surface natural heritage and hazard features. The introduction of a surface based pump station could have significantly greater impacts on such features. Further, the move from Schedule B to Schedule A+ eliminate the requirement for public consultation. Local interest in such a new facility may be better addressed through a formal opportunity to provide public input such as through a Schedule B process.</p>	
151	<p>W30 – Establish new facility – a) Establish facilities for disposal of process wastewater (e.g. install sewer connection, construct holding pond, dewatering and hauling operations to disposal sites) that does not require new property, is not a significant drinking water threat located in a source protection vulnerable area, and does not require a new outfall. Shift from Schedule B to Schedule A+. b) Establish facilities for disposal of process wastewater (e.g. install sewer connection, construct holding pond, dewatering and hauling operations to disposal sites) that</p>	<p>Public notice is part of the Schedule A+ process. If a new infrastructure is proposed within a hazard or other area regulated by the CA then the CA can require an evaluation of alternatives as part of their permitting process if appropriate.</p>

requires property acquisition, is located within a source protection vulnerable area, or where a new outfall is required remains Schedule B. Rationale - The technical merits of projects at treatment plants are covered by the ECA and Municipal Drinking Water License approval processes. The local community can be engaged with the Schedule A+ process. Regardless of impacts to rated capacity any projects that requires land acquisition should be Schedule B.

CVC comments – Technical merits of establishing a new facility are one portion of the equation. Schedule B process allows for evaluation of alternatives which included the location of proposed new infrastructure, even if along already owned municipal property. The elimination of Schedule B requirements which would evaluate alternative solutions which could include various locations could lead to concerns with locating potential infrastructure. CVC policies allow for locating certain infrastructure facilities within hazard or natural heritage features subject to comprehensive environmental studies, such as would be completed through a Schedule B EA. With the lack of such studies, CVC policies generally do not support locating infrastructure in natural heritage features and hazards which may create conflict on certain municipal projects, including on already owned property. The need for new infrastructure should continue to be considered a Schedule B project to ensure that locating the proposed infrastructure involves a proper level of evaluation of potential impacts to both natural heritage and hazards features, even if the new station is proposed within an existing service corridor or municipally owned property. Existing property may contain various natural heritage and hazard features where the introduction of new infrastructure could have significant impacts on such features. Further, the move from Schedule B to Schedule A+ eliminates the requirement for public consultation. Local interest in such a new facility may be better addressed through a formal opportunity to provide public input such as through a Schedule B process.

<p>152</p>	<p>W37 & W42 – Expand facility including outfall – Expand / refurbish / upgrade sewage treatment plant including outfall with a minor (<50%) increase to existing rated capacity where no land acquisition is required and adding additional lagoon cells or installing new or additional storage tanks at an existing lagoon site that result in a minor (<50%) increase to existing rating capacity. Rationale - shifted from Schedule B to A+ as the technical merits of project are evaluated and approved through the ECA and PTTW process. The Schedule A+ process provides notice to adjacent residents, so they have the opportunity for input to their local government.</p> <p>CVC Comments – Similar to our comments above, technical merits are one portion of the equation. Schedule B process allows for evaluation of alternatives which included the location of any proposed expansions to infrastructure, even if on already owned municipal property. The elimination of Schedule B requirements which would evaluate alternative solutions which could include various locations could lead to concerns with locating potential infrastructure. CVC policies allow for locating certain infrastructure facilities within hazard or natural heritage features subject to comprehensive environmental studies, such as would be completed through a Schedule B EA. With the lack of such studies, CVC policies generally do not support locating infrastructure in natural heritage features and hazards which may create conflict on certain municipal projects, including on already owned property. The need for expanded infrastructure should continue to be considered a Schedule B project to ensure that locating the proposed infrastructure involves a proper level of evaluation of potential impacts to both natural heritage and hazards features, even if the expanded infrastructure is proposed within an existing service corridor or municipally owned property. Existing property may contain various natural heritage and hazard features where the introduction of expanded infrastructure could have significant impacts on such features. Further, the move from Schedule B to Schedule A+ eliminates the requirement for public consultation. Local interest in such a</p>	<p>Public notice is part of the Schedule A+ process. If a new infrastructure is proposed within a hazard or other area regulated by the CA then the CA can require an evaluation of alternatives as part of their permitting process if appropriate.</p>
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	<p>new facility may be better addressed through a formal opportunity to provide public input such as through a Schedule B process.</p> <p>Thank you again for the opportunity to provide comments on these proposed changes. Please do not hesitate to contact me should you have any questions above the above</p>	
153	<p>Cole Engineering Group Ltd. is submitting comments on behalf of the North Markham Landowners Group on the proposed amendments to the Municipal Engineers Association's Class Environmental Assessment (MCEA) document. We understand that as part of the MECP's EA Modernization program proposed amendments were posted for review and comment for the various Class EAs in the Province. The Group has reviewed the four (4) tables posted related to the MEA Municipal Class EA. Our main focus when reviewing the proposed amendments was to determine whether the new Class EA process would have the potential to be more onerous for future projects the Group may undertake. With this in mind there were several proposed amendments that could potentially result in a greater number of Schedule C projects. The term "culverts" (including the Glossary definition of water crossing to include culverts) is used throughout the proposed amendments and is a critical issue that could substantially change the number of Schedule B projects to now be classified as Schedule C. This would be onerous to undertake numerous Schedule C projects as well it would be challenging to determine where these projects begin and end if the road itself is a Schedule A and exempt from the Class EA process. Another key concern is the need for a Transportation Master Plan and not just a transportation study to be completed for the collector and arterial roads to be considered a Schedule A (exempt) undertaking. In the table below we have provided additional comments and clarifications for your consideration. The table provides the amendment number, the applicable text from the proposed MCEA amendment and our comments or issues. The culvert-water crossing issue and Transportation Master Plan are key issues that we feel need to be addressed before the</p>	<p>In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. This would include bridges over water and bridges over other features (grade separations). Any structure with a span of 3.0 m or less is considered a culvert which is covered by the following items in Appendix 1 – Roads:</p> <p>8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in drainage area.</p> <p style="text-align: center;">Schedule A</p> <p>18. Construction of a new culvert or increase culvert size due to change in the drainage area</p> <p style="text-align: center;">Schedule A+</p> <p>However, it needs to be clarified about bridges that are being constructed as part of a road project. Items 14a and 14b in Appendix 1 – Roads recognize that Planning Act applications that include the construction of roads are Schedule A activities because the Planning Act process satisfies EA requirements. Once the alignment of the road is determined (through the Planning Act process) there is no ability to consider alternative locations for a bridge though an EA process. The Planning Act application includes public and agency involvement and other approvals (shoreline permits) ensure the technical requirements for a bridge are addressed. Items 14a and 14b should be revised as below to include bridges.</p> <p>14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to "local" roads refers to roadway function</p>

proposed amendments are adopted. We appreciate the opportunity to provide comments on the proposed amendments to the Class EA document.

not municipal jurisdiction. See definition in Glossary of Municipal Class EA]

[Schedule A](#)

14b. Construction **or re-construction** of a **collector or arterial road and any bridge located on the collector or arterial road** that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where **the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:**

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or
- c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.

NOTES

1) If a new alignment is being used, alternative alignments must have been considered for this exemption to apply.

2) **Reconstruction or alteration of a bridge structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, must be found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.**

[Schedule A](#)

Re-construction is added to 14b to include work on an existing bridge on an adjacent existing road. Note 2) ensures work on an existing bridge respects heritage requirements.

Also, in Appendix 1 – roads, the terms bridge, structure and water crossing are all used which is confusing. The term bridge should be used consistently in items 28, 29, 30, 32, 33 and 35.

Revise Appendix 1 – roads as follows:

28. Reconstruction of a **bridge** where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks.

29. Reconstruction or alteration of a **bridge** or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.

30. Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use

32. Reconstruction of a **bridge** where the reconstructed facility will not be for the same purpose, use, capacity or not at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks

33. Reconstruction or alteration of a **bridge** or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.

35. Construction of new **bridge**. This includes ferry docks

		MEA will offer specific training in a webinar on this topic. Proponent would use their professional judgement to determine if the transportation study was equivalent to a transportation master plan.
154	<p>3C MCEA – Table 3 Proposed Changes to Municipal Class EA Manual (Parts A to D) 10</p> <p>Proponency states that “...activities by a private sector developer that are of a type listed in Schedule C of this Class EA as it was approved on October 4, 2000 and are a road, water or wastewater project...”</p> <p>To confirm, will the proposed amendments be considered part of the October 4, 2000 approval? This would allow private sector developers to use the Schedule C projects as listed in the Class EA as approved with the proposed amendments.</p>	No – Regulation refers specifically to 2000 approval. This would require a change to Ont Reg 345/93 which is outside the scope of the amendment to the MCEA
155	<p>3C MCEA – Table 3 Proposed Changes to Municipal Class EA Manual (Parts A to D) 11</p> <p>Phase – In “...unless the proponent provides a Notice of Schedule Change to impacted stakeholders, government agencies, Indigenous communities, and any interested persons due to the 2020 Class EA amendments”/</p> <p>It is not stated but it is assumed that the notice is only issued and no opportunity is provided for challenges to this decision.</p>	Correct
156	<p>3C MCEA – Table 3 Proposed Changes to Municipal Class EA Manual (Parts A to D) 34</p> <p>A.3.5.3 Public Notices - Sample detailed process – Public Stakeholders for Notice of Commencement for Schedule B and C projects would require “signage at project location”. First, second and third mandatory points of contact state that “two (2) published notices” are required.</p> <p>For the sample provided it is not clear how ‘signage at project location’ would be met for linear infrastructure such</p>	The sample provided is simply to illustrate what might work for a municipality. The municipality should decide on the best approach for the local community. The mandatory points of contact apply regardless of t a notice bylaw – the bylaw only establishes the minimum notice provided for each mandatory contact.

	<p>as roads, sewer, watermains and at the Notice of Commencement it is difficult for some projects to know where the project will be located. – First, second and third mandatory points of contact state that “two (2) published notices” are required. – The initial description of notices indicates that a municipal notice by-law meets the requirements of Section A.3.5.3 but it should clearly state that the requirements for the mandatory points of contact apply where this by-law is not in place for a project.</p>	
157	<p>3C MCEA – Table 1 Proposed Changes to Road Schedules R7</p> <p>14b - Collector or arterial roads item c requires “...new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act” shifts from Schedule B and C based on cost to all are Schedule A.</p> <p>– What about transportation studies that have been done but are not formally called a Transportation Master Plan? These may have been completed by a municipality or developers.</p> <p>Under “14b Rationale” it states that for item c to be used “This approach is appropriate where the new/expanded road is reasonably short and constructed primarily to service adjacent development.</p> <p>– How critical is the rationale for this section? – This statement is not generally true in particular for arterial roads since they tend to be longer and are key for moving traffic throughout larger areas beyond the development alone. The statement should be deleted.</p>	<p>MEA will offer specific training in a webinar on this topic. Proponent would use their professional judgement to determine if the transportation study was equivalent to a transportation master plan.</p>
158	<p>3C MCEA – Table 1 Proposed Changes to Road Schedules R28</p> <p>35 – “Construction of new water crossings. This includes ferry docks” shifts from Schedule B and C based on cost to all are now Schedule C – Under “35 Rationale” it states that they will be included under the heading Bridges, Overpasses and Grade Separations.</p>	<p>In the MCEA glossary, a bridge is defined as a structure with a span greater than 3.0 m. This would include bridges over water and bridges over other features (grade separations). Any structure with a span of 3.0 m or less is considered a culvert which is covered by the following items in Appendix 1 – Roads:</p> <p>8. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in drainage area.</p>

– The current definition in the Glossary of “water crossing for municipal roads” is “a culvert, bridge, tunnel causeway...carrying a roadway or linear paved facility which crosses a naturally occurring water body or surface drainage feature such as a lake, swamp, marsh, bay, river, creek, stream or man-made drainage facility such as a ditch, canal or municipal drain”. – The proposed amendments do not change this definition and any “culvert” would now be Schedule C regardless of the size or cost or potential environmental effects. – While the rationale indicates it will be listed under Bridges, Overpasses and Grade Separations the Glossary (which is proposed to remain unchanged) clearly states that culverts are captured. – It is difficult to determine the location or type of water crossings until the roads have undergone some level of design and then it would be challenging to differentiate the limits of what is included in the Class EA, in particular for the culvert versus the road (which could proceed as an exempt Schedule A project). – Depending on the Approach selected for the Master Plan you may not know at completion of the Master Plan whether there are Schedule C projects (e.g. culverts or bridges). – All water crossings should not be considered Schedule C instead there should be both Schedule B (size of culverts or type of watercourse) and Schedule C (bridges with footings) to better reflect the potential environmental risks. – Developers and municipalities include paths in their developments. With typical requirements now to provide accessible paths there is concern that these may be seen to fall under the term “linear paved facility” which would mean that culverts associated with these paths may be subject to Schedule C.

Schedule A

18. Construction of a new culvert or increase culvert size due to change in the drainage area

Schedule A+

However, it needs to be clarified about bridges that are being constructed as part of a road project. Items 14a and 14b in Appendix 1 – Roads recognize that Planning Act applications that include the construction of roads are Schedule A activities because the Planning Act process satisfies EA requirements. Once the alignment of the road is determined (through the Planning Act process) there is no ability to consider alternative locations for a bridge through an EA process. The Planning Act application includes public and agency involvement and other approvals (shoreline permits) ensure the technical requirements for a bridge are addressed. **Items 14a and 14b should be revised as below to include bridges.**

14a Construction of local roads **and any bridges located on these local roads** which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA]

Schedule A

14b. Construction **or re-construction** of a **collector or arterial road and any bridge located on the collector or arterial road** that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where **the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:**

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or
- c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.

NOTES

1) If a new alignment is being used, alternative alignments must have been considered for this exemption to apply.

2) Reconstruction or alteration of a bridge structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, must be found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.

[Schedule A](#)

Re-construction is added to 14b to include work on an existing bridge on an adjacent existing road. Note 2) ensures work on an existing bridge respects heritage requirements.

Also, in Appendix 1 – roads, the terms bridge, structure and water crossing are all used which is confusing. The term bridge should be used consistently in items 28, 29, 30, 32, 33 and 35.

Revise Appendix 1 – roads as follows:

28. Reconstruction of a **bridge** where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks.

29. Reconstruction or alteration of **a bridge** or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to

		<p>the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>30. Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use</p> <p>32. Reconstruction of a bridge where the reconstructed facility will not be for the same purpose, use, capacity or not at the same location. (Capacity refers to road capacity but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.) This includes ferry docks</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.</p> <p>35. Construction of new bridge. This includes ferry docks</p>
159	<p>3B MCEA – Table 2 Proposed Changes to Water/Wastewater Schedules W42</p> <p>43 states that “Add additional lagoon cells or install new or additional sewage storage tanks at an existing lagoon site that result in a minor (<50%) increase to existing rated capacity and where land acquisition is required” would be either Schedule A or B. Where existing rated capacity is exceeded by up to 50%, schedule shifts from Schedule C to A Where existing rated capacity is not exceeded, schedule remains Schedule B</p> <p>– This could be a typo but it is not clear why exceeding rated capacity is now proposed to be a Schedule A and exempt but not exceeding rated capacity is a Schedule B requiring a Class EA be completed.</p>	<p>Items related to lagoons are:</p> <p>40a Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including expanding lagoon capacity up to existing rated capacity, provided no land acquisition nor additional lagoon cells are required. Schedule A</p> <p>40b Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including a minor (<50%) expansion in rated capacity to the existing lagoons to increase capacity provided no land acquisition. Note – This schedule can only be used once for a 20 year planning period. Schedule A+ - Minor expansion, no property</p> <p>43 Add additional lagoon cells or install new or additional sewage storage tanks at an existing lagoon site that result in a minor (<50%) increase to</p>

		<p>existing rated capacity and where land acquisition is required. Note – This schedule can only be used once for a 20 year planning period.</p> <p>Schedule B Minor expansion but new property.</p> <p>48 Establish new lagoons or a major (>50%) expansion to existing lagoons or install new or additional sewage storage tanks which will result in a major (>50%) increase to existing rated capacity.</p> <p>Schedule C</p>
160	<p>York Region thanks the Province for continuing modernization efforts on the <i>Environmental Assessment Act</i> under Bill 197 and for consulting with stakeholders on the major update to the Municipal Class Environmental Assessment (EA) process. This letter and attachment outlines key comments and recommendations from York Region staff on the proposed process to help ensure a balance of environmental protection and timely delivery of critical infrastructure. The attachment contains specific recommendations on the proposed schedules and Municipal Engineers Association guidance.</p> <p>Due to the consultation timeframe, these recommendations will be communicated to Regional Council after submission. Should Council have any additional comments, staff will forward them to the Province for consideration.</p> <p>Region staff hopeful Environmental Assessment modernization approach will speed-up approvals and contribute to economic recovery</p> <p>York Region staff appreciate the Province taking action under Bill 197 to address challenges with the EA process. While staff are optimistic about the helpful changes, details of implementation to be set out in the regulation will determine whether this modernization initiative will result in meaningful improvements.</p> <p>York Region staff anticipate challenging times ahead given our current economic slowdown, resulting in similar economic challenges experienced in the Province in years past. From 2000-2008 York Region experienced high levels</p>	Background comments

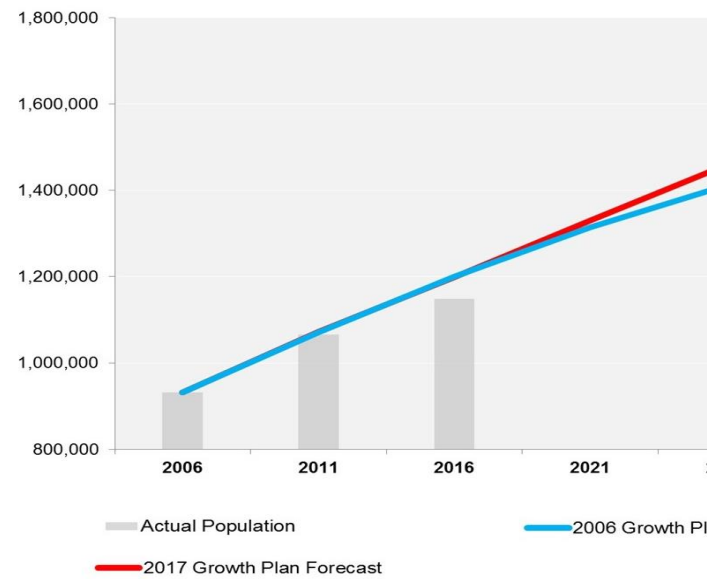
	<p>of growth and the Region invested heavily in infrastructure to accommodate this high growth rate. When growth slowed due to the 2008 recession, development charge forecasts were not realized and the Region took on significant debt. Rising costs to deliver capital projects and delays in receiving approvals under the EA process were key factors that drove debt to unsustainable levels. The current COVID pandemic has already resulted in an unprecedented economic shock surpassing the 2008 downturn. It will be critical that modernization of EA and Class EA processes result in substantive change that eases economic burden on municipalities so that forecasted targets under the Growth Plan can be achieved.</p>	
161	<p>Accelerated timelines are beneficial provided they can be consistently achieved</p> <p>Region staff strongly support accelerated timelines proposed for the EA process. The potential for large projects to be delivered in three years, instead of the current Ministry estimation of six years, represents a significant shift. York Region is now 11 years into the Upper York Sewage Solutions project, nearly double the time identified for a typical project based on Ministry estimates. With current timelines not being achieved, it is unclear at this stage how the Ministry will achieve the anticipated three-year timeline. It is recommended that the Ministry provide provisions under the regulation to help address appeal delays.</p>	Background comments
162	<p>Third-party oversight required to ensure accountability for achieving proposed timelines</p> <p>Achieving timelines is critical because delays in approval timelines impact York Region's ability to deliver planned growth capacity to support development. Protracted delays in receiving approval for the Upper York Sewage Solutions project is impacting York Region's ability to achieve growth targets under the Provincial Growth Plan and constraining growth capacity for 80,000 residents and up to another 70,000 for employment.</p>	Background comments

	<p>As an integral part of this modernization effort, it is critical that the Ministry be publicly accountable for achieving defined timelines. Shorter timelines will not address challenges with delayed approvals if the new timelines can be extended or not consistently achieved in all cases. Greater accountability is recommended for achieving timelines through oversight by a third-party, such as the Provincial Land and Development Facilitator (within Ministry of Municipal Affairs and Housing) or the Auditor General. This would help ensure that development can proceed in a timely manner to help restart Ontario's economy.</p>	
163	<p>Limiting Part II Order Requests has the potential to provide significant relief</p> <p>York Region staff applaud the Ministry for taking steps to address the Part II Order Request process. Where unsubstantiated concerns drive Part II Order Requests significant delays can result, such as the case of the Duffin Creek Outfall project. There were 75 Order Requests submitted on the Schedule C Class EA for the project alleging the Duffin Creek Plant was responsible for <i>Cladophora</i> algae along the waterfront abutting the Town of Ajax. This led to a Minister's Order to develop a Phosphorus Reduction Action Plan that was beyond the original purpose of the works proposed within the original Class EA. York and Durham Regions spent more than \$8 million responding to issues surrounding the EA related to issues with minimal environmental benefits, representing a very low cost/benefit for this work. To provide perspective, needed capital expenditures for the outfall upgrade project were projected to be less than \$5 million. The Minister's decision on the Part II Order requests was finally received six years after this outfall Class EA was completed.</p> <p>It is also important to note that as a government agency, municipalities have a greater focus on environmental impacts as compared to other proponents. Municipalities have a responsibility to their citizens to protect their environment and ensure that infrastructure is not</p>	Background comments

	<p>detrimental. Municipalities, including York Region, have demonstrated this commitment to environmental protection time and time again, with a proven record of addressing true environmental impacts while balancing this need with their financial responsibilities.</p>	
164	<p>Ministerial Orders to elevate a project should be audited to ensure accountability</p> <p>While limiting the Part II Order Request process helps reduce the potential for frivolous Part II Order Requests in the future, it does not prevent a Duffin Creek-type experience from occurring again as the Minister retains power to order a Class EA project to proceed through the full EA process. Although “bump-ups” may need to occur in some cases, these circumstances should be quite rare. Furthermore, the associated Ministerial order should articulate significant environmental concern that could occur within the scope of the proposed undertaking, not related to existing background conditions. It is strongly recommended that objective and auditable criteria be developed for when the Minister would be able to consider a bump up that is scoped to only significant environmental impacts. It is also recommended that all Minister’s Part II Orders be reviewed by the third-party auditor identified previously in this response to ensure the process is used as intended.</p>	Background comments
165	<p>Consider how to separate debates on growth from concerns about environmental protections for infrastructure</p> <p>There also needs to be a greater consideration of growth concerns and how they relate to environmental concerns. Growth is dealt with under the Growth Plan, Official Plan, and Master Plan processes. However, in many cases objections to the infrastructure needed to service this growth is re-debated as part of EA process. This locks municipalities in protracted debates under separate processes for the same issue, generally leading to adaptive engineering and delays in delivering infrastructure in a cost effective manner. Checks and balances are critical to avoid</p>	Background comments

	continued politicization of EA processes and use of the EA process to re-debate approved growth.	
166	<p>Develop streamlined EA regulation for growth-related infrastructure</p> <p>York Region staff strongly support proposed changes to the Class EA process and Schedules as this will provide some interim relief to challenges delivering infrastructure. Timely delivery of infrastructure is key to provide the vital servicing capacity required to support growth. To support better delivery of infrastructure in the future, it is recommended that the Province develop a regulation under the revised <i>Environmental Assessment Act</i> to streamline growth-related municipal infrastructure. York Region and many other GTA municipalities have aggressive targets imposed under the Provincial Growth Plan as demonstrated in Figure 1. To achieve 2041 growth forecasts, York Region alone needs to invest \$6.5B in infrastructure over the next 20 years to service this forecasted growth. This will need to be higher yet with the revised 2020 Growth Plan that has allocated the highest volume of growth in the entire Greater Golden Horseshoe to York Region. The Region cannot achieve these growth targets unless infrastructure like the Upper York Sewage Solutions project is approved and built in a timely manner.</p> <p>Simply put, municipalities cannot afford continued cost increases and delays that come with delivering infrastructure required to service the required level of growth. Accelerating delivery of municipal infrastructure also provides exponential economic benefits by providing jobs in development and service industries, along with increased housing stock that can help make housing more affordable.</p>	Supportive of amendment

Figure 1: York Region population forecast to 2041



167 **Increasing costs for infrastructure due to EA process and conditions is unsustainable**

York Region has experienced significant cost increases for both capital and ongoing operation of municipal infrastructure. Although there are a number of reasons for these cost increases, the EA process has been a significant factor. The EA process often leads to significant adaptive engineering, increasing the cost and complexity of a project. For example, project costs for the Upper York Sewage Solutions project has increased to \$640M, with the four-stage treatment and a phosphorus offsetting program. It will be one of the most advanced sewage treatment facilities in North America, yet an approval has not been received. Another example was the Duffin Creek outfall Class EA project where Durham and York Regions had to complete significant additional work under the EA process including a Phosphorus Reduction Action Plan that significantly

Background comments

	<p>increased the cost of the project. EA processes need to be managed to avoid driving up the cost of projects and creating implications for development charges and tax rates.</p> <p>In addition to increasing upfront capital costs, conditions are often included in approvals such as ongoing reporting that creates a perpetual cost burden for municipalities. If facilities demonstrate in the first few years of operation that they are operating effectively and not encountering issues, then ongoing reporting provides limited benefit. In many instances, there are other mechanisms to ensure infrastructure is built and operated within the rules e.g. Ministry inspections, Environmental Compliance Approval technical review process and enforcement of emissions and discharges, with Provincial ability to issue orders to comply if there are issues. For example, York Region's Southeast Collector Trunk Sewer project EA approval included a large number of conditions. These conditions include annual performance reports representing 45 days of staff time and \$50,000 in consulting fees annually. This reporting is providing little to no benefit ten years after the project was completed. Similar conditions were included in the Durham York Energy Centre EA approval, requiring annual diversion and other reporting that duplicated ECA approval conditions. It is recommended that perpetual, conditions or conditions that are already governed by other provincial regulations or enforcement mechanisms for capital projects be avoided under the new modernized process.</p>	
168	<p>Limit conditions of approval to the proponent only, with consideration given to how services are delivered in two-tier municipalities</p> <p>Given York Region's two tier municipal structure, conditions imposed on the Region through the EA process can have complex implications and require delivery by the local municipality under the <i>Municipal Act, 2001</i>. For example, the Nobleton Water Resource Recovery Facility EA required the local municipality to enforce a wastewater connection bylaw to eliminate septic systems. This was extremely challenging politically since the approval was not owned by</p>	Background comments

	<p>the local municipality, but rather the Region, who do not have powers to force a local municipality to act. It is critical that all conditions of approval be limited to the purview of the proponent and not include requirements for other actors. This is especially important in the case of two-tier service delivery. .</p>	
169	<p>New requirements for landfills cannot be extended to other projects</p> <p>Bill 197 introduced a requirement to obtain the support of host municipalities for landfills, which aligned with many municipalities who had requested this. However, this has the potential to create a dangerous precedent for other politically-sensitive infrastructure. It is strongly recommended that these requirements not be extended to other projects as this has the potential to undo many of the benefits provided through EA modernization.</p>	Background comments
170	<p>Region staff look forward to continued engagement on EA modernization</p> <p>Region staff thanks the Province for consulting with municipalities on the proposed changes to the Class EA process. Timely delivery of infrastructure is key to provide the servicing capacity required to support provincially directed growth. If you have questions regarding this response or would like to further discuss these recommendations, please contact Brent Marissen, Policy and Advocacy Senior Program Analyst, Environmental Services at Brent.Marissen@york.ca.</p>	Background comments
171	<p>This is the second part of a two-part submission. Specific comments have been split into four sections to correspond with the tables provided for the consultation:</p> <ol style="list-style-type: none"> 1. General comments 2. Amendment Table 1: Proposed Changes to Road Schedules 3. Amendment Table 2: Proposed Changes to Water/Wastewater Schedules 	Existing wording will be retained and further considered when developing the project list that will be incorporated into the new regulation that will replace the MCEA

	<p>4. Amendment Table 3: Proposed Changes to Municipal Class EA Manual (Parts A and D)</p> <p>5. Amendment Table 4: Proposed Changes to Transit Schedules</p> <p>Where comments have not been provided on proposed changes, Region staff support the proposed change.</p> <p>1. General comments</p> <p>Currently, proposed amendments to the Municipal Class EA program do not reference Bill 197. Since Bill 197 has received Royal Assent, it is recommended that further amendments be made to the Tables provided to reflect changes to the <i>Environmental Assessment Act</i>.</p> <p>Since projects categorized as Schedule A and A+ are exempt under the Act, the description of expectations set out in the Class EA document should be reviewed and revised to ensure they are clear. In some areas, the term consultation is used to describe the Schedule A+ process. For example, Section A.3.1 notes “Consultation is a two-way communications process between the proponent and affected or interested stakeholders that provides opportunities for information exchange and for those consulted to influence decision-making”. The use of the term consultation in reference to the Schedule A+ process may create unclear expectations for proponents and from members of the public. It is recommended that sections referring to Schedule A+ be reviewed and wording such as “providing notice of implementation” or “advising of implementation” used instead. It is anticipated that the number of projects falling under Schedule A+ will increase significantly as a result of these changes so it is important the descriptions within the schedule are clear.</p>	
172	<p>Amendment Table 1: Proposed Changes to Road Schedules</p> <p>R2 Stockpiling of de-icing materials</p> <p>It is recommended that 11 b) be amended to state “Initial stockpiling of de-icing material, where the de-icing material</p>	<p>Appendix 1 – Roads should be revised as follows:</p> <p>11b. Initial stockpiling of de-icing material, where the de-icing material will be stored in an outdoor facility.</p>

	will be stored in an outdoor facility” to maintain consistency and ensure there isn’t an ongoing EA burden for municipalities.	
173	R10 Construction of localized operational improvements It is recommended that the proposed amendment be revised to also include intersections in the definition of a localized operational improvement. Proposed wording is included below, revisions are in red. 17 a) Construction of localized operational improvements at specific locations including intersections and roundabouts	Appendix 1 – Roads should be revised as follows: 17 a) Construction of localized operational improvements at specific locations including intersections and roundabouts
174	R17 Construction or removal of sidewalks or multi-purpose paths or cycling facilities within existing or protected rights-of-way It is recommended that consistent descriptions be used between the two phrases “new construction” and “construction” It is also recommended that it be clearly stated whether reconstruction activities are included in R17 or R12.	Item 19 and 23a both address sidewalks within a road allowance but they are both Schedule A+. Construction includes new and reconstruction work Appendix 1 – Roads should be revised to delete text in red as follows: 23b New Construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way and/or utility/rail corridors
175	R18 Construction or removal of sidewalks or multi-purpose paths or cycling facilities outside of an existing right-of-way and R23 Construction of underpasses or overpasses for pedestrian, cycling, recreational or agricultural use It is recommended the Ministry consider removing cost thresholds between different projects under 23 b) and 30. R18 – Item 23 b) –“New construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way and/or utility/rail corridors, which uses project cost as a trigger between A and B. R23 – Item 30 “Construction of new or reconstruction or alteration of existing underpasses or overpasses or bridges for pedestrian, cycling, recreational or agricultural use” that is schedule A+.	Cost threshold only applies to item 23b. In earlier consultation, MECP felt that there should be a Schedule B process for major projects under item 23b.

	<p>In many areas of the Table, cost is noted not to be a meaningful trigger for environmental impacts, however it results in significant variation between projects for both these items.</p>	
176	<p>R19 Utility removal, modification, or relocation It is recommended that “for safety or aesthetic purposes” be removed from this item since the purpose of a utility removal, modification or relocation is not relevant to assessment of potential environmental impacts.</p>	<p>Appendix 1 – Roads should be revised to delete text in red as follows: 24. Utility removal, modification or relocation for safety or aesthetic purposes</p>
177	<p>R24 Road reconstruction or widening where paved areas will be for different purposes It is recommended that proposed wording be revised to recognize that property impacts in many cases have already been considered through approved Official Plans. The need to acquire lands and mitigation for this impact is further addressed through the <i>Expropriations Act</i> and should not be a determining factor.</p> <p>31. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will include additional lanes for vehicle travel but will remain at the same location. SHIFT ALL TO SCHEDULE B. Proposed revision is included below in red. Note – substantial alterations to road allowances, except as provided for in an approved municipal Official Plan or Secondary Plan, are Schedule C; see definition of same location under operation.</p>	<p>The relevant items in Appendix 1 are not presented together in the amendment table so I have copied them below:</p> <p><i>19. Reconstruction where the constructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities, continuous turn lanes or parking lanes – motor vehicle lanes may decrease but not increase). Schedule A+</i> No additional travel lanes; same location (<10% see CGN-A1-18)</p> <p><i>31. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will include additional lanes for vehicle travel but will remain at the same location, Note - substantial alterations to road allowances are Schedule C; see definition of same location under operation. Schedule B</i> Additional lanes; same location (<10% see CGN-A1-18) CGN - A1-18: Same location means there is not a substantial change in location. A substantial change could be considered a change of less than approximately 10%. For example a road allowance 20m wide and 1km long has an area of 20,000m² and a change less than 2,000m² would be <10%. Also, there should not be a requirement for new property – see CG-A1-15 (new property should trigger Schedule B). If property is acquired in advance of project then road does remain at some location – Schedule A+ see CGN-A1-15 CGN - A1-15: No EA process is required for property purchase. If the proponent acquires property to widen a road allowance through another process (negotiation with owner or planning</p>

policies for minimum width of road allowances) then the project within the altered road allowance is A+ provided there is no increase to continuous lanes of travel for traffic. If there is dispute about the property acquisition then a Schedule B process should be followed to support the acquisition (expropriation). But, if the property can be acquired without dispute then Schedule A+.

*34. Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act (see item 14a and 14b).
Schedule C*

New or additional lanes; substantial change to location

14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA]
Schedule A

14b. Construction or reconstruction of a **collector or arterial road** and any bridge on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where **the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:**

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or

		<p>c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.</p> <p>Schedule A</p> <p>To qualify for the Schedule A classification, roads must be specifically described in the Planning approval – see CGN-A1-10</p> <p>CGN - A1-10: Specific Condition of Approval means to be specifically described in the planning application. This means the location needs to be defined (for example by showing the road allowance property on a draft plan of subdivision) and the details of the road (cross section) or water/wastewater facility (conceptual design) considered during the Planning Act application by both the public and in the environmental inventory studies. For example, a road illustrated with a line on a Schedule to the Official Plan does not sufficiently define a new road to qualify for classification as a Schedule A project. Furthermore, the municipality must be satisfied that the proposed facility will provide the required function. The municipality must also ensure that there are sufficient controls in the Planning Act approval (specific clauses in the draft conditions) to ensure that the defined facility is constructed</p> <p>Based on these items, a project that requires more than 10% property could not be classified Schedule A or A+ unless the proponent has acquired the property or the project was included in a Planning Act approval.</p>
178	<p>R27 Construction of new roads or substantial alterations not approved through Planning Act</p> <p>It is recommended that the proposed amendment be revised to include consideration of a municipal official plan or secondary plan. Proposed revision is included below in red:</p> <p>34 Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act or in an approved municipal Official Plan or Secondary Plan (see items 14a and 14b)</p>	<p>The relevant items in Appendix 1 are not presented together in the amendment table so I have copied them below:</p> <p><i>19. Reconstruction where the constructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling lanes/facilities, continuous turn lanes or parking lanes – motor vehicle lanes may decrease but not increase).</i></p> <p><i>Schedule A+</i></p> <p>No additional travel lanes; same location (<10% see CGN-A1-18)</p> <p><i>31. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will include additional lanes for vehicle travel but will remain at the same location, Note -</i></p>

substantial alterations to road allowances are Schedule C; see definition of same location under operation.

Schedule B

Additional lanes; same location (<10% see CGN-A1-18)

CGN - A1-18: Same location means there is not a substantial change in location. A substantial change could be considered a change of less than approximately 10%. For example a road allowance 20m wide and 1km long has an area of 20,000m² and a change less than 2,000m² would be <10%. Also, there should not be a requirement for new property – see CG-A1-15 (new property should trigger Schedule B).

If property is acquired in advance of project then road does remain at same location – Schedule A+ see CGN-A1-15

CGN - A1-15: No EA process is required for property purchase. If the proponent acquires property to widen a road allowance through another process (negotiation with owner or planning policies for minimum width of road allowances) then the project within the altered road allowance is A+ provided there is no increase to continuous lanes of travel for traffic. If there is dispute about the property acquisition then a Schedule B process should be followed to support the acquisition (expropriation). But, if the property can be acquired without dispute then Schedule A+.

34. Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act (see item 14a and 14b).

Schedule C

New or additional lanes; substantial change to location

14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA]
Schedule A

14b. Construction or reconstruction of a **collector or arterial road** and any bridge on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where **the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:**

- a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or
- b) The project is located within an existing road allowance; or
- c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act.

Schedule A

To qualify for the Schedule A classification, roads must be specifically described in the Planning approval – see CGN-A1-10

CGN - A1-10: Specific Condition of Approval means to be specifically described in the planning application. This means the location needs to be defined (for example by showing the road allowance property on a draft plan of subdivision) and the details of the road (cross section) or water/wastewater facility (conceptual design) considered during the Planning Act application by both the public and in the environmental inventory studies. For example, a road illustrated with a line on a Schedule to the Official Plan does not sufficiently define a new road to qualify for classification as a Schedule A project. Furthermore, the municipality must be satisfied that the proposed facility will provide the required function. The municipality must also ensure that there are sufficient controls in the Planning Act approval (specific clauses in the draft conditions) to ensure that the defined facility is constructed

Based on these items, a project that requires more than 10% property could not be classified Schedule A or A+ unless the proponent has

		acquired the property or the project was included in a Planning Act approval.
179	W8, W13, and W15 Extend or enlarge water/wastewater systems including works It is recommended that “establish” remain in the definition for all three sections. There can be circumstances where a distribution system is ‘established’ and connected to an existing system that is owned by the other tier municipality. In these circumstances the system would not be seen as an “extension” or “enlargement”. As a result, removing the existing term “establish” could be problematic.	To address this issue the Companion Guide Notes will include the following: CGN – A1-26 Extending a water/wastewater system includes connecting into an existing municipal system (e.g. Regional System) and extending that system with local municipal infrastructure to service local development
180	W17 New holding It is recommended the definition be reworded to clarify that this requirement only applies to sewage and does not include greywater holding tanks. tank	Item clearly states “tank that is designed for the total retention of all sanitary sewage”
181	W20 LID features It is recommended that the proposed amendment state that this relates to stormwater activities.	Add the following definition to the glossary: Low impact development (LID) means a stormwater management strategy that seeks to mitigate the impacts of increased runoff and stormwater pollution by managing runoff as close to its source as possible.
182	W29 Replacement of water intake pipe for surface water source It is recommended that the amendment include replacement of an existing outfall for a water treatment facility.	Revise Appendix 1 – Water/Wastewater as follows: 30 Replacement of water intake pipe and outfall for a surface water source. Shift from Schedule B to Schedule A+
183	W30 Establish facilities for disposal of process wastewater Staff have noted that all of the Region’s groundwater facilities are in source protection vulnerable areas; there are likely similar cases in other municipalities, as well. As a result, if there is an existing sanitary sewer in front of the facility, the provision of a simple service line would require the project to be a Schedule B instead of a Schedule A+. Requiring service lines to be Schedule B seems beyond the intent of the source water protection provisions, it is recommended that all projects be considered A+. It is also recommended that consideration be given to the nature of the hauled material before determining whether it should be a Schedule B or A+. For example, dewatered backwash from oxidation and filtration treatment with	Revise Appendix 1 – Water/Wastewater as follows: 31 a) Install a sewer connection for disposal of process wastewater or Establish facilities for disposal of process wastewater (e.g. construct holding pond, dewatering and hauling operations to disposal sites) that does not require new property, is not a significant drinking water threat located in a source protection vulnerable area, and does not require a new outfall. Shift from Schedule B to Schedule A+

	adsorptive media for iron and manganese removal also likely wouldn't warrant a Schedule B EA from a risk perspective.	
184	W55 Water crossings It is recommended that replacement of water or wastewater infrastructure crossing a water course be considered Schedule A+ whether open cut or trenchless.	The amendment already includes: 57 Replacement of water or wastewater infrastructure crossing a water course Schedule A+
185	W58 Construct berms along a watercourse for purposes of flood control in areas subject to damage by flooding It is recommended that "construct" be amended to "installed" to ensure consistency throughout the table. If they are intended to be different actions, it is recommended that these actions be clearly defined.	Construct is the term used in items 60 – 72 that relate to Shoreline/In Water Works
186	W69 Installation or replacement of standby power equipment It is recommended that these definitions be expanded to include alteration/replacement to account for modifications made to existing standby generators for maintenance purposes	It is understood that alterations are included.
187	Amendment Table 3: Proposed Changes to Municipal Class EA Manual (Parts A and D) #2 – Executive summary Page 2 states that "While Schedule A and A+ projects are exempt from the EA Act, this does not relieve the municipality from acting as a responsible level of government and consulting with the local community" It is recommended this be revised to refer only to Schedule A+ projects, as Schedule A projects do not have any mandatory points of contact. Detailed comments on this are provided in Section 1 of this response. Currently Schedule B guidance states that during the screening process a proponent ensure "affected public and relevant review agencies are aware of the project and have their concerns addressed". It will not be possible to address all concerns during the Schedule B process, it is recommended that the word "addressed" be replaced with	Revise Executive Summary and section A.1.2.2 as below: <i>While Schedule A and A+ projects are exempt from the EA Act, this does not relieve the municipality from acting as a responsible level of government, consulting on Schedule A+ projects with the local community and obtaining any necessary approvals from relevant agencies</i> And to replace addressed with identified and considered . Schedule B These projects have the potential for some adverse environmental effects. The proponent is required to undertake a screening process (see Appendix 1), involving mandatory contact with directly affected public and relevant review agencies, to ensure that they are aware of the project and that their concerns are identified and considered . A Project File must be prepared and made available for review by any interested person or party.

	“identified and considered” to better reflect the reality of completing projects and avoid misunderstandings.	
188	#11 – A.1.4 Phase-in It is recommended that guidance be provided regarding what information from the <i>Freedom of Information and Privacy Act</i> is required	Sample notices in Appendix 6 include suggested text related to Freedom of Information and Privacy Act. Proponent should verify with their local Clerk/Legal staff.
189	#12 – A1.5.1 Monitoring of Municipal Class EA It is recommended that this section clarify whether Schedule A and A+ notices are to be sent to the Ministry as these are not typically “Notices of Commencement” but rather “Notices of Construction”.	The following Companion Guide Note is included in this section: <i>Notice must be submitted electronically to MECP for Schedule B and C projects</i>
190	#16 – A.1.7 MECP codes of practice and climate change While Region staff support consideration of climate change in the Class EA process, since this step is completed prior to the design phase there may insufficient information at this stage to discern between alternative solutions. It is recommended that alternative solutions be identified at this stage but that an assessment of climate change mitigation/adaptation be deferred until the design phase.	As outlined in this section, climate change should be considered at a general level while selecting the preferred alternative but the detailed measures should be determined during detailed design.
191	#17 – A.2.1.1 Level of complexity It is recommended that the Table provide examples of anticipated documentation where some aspects of Schedule C are considered for a Schedule B project to prevent confusion around what might be considered sufficient.	MEA will consider incorporating further explanation in training material.
192	#32 – A.3.5.1 Development of a Public Consultation Plan and Consultation Record It is recommended the listed recommendations on documentation for consultation with Indigenous communities also include direction from or discussion with the Province on consultation to help prevent delays on projects.	The Companion Guide Notes provides some guidance on Indigenous consultation. This will be updated as more/updated information becomes available.
193	#34 – A.3.5.3 Public Notices Under the contents section of mandatory minimum requirements, it states that the notice must include the “Schedule of the Class EA being followed (A+, B, C)”. It is recommended that Schedule A+ be removed as it is no longer being subject to the Act and having it referenced here with B and C may result in confusion. Suggested	Revise A.3.5.3 to delete text in red as follows: Contents: <ul style="list-style-type: none"> • date the notice was issued; • project name, description and purpose; • proponent name and contact information (address, phone, fax, email) where comments or questions should be directed to;

	content for an A+ notice can be included in the section describing A+ projects.	<ul style="list-style-type: none"> • name of the Class EA being followed (e.g. the MCEA); • schedule of the MCEA being followed (A+, B, C);
194	<p>#35 – A.3.8 Review of the Environmental Study Report/Project File Report</p> <p>Given lessons learned during the pandemic with most major community spaces closed, it is recommended that municipalities be permitted to post electronic copies only and allow requests to be made for a hard copy. Information on how to obtain a hard copy could be included in the public notice for a project.</p>	Use of electronic copies only is permitted/encouraged
195	<p>#38 – A.4.3 Revisions and Addenda to Environmental Study Report</p> <p>Proposed amendments to provide an example of how a phased project may be considered under the lapse of time provisions will be helpful. It is recommended that the Ministry clearly articulate a definition for 'commence construction' to provide surety for proponents.</p>	<p>The following text with examples and is included in the amended section A.4.3</p> <p>The project must commence construction within ten (10) years of the above date. Commence construction means to begin work in a meaningful way such as it is obvious to stakeholders that the project is proceeding. Sometimes the preferred solution determined by the EA process involves a project that is constructed in phases.</p> <p>Examples could include expanding the capacity of a treatment facility by first expanding one component of the treatment process first followed by a second phase to expand other components of the plant or expand the capacity of a road by expanding bridges and intersections followed by a second phase to expand the road sections between the intersections.</p> <p>In these examples, the EA should be clear that the solution to the one problem is a series of phased projects. As long as the proponent has begun construction on a part of the solution (one of the component projects) within the 10 year window, then proponent can proceed with implementing the solution by constructing the remaining component projects. To proceed, it is recommended that the proponent document how proceeding is effectively implementing the main solution as per the original ESR.</p>
196	<p>Amendment Table 4: Proposed Changes to Transit Schedules</p> <p>T9 Schedules of Municipal Transit Projects under the Class Environmental Assessment</p>	<p>The relevant items in Appendix 1 are not presented together in the amendment table so I have copied them below:</p> <p><i>19. Reconstruction where the constructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of</i></p>

It is recommended that proposed wording be revised to recognize that property impacts in many cases have already been considered through approved Official Plans. The need to acquire lands and mitigation for this impact is further addressed through the *Expropriations Act* and should not be a determining factor.

Proposed revisions have been included in red: Key considerations when screening potential effects are outlined in Appendix 3 and include requiring property **in excess of what is identified in an approved municipal Official Plan or Secondary Plan**, affecting watercourses, affecting fisheries, affecting significant natural heritage features (e.g. woodlots and wetlands), or having impacts which are considered significant to your community.

cycling lanes/facilities, continuous turn lanes or parking lanes – motor vehicle lanes may decrease but not increase).

Schedule A+

No additional travel lanes; same location (<10% see CGN-A1-18)

31. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will include additional lanes for vehicle travel but will remain at the same location, Note - substantial alterations to road allowances are Schedule C; see definition of same location under operation.

Schedule B

Additional lanes; same location (<10% see CGN-A1-18)

CGN - A1-18: Same location means there is not a substantial change in location. A substantial change could be considered a change of less than approximately 10%. For example a road allowance 20m wide and 1km long has an area of 20,000m² and a change less than 2,000m² would be <10%. Also, there should not be a requirement for new property – see CG-A1-15 (new property should trigger Schedule B).

If property is acquired in advance of project then road does remain at some location – Schedule A+ see CGN-A1-15

CGN - A1-15: No EA process is required for property purchase. If the proponent acquires property to widen a road allowance through another process (negotiation with owner or planning policies for minimum width of road allowances) then the project within the altered road allowance is A+ provided there is no increase to continuous lanes of travel for traffic. If there is dispute about the property acquisition then a Schedule B process should be followed to support the acquisition (expropriation). But, if the property can be acquired without dispute then Schedule A+.

34. Construction of new roads or substantial alteration of existing roads or other linear paved facilities (e.g. HOV lanes) that are not approved through the Planning Act (see item 14a and 14b).

Schedule C

New or additional lanes; substantial change to location

		<p>14a Construction of local roads and any bridges located on these local roads which are required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA] Schedule A</p> <p>14b. Construction or reconstruction of a collector or arterial road and any bridge on the collector or arterial road that is required as a specific condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road where the environmental impacts have been assessed and mitigation measures have been developed and will be implemented and alternative alignments have been considered through the preparation of the Planning Act application, if appropriate, and the final alignment for the collector or arterial road is specifically defined in the Planning Act approval; and one of the following applies:</p> <ul style="list-style-type: none"> a) The majority of the project is located within a single site plan, consent, plan of subdivision or plan of condominium; or b) The project is located within an existing road allowance; or c) The project will be located on a new alignment that has been finalized through a Transportation Master Plan and on a secondary plan approved under the Planning Act. <p>Schedule A</p> <p>To qualify for the Schedule A classification, roads must be specifically described in the Planning approval – see CGN-A1-10</p> <p>CGN - A1-10: Specific Condition of Approval means to be specifically described in the planning application. This means the location needs to be defined (for example by showing the road allowance property on a draft plan of subdivision) and the details of the road (cross section) or water/wastewater facility (conceptual design) considered during the Planning Act application by both the public and in the environmental inventory studies. For example, a road illustrated with a line on a Schedule to the Official Plan does not sufficiently define a new road to qualify for classification as a</p>
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		<p>Schedule A project. Furthermore, the municipality must be satisfied that the proposed facility will provide the required function. The municipality must also ensure that there are sufficient controls in the Planning Act approval (specific clauses in the draft conditions) to ensure that the defined facility is constructed</p> <p>Based on these items, a project that requires more than 10% property could not be classified Schedule A or A+ unless the proponent has acquired the property or the project was included in a Planning Act approval.</p>
197	<p>ERO 019-1712 Environmental assessment modernization: amendment proposals for Class Environmental Assessments</p> <p>The Ontario Society of Professional Engineers (OSPE) is the advocacy body and voice of the engineering profession. Ontario currently has over 85,000 professional engineers, 250,000 engineering graduates, 6,600 engineering post-graduate students and 37,000 engineering undergraduate students. OSPE is pleased to present the following submission concerning Environmental assessment modernization: amendment proposals for Class Environmental Assessments. OSPE has focused its comments in the following areas:</p> <p>Focus on Higher-Risk Projects OSPE supports the need to better align study requirements with environmental impact, while reducing duplication. This means focusing on obtaining Class EAs for high risk projects. Projects with a low potential for environmental impacts, or where the impacts are assessed through an environmental permit (e.g. ECA) or another planning process (under the Planning Act) having generally equivalent technical study and public consultation requirements, should be exempted from Class EA's.</p> <p>Streamlining the process and reducing duplication OSPE agrees with the need to ensure consistent requirements. OSPE agrees with the notion of granting the</p>	<p>Supports climate change amendment to MCEA Other comments relate to EA issues outside the MCEA amendment</p>

Minister authority to require a comprehensive (individual) EA or impose conditions on a streamlined project on his or her own initiative, within a time-limited period. Part II Order Requests OSPE agrees with the need to reduce the lengthy process regarding

Part II Order Decisions.

OSPE believes that the Minister should take action if there is a potential for a negative impact on a matter of provincial importance that relates to the natural environment, has cultural heritage value or interest, or regards a constitutionally protected Aboriginal or treaty right.

Require technical studies to be conducted, signed-off and peer-reviewed by licensed engineering practitioners only

Licensed engineering practitioners, such as professional engineers, are legally required to ensure public safety, as their highest priority, and are accountable for the advice they provide. Given the public safety aspects of EAs, OSPE recommends that only licensed engineering practitioners, and especially professional engineers, be allowed to conduct certain aspects of EAs (e.g., air and noise emissions). Such a requirement would also initiate practice guides to be developed within professional bodies, and perhaps also stipulations of more specialized requirements (e.g., MSc, or higher) to ensure that EAs in Ontario are rigorous; in the long run this would save the proponent and the province both time and money.

Balance timeline reduction with strong environmental oversight

OSPE notes that the proposal to exempt certain projects from the requirements of the Environmental Assessment Act, subject to certain conditions to be set out in a future regulation, has the potential to diminish the environmental protections that would otherwise be in place. When crafting those conditions, OSPE urges the Ontario Government to recognize the pace of change and to give careful consideration to ensuring that current environmental

	<p>policies, new conditions in the study area, new engineering standards and new alternatives or mitigation measures are taken into account.</p> <p>Explicitly consider sustainability and climate change mitigation OSPE is pleased to see climate change mitigation addressed in the proposed changes to the Municipal Class EA Manual. OSPE encourages the Ontario Government to explicitly embed consideration of climate change mitigation and to emphasize sustainability as a key factor in decision-making as it moves forward with Class EA updates and related aspects of environmental assessment reform.</p> <p>Ensure Proper Indigenous Consultation Proper Indigenous Consultation is a duty of the Ontario Government and should therefore always be a priority. This means that the government should allocate enough time and funding to ensure that Indigenous peoples are properly consulted. This will reduce delays and save money to the taxpayer in the long run.</p>	
198	See attached	Letter provides comments on general EA reform and generally supports the proposed amendment to Class EAs.
199	<p>3A. Municipal Class EA Amendment <u>Table 1 Proposed Changes to Road Schedules</u> R1/Appendix 1 2. Shaping and cleaning existing roadside ditches Regarding the term “roadside ditches,” some urban drainage features may be watercourses under the <i>Conservation Authorities Act</i> section 28 regulation. Please qualify “shaping and cleaning of existing roadside ditches” to clarify that ditches should be screened by a CA to determine if they are watercourses or fall within a regulated area and subject to a permitting process under the CA Act.</p>	No amendment proposed to existing. Manual is clear that proponents must always comply with other legislation
200	<p>R7/Appendix 1 14b. Construction of a collector or arterial road[...] • TRCA staff prefer that collector or arterial</p>	Planning Act process establishes alignment. CAs are consulted during the planning process and can ensure sizing for water crossings are appropriate during the permitting process.

	<p>roadway works remain Schedule B or C, as significant information related to natural heritage can come from public consultation. Further, collector and arterial roadways can have numerous impacts on the public interest such as natural heritage and hazard lands that need appropriate consideration and input.</p> <ul style="list-style-type: none"> • TRCA staff question the rationale for a sidewalk or multi-purpose path to be classified as Schedule B (see R18/Appendix 1 Amendment to 23b.), but not a collector or arterial roadway. • It is also important to maintain roadways as Schedules B or C given that crossing structures sized under the <i>Planning Act</i> are not required to undergo a justification for the sizing chosen, considering hazards, habitat or socio-economic impacts. However, these are important elements for long-term consideration of infrastructure sizing that are not currently adequately covered under the <i>Planning Act</i>. <p>TRCA staff appreciate the coordination of <i>Planning Act</i> and EA Act processes to reduce duplication, but are concerned that road projects under the purview and the <i>Planning Act</i> will not benefit from the EA Act alternative alignment process or sizing for bridges and culverts in Schedules B and C. Even the higher stages of the planning process such as Master Planning and Secondary Plans tend not to address these elements of review. As a new road can present major environmental impacts, the avoidance and mitigation examined through the EA process still need to be captured in the streamlined process. Rules need to be clearly defined at the outset for a comprehensive review that protects the environment as well as the infrastructure and help prepare for the impacts of a changing climate.</p>	
201	<p>R17 and R18/Appendix 1 23a. and 23b</p> <p>TRCA staff welcome the amendment to lower thresholds for current Schedule B and C projects involving pathways to Schedules A+ and B, as the Schedule C process for trails</p>	Supportive of amendment

	refining conceptual alignments is appropriate for road projects but is unduly onerous for pedestrian trails.	
202	<p>R30/Appendix 1 38. Any undertaking listed [...] TRCA staff request that this measure also require consultation with CAs and obtaining necessary permits through expedited processes (i.e., the TRCA emergency infrastructure works permit process). Emergencies are not exempt from CA Act regulations, but they are addressed in an expedited fashion that reflects the degree of urgency (failure, critical, urgent) developed in conjunction with the City of Toronto and other municipal partners.</p>	Manual is clear that proponents must always comply with other legislation.
203	<p>R33/Appendix 1 Schedules – Overlap Between EA Approvals TRCA staff support the effort for coordination given overlap between schedules and support the direction to use the more rigorous schedules when more than one could apply. We request a note be added to this section that stipulates how to address projects that are also under the purview of the <i>Planning Act</i>. Further to the above, in the case of public infrastructure projects proceeding through a <i>Planning Act</i> process, and where an EA process applies, TRCA recommends that the municipalities who will assume the infrastructure be a co- proponent to engage with review agencies and the public to ensure transparency, complete public consultation requirements, and awareness on the part of the municipality as to the end product for their assumption and maintenance.</p>	Manual is clear that proponents must always comply with other legislation. Municipalities can choose to be proponent, co-proponent or allow a developer to act as proponent and participate in the process.
204	<p>R33/Appendix 1 Schedules – Background Studies Regarding the statement that background studies are exempt from the Class EA process, often these studies are required to make effective planning and technical decisions. There should be a stipulation that background studies, although exempt, remain as part of the public review process.</p>	Proponents can determine how background information is presented
205	<p>General N/A</p>	LID features have been included into the MCEA. The MCEA is not a tool for forcing the implementation of a preferred policy.

	<p>TRCA staff recommend provisions for including Low Impact Development (LID)/green infrastructure be added to the Municipal Class EA. All new and expanded roads should have a treatment train stormwater management scheme that integrates with the existing SWM plan for surrounding planned development and include retrofits where necessary for older established development. This scheme should include LID and green infrastructure as a requirement in their designs. For expanding infrastructure, both the existing portion of pavement as well as the new should require SWM controls.</p>	
206	<p>3B. Municipal Class EA Amendment Table 2 Proposed Changes to Water/Wastewater Schedules W58 to W68/Appendix 1 (Multiple) Please see comments above for same sections in Road Schedules</p>	See above
207	<p>W72/Appendix 1 76 Construction of the following infrastructure [...] TRCA staff appreciate this amendment, however, recommend that it should be expanded to include green infrastructure (i.e. provisions to address urban biodiversity as well as water management).</p>	Green infrastructure would not be a standalone project – it would be associated with stormwater, wastewater or water infrastructure
208	<p>W75 Overlap Between EA Approvals Please see comments above for same section in Roads Schedules</p>	See above
209	<p>W75 Background Studies Please see comments above for same section in Roads Schedules</p>	See above
210	<p>W75 As this section references dams and weirs, it is especially important to identify CA regulations.</p>	Manual is clear that proponents must always comply with other legislation
211	<p>3C. Municipal Class EA Amendment Table 3 Proposed Changes to Municipal Class EA Manual 2. Executive Summary Description of the Class of Undertakings Regarding the Schedule A/A+ stipulation for consulting with the local community, please revise to be clear that</p>	<p>Revise Executive Summary and section A.1.2.2 as below:</p> <p><i>While Schedule A and A+ projects are exempt from the EA Act, this does not relieve the municipality from acting as a responsible level of government, consulting on Schedule A+ projects with the local community and obtaining any necessary approvals from relevant agencies</i></p>

	this includes circulation to review agencies including CAs, where works are proposed in a CA regulated area.	
212	<p>4. Glossary of Terms Subject to Planning Act Requirements This definition should be revised to ensure it captures all relevant planning requirements. Suggest “the project must conform to all municipal planning policies, by-laws and standards” including buffer, SWM, etc.</p>	Official Plans are policy documents. The zoning bylaw is the compliance tool that implements the Official Plan and enforces Planning Act requirements.
213	<p>4. Glossary of Terms N/A In the definition of “proponent” or “proponency,” requirements should be provided that when a developer enters into arrangements with a municipality to design and build infrastructure, the municipality retains oversight and approval of the EA and detailed design process, mitigates conflicts, etc. with review agencies. This should also be defined in #10, A.1.3 Proponency</p>	In some situations a private proponent may be constructing infrastructure that will remain privately owned and operated and the municipality wants to have limited involvement in the process. Municipalities will determine their role in the EA process dependent upon the circumstance.
214	<p>10. A.1.3 Proponency Same comments as above for municipal oversight of private proponents</p>	See above
215	<p>12. A.1.5.1 Monitoring of Municipal Class EA This record of filing should be publicly available. Proponents should use the same naming convention for all applications and public notices to avoid confusion.</p>	MECP has set the requirements for filing. MECP is working towards a central data base for all EA filings
216	<p>16. A.1.7 MECP Codes of Practice and Climate Change TRCA staff appreciate the entirety of this section. Clarity as to the importance of climate change, the implementation of the Ministry’s companion guide for Climate Change in the EA process, and alignment with climate change policies in the Provincial Policy statement are all vitally important for integration of EA and Planning Act processes; in this regard the infrastructure policies in A Place to Grow: Growth Plan for the Greater Golden Horseshoe could be referenced here as well. Further, given the direct link of CA work to the provincial direction for “preparing for the impacts of changing climate”, specific reference to CAs should be added, as well as natural hazards</p>	The Companion Guide Notes expands the guidance on climate change within the Manual. MEA will consider further expanding this guidance in training material where it can be readily updated.

	<p>management. In advance of explicit guidance, which should be informed by the upcoming Provincial Climate Change Impact Assessment, it may be beneficial to include specific examples within the documentation related to adapting infrastructure for climate change. Examples could include additional freeboard for infrastructure projects proposed along shorelines to adapt to wider-ranging lake levels, additional freeboard along riverine flood protection projects to account for uncertainty in future peak flows, stream stabilization, erosion control, and conveyance sizing analysis upstream and downstream of planned structures to address increased flows in extreme weather events for roadways and riverine systems.</p>	
217	<p>18. A.2.7 Master Plans TRCA staff appreciate the additions to this section describing the process and approaches in more detail. A flow chart of the different approaches and the stages in each may be a helpful tool in illustrating the steps and their order. This further direction could include timing of stages and roles of review agencies. Such direction should ensure that establishing an approach and a Technical Advisory Committee are required early in the process to enhance certainty for all stakeholders. At the Master Plan level, as in the higher levels of the Planning Process (e.g., Official Plan, Secondary Plan, Master Environmental Servicing Plan) there should be incorporation of the watershed plan and or subwatershed plan (depending on the extent of the study area) as an overarching guidance document. In this section, for example, where the new text states, “This involves analysis on a regional or systems scale, which enables the proponent to identify needs and establish broader infrastructure alternatives and solutions. The inventory of the natural, social and economic environments which are to be considered when assessing the alternative solutions may also be broader/more general” would be appropriately informed by watershed or sub-watershed scale planning, especially from the natural environmental perspective. Incorporation of watershed planning for</p>	<p>MEA will consider further expanding guidance on Master Plans in training material where it can be readily updated.</p>

	<p>defining a problem (first phase of Master Planning, section A.2.2 Identification and Description of the Problem or Opportunity) would also align with the proposed amendments to section A.1.7 on MECP Codes of Practice and Climate Change.</p>	
218	<p>21. A.2.9.1 - A.2.9.4 TRCA staff appreciate the additional text describing the integration of the <i>Planning Act</i> and Class EA Act processes. TRCA recommends that a requirement be added for a lead project manager to be established to coordinate the review to ensure the requirements of both processes are fulfilled in a comprehensive and efficient manner. In TRCA's experience, having a single point of contact/coordination avoids duplication and is helpful for addressing conflicts in competing interests among stakeholders (e.g., regional municipal and local municipality, provincial ministries and agencies).</p> <ul style="list-style-type: none"> • This section could also reference other infrastructure (telecommunications, etc.) required for city planning. • Regarding co-proponency in which a developer may be completing infrastructure as part of the latter EA phases, TRCA staff recommend the municipality have final sign off on the EA work, such that Council approval is sought for the proposed works prior to submission of the EA documentation to MECP. • We appreciate that the integration of LPAT appeal/Part II Order is outlined but this may prove to be difficult. For example, when the projects are integrated with the Transit Class EA, or the Hydro Transmission Class EA, there are additional levels added to the decision-making hierarchy that would be difficult to unravel and adjudicate. There may also need to be changes to different Acts and extensive new procedures prepared to enable this approach. TRCA suggests in these cases that a working partnership be developed that would oversee development of a specific project area and work with proponents on all requirements. Perhaps the Office of the Provincial Development 	<p>MEA will consider further expanding guidance on Integration with the Planning Act in training material where it can be readily updated</p>

	<p>Facilitator (OPDF) could be assigned such work and/or involved in extreme cases where a Provincial Interest is present. Another approach might be to suggest facilitation through someone appointed by the local and or Regional Council with involvement by agencies on city- building initiatives. We recommend additional consideration and consultation potentially with the OPDF, the Ministry of Municipal Affairs and Housing, and other agencies prior to finalizing this approach.</p> <p>Regarding A.2.9.4 Documentation, the final sentence in the proposed amendment states that, “This may result in a slightly longer single document versus two separate documents that contain mostly duplicative information in both.” In TRCA’s experience, at times there is insufficient documentation at one stage, and so there are gaps in information at subsequent stages. As such, an additional amendment should require addendum documentation for missing technical information where needed.</p>	
219	<p>23. A.2.10 Relationship of Projects Within the Class EA to Other Legislation</p> <p>The list of federal, provincial and municipal governments’ policies and guidelines added to this section was previously listed in Section D.3.3.3, Policy and Guidelines, and had included “Conservation Authority Policies and Regulations.” Section D.3.3. now refers to the new list in A.2.10. Although A.2.10 states that the list is not exhaustive and that it is the proponent’s responsibility to secure all approval and permitting requirements, the new list no longer references conservation authorities. In TRCA’s case, we are routinely a part of the review process given that linear infrastructure often crosses TRCA regulated areas and CA owned properties within valleys. Therefore, CA regulations should be included in the list.</p>	<p>Section A.2.10 identifies legislation not organizations. Section A.3.6 identifies Conservation Authorities and agencies to be contacted as appropriate.</p>
220	<p>25. A.2.10.6 The Clean Water Act</p> <p>Within the section on “Projects that create new or amended vulnerable areas,” please amend the following text to more accurately reflect the required actions for project proponents and Source Protection terminology as</p>	<p>Wording in amendment was proposed by MECP</p>

	<p>follows (new text in bold):</p> <ul style="list-style-type: none"> o “To fully understand the impact of establishing a new or expanded drinking water systems, it is recommended that the technical work required by the CWA to update the vulnerable areas and potential drinking water threats be undertaken concurrently with the Municipal Class EA process.” <p>“For further information on source protection requirements, the proponent should contact source protection staff at the local Source Protection Authority or Source Protection Region.”</p>	
221	<p>31. A.3.1 General Consultation TRCA requests that this section include CAs as a stakeholder; for instance, where “review agencies” are mentioned, CAs could be referenced as an example.</p>	Section A.3.6 identifies Conservation Authorities and agencies to be contacted as appropriate.
222	<p>39. D.1 and D.1.1 TRCA staff appreciate the provision of clarification as to pronency, as there has been confusion in the past if a project proponent is Metrolinx or the municipality, especially with regard to transit hubs. We also appreciate clarification of Schedule 1 – other projects exempt – and that mixed-use facilities (i.e. car/rail facilities) cannot use the Transit Project Assessment Process (TPAP); and that TPAP is for heavy rail (subways) and the MCEA is for other transit types.</p>	Supportive
223	<p>41. D.3 Glossary of Terms The “ancillary features” definition for landscaping should also include LID, green infrastructure, and other green design/sustainable design elements.</p>	It is understood that landscaping includes LID features, green infrastructure and other green design/sustainable design elements.
224	<p>42. D.1.4 and D.1.52. Natural Heritage Features - Where the additions in this section reference municipal policies for environmental protection, please add that a local conservation authority may also have policies or guidelines for natural heritage compensation or restoration where impacts to natural features cannot be avoided or mitigated. Please add a section on natural hazards since this is also a key consideration in generating and</p>	<p>The existing text of <i>“Within this natural environment framework, significant natural heritage features may be identified at the local, regional, provincial or federal level reflecting municipal, Conservation Authority, provincial or federal designations/policies. Key elements such as valleylands, fish habitat, evaluated wetlands (including Provincially Significant Wetlands), significant portions of the habitat of threatened and endangered species, Areas of Natural and Scientific Interest (ANSI), and Environmentally Sensitive Areas (ESAs) will constitute significant natural heritage features. Woodlands and wildlife habitat may also constitute significant features if certain criteria are met. Natural heritage features should be identified</i></p>

	<p>evaluating alternative transit improvement solutions.</p> <p>3. Social Environment and 4. Economic Environment - Metrolinx, municipalities and other infrastructure providers, with which TRCA works in its roles as technical advisor and regulator, have established specialized terminology for types of community benefits. For instance, the terms “community benefits” and “public realm benefits” are commonly used together, with the following definitions:</p> <ul style="list-style-type: none"> • Community benefits: Project based benefits that provide measurable economic benefits to the local community. • Public realm benefits: Provision of support for local opportunities for social and environmental improvements. <p>In the context of public infrastructure projects, social improvements associated with public realm benefits may include provision of services to conservation areas (such as extending a water main into a conservation area), trails, interpretive signage and others. Environmental improvements might be ecological restoration and wildlife crossings for road and rail infrastructure. Use of these terms should be considered for the MCEA.</p>	<p><i>early in the EA process to determine significant features and potential impacts. Significant natural heritage features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts.”</i> is sufficiently broad and it clear that the local Conservation Authority is a key stakeholder. When contacted for a specific project, the CA can project specific input and highlight natural hazards and compensation policies as appropriate.</p> <p>The Companion Guide Notes includes:</p> <p>CGN – D.1.5.3 Evaluation of alternatives may considered factors such as the following in the evaluation matrix; Community benefits – Project based benefits that provide measurable economic benefits to the local community Public realm benefits – Provision of support for local opportunities for social and environmental improvements</p>
225	<p>General</p> <p>With regard to consultation requirements, TRCA recommends that CAs be consulted as early in the EA process as is practicable, including prior to the Request for Proposal stage to ensure appropriate study requirements are outlined at the outset and that appropriate consultant expertise is hired. This will help expedite the review process by a considerable amount of time, especially with complex projects.</p>	<p>Section A.3.6 identifies Conservation Authorities and agencies to be contacted as appropriate</p>
226	<p><u><i>Municipal Engineers Association Class EA</i></u></p> <p>At this time the review of the proposed amendments to the MEA Class EA by SPPB has focussed only on the protection of sources of drinking water and the ability for projects within the Class EA to require the development of</p>	<p>Supportive of amendment</p>

new designated vulnerable areas that can impact existing land owners. It is noted that there are significant changes to the document that may be of interest, such as the master planning process and integration with the *Planning Act*, however SPPB has not had the opportunity to comprehensively review this major amendment in full detail.

Given that in 2015, the MEA Class EA was amended to incorporate a section on the *Clean Water Act* (section A.2.10.6) and that this section remains included in the proposed amended Class EA, SPPB is largely satisfied that proponents should be aware of their responsibility to identify and address the potential for impacts of projects on sources of drinking water and of their responsibility to identify that where projects could result in new vulnerable areas that they must consult with any affected landowners. Although SPPB is still often made aware of projects where proponents do NOT meet their obligations under the Class EA with regard to source protection, this is more of an education and/or compliance issue that would need to be resolved through other processes. Comments provided on this amendment proposal in October of 2019 suggested that a chapter be developed and included in the *Companion Guide* that discusses in more detail the expectations for documentation of source protection considerations in a project file or ESR or, specific edits made to Part C of the manual that would help embed source protection considerations in project work.

We are pleased to see that our recommendation to classify W53 as an A+ project was implemented. This will help to ensure that if new/amended vulnerable areas do extend onto private lands that the landowners affected would be notified and have an opportunity to comment. It is important to note here, that where there are other projects that are now being shifted to either a schedule A or A+ (i.e. exempted from the EAA that were formerly subject) that there could be projects that occur in designated vulnerable areas that would be subject to significant drinking water threat policies. Policies could prohibit projects or require

	<p>specific risk management measures and proponents should continue to evaluate this potential during project planning by reviewing relevant mapping and source protection policies.</p>	
227	<p>Thank you for the opportunity to comment on the proposed major amendment to the Class Environmental Assessment (EA) for Municipal Infrastructure Projects.</p> <p>The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) has an interest in this proposal under its mandate to develop policies and programs for the conservation of Ontario's cultural heritage, and in stimulating tourism growth and investment, sport and recreational activities and facilities in Ontario.</p> <p>Summary of Proposal</p> <p>The Ministry of the Environment, Conservation and Parks (MECP) is working with holders of Class EAs to propose sensible, practical changes that would ensure environmental protection while eliminating duplication and reducing delays on projects that matter most to Ontario communities. To support the government's modernization initiative, the Municipal Engineers Association (MEA) has proposed amendments to its Municipal Class EA. The proposed amendment would align assessment requirements with environmental impact, reduce duplication, and increase efficiency of the assessments.</p> <p>The proposed amendments include:</p> <ul style="list-style-type: none"> • changing the project schedules for some projects to better align study requirements with the potential environmental impact of the project and reduce duplication, including: <ul style="list-style-type: none"> o exempting 28 project types that are considered to be low impact (e.g. modifications to traffic signals), where there is duplication with other processes, or other project types would be needed in cases of emergency o upgrading or downgrading assessment requirements for projects (e.g. shifting project schedules from B to C, or from C to B) o removing cost thresholds for road projects 	<p>Supportive of broad goal of EA reform</p> <p>MHSTCI's concerns about the PIRO process are outside the scope of the amendment to the MCEA</p>

- clarifying and modernizing current process requirements (e.g. removing the requirement to publish project notices in newspapers)
- updating the requirements for transit projects to be more consistent with Ontario Regulation 231/08: Transit Projects and Metrolinx Undertaking under the Act and proposing additional exemptions. If the proposed amendments are approved, the amended Class EA would replace the existing 2015 version.

Comments and Recommendations:

MHSTCI supports the broad goals of MECP's proposal to ensure the protection of the environment while streamlining processes.

In considering these proposed changes, it will be important for MECP to bear in mind the importance that Culture and Tourism sector representatives and stakeholders attach to seeing their concerns addressed within the process of municipal infrastructure projects.

MHSTCI's principal interests relate to the potential impacts to: (1) tourism industries and stakeholders and (2) the cultural heritage component of the environment.

The tourism industry plays an important role in building a stronger economy and creating jobs. It is a key social and economic driver in communities and areas across the province. Tourism supports regional and local economic development across the province through businesses and communities. Many projects that would be planned under this Class EA would support or impact existing and planned tourism businesses. MHSTCI anticipates that the tourism industry may have concerns about changes related to the elimination of the public (Part II Order/ Bump-Up) objection process and therefore, consultation with tourism businesses that hold economic interests adjacent to planned projects should be maintained.

	<p>The conservation of cultural heritage resources (which includes their identification, protection and wise management) is a matter of provincial interest as reflected in provincial legislation such as the Planning Act and the Environmental Assessment Act, among others. The Ontario Heritage Act provides the basis for the conservation of cultural heritage resources. It prohibits unlicensed disturbance of known archaeological sites; regulates the practice of archaeological work; provides municipalities with mechanisms to recognize and protect privately- and municipally-owned properties of cultural heritage value or interest; and establishes criteria for evaluating cultural heritage value or interest.</p> <p>With respect to the Municipal Class EA process, MHSTCI expects proponents to:</p> <ul style="list-style-type: none"> • screen the proposed undertaking for potential cultural heritage impacts, using MHSTCI's screening checklists; • have an archaeologist licensed under the Ontario Heritage Act carry out an archaeological assessment, and/or have a qualified person carry out a Cultural Heritage Report for built heritage resources and cultural heritage landscapes, according to the results of the screening; • engage with and undertake timely, meaningful consultation with mandatory review agencies that have a role in cultural heritage conservation and with heritage stakeholders, and • include, in the EA documentation, records of these technical studies, and mitigation commitments based on the recommendations received from review agencies and heritage stakeholders. 	
228	<p>Given the above, the Heritage, Tourism and Culture Division has the following observations and recommendations:</p> <p>Cultural Heritage</p> <ul style="list-style-type: none"> • MHSTCI has consistently recommended to MEA that it develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage resources when undertaking municipal infrastructure projects. Doing so will support the corporate goal to simplify and streamline environmental assessment, 	<p>MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage resources when undertaking municipal infrastructure projects</p>

	decrease the likelihood of issues arising, and lower risks to municipalities and to cultural heritage resources.	
229	<ul style="list-style-type: none"> MHSTCI is very concerned about the use of the term “retirement” in this and all Class EA documents. Exemptions provided in the Ontario Regulation 334 apply to “undertakings” and the exemption is as applicable to operations as it is to removal from service of buildings and structures. “Retirement” should not be used for cultural heritage resources or as a means to avoid appropriate due diligence when addressing adverse impacts to cultural heritage resources. 	Municipalities need to maintain the fiscal flexibility to retire infrastructure that is no longer required.
230	Ground-disturbing activities have the potential to impact archaeological resources. Unless the location of the proposed activity has already been found not to contain archaeological potential, any activity should be preceded by archaeological assessment. An important part of the environmental assessment process is that it triggers archaeological assessment where appropriate. MHSTCI is also concerned that the proposed amendment includes EA exemptions for certain undertakings on municipal property, whether these undertakings are likely to result in intensive and extensive ground disturbance. We have noted specific examples in the detailed comments below	MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage resources when undertaking municipal infrastructure projects
231	We note that the proposed amendments assign to MHSTCI a new (approval) role which is not consistent with other Class EA processes and associated documents. If MHSTCI is to be assigned this role, more analysis and discussions with MECP and MEA needs to take place. The ministry is prepared to explore this avenue as it may benefit municipalities by supporting greater consistency and clarity to fulfilment of due diligence related to heritage by municipal proponents.	<p>The wording below proposed in the amendment is creating confusion:</p> <p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>It was never intended to assign MHSTCI a new approval role. Proponents are to follow the new checklist (which has been approved by MHSTCI) and the checklist determines the appropriate Schedule for the project.</p> <p>Revise Appendix 1 – Roads as follows:</p> <p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge</p>

		<p>Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule.</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule.</p> <p>Schedule A+ or C</p>
232	<p>Recently MHSTCI has been engaged with MEA on the updating the Municipal Heritage Bridge Checklist. We recognize that the proposed amendment includes revisions to the schedules of bridge projects that have been discussed through the checklist update process. Please note our comments below that pertain to bridge projects and where the MEA assigns a new role to MHSTCI, as noted above. We also recommend that the draft checklist, as a key supporting document under this EA process, be made available for public review, particularly as it is a tool employed to inform proponent decision-making about the appropriate project schedule.</p>	<p>Checklist has been presented in a well-attended webinar</p>
233	<p>MHSTCI will welcome the opportunity to continue to collaborate with MEA to develop guidelines, checklists and other best practice tools, such as the draft heritage bridge checklist, to support municipal proponents and their consultants in fulfilling due diligence related to cultural heritage as well as clarification around our ministry's role.</p>	<p>MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage resources when undertaking municipal infrastructure projects</p>
234	<p>Given the above, MHSTCI recommends that:</p> <ul style="list-style-type: none"> o edits be made to the Class EA document: <ul style="list-style-type: none"> ▪ see table attached with more detailed comments and recommendations on the changes proposed by the MEA; ▪ additional changes be made based on discussions between MHSTCI, MECP and MEA related to the MHSTCI's role; o a condition of approval be included that MEA work with MHSTCI to develop best practice guidance on the identification, evaluation and conservation of cultural heritage resources to the satisfaction of both organizations and within a mutually agreeable timeframe. MHSTCI 	<p>MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage resources when undertaking municipal infrastructure projects. MEA will also be participating in MECP's process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI's priorities during MECP's process. Timing for further EA reform will be controlled by MECP so conditions/time deadlines are not appropriate.</p>

	respectfully suggests that the timeframe be no later than one year following the approval of the amendments to this Class EA.	
235	<p>Closing Comments</p> <p>Thank you for the opportunity to comment. We would be pleased to discuss any of our comments further and/or provide additional information. We are committed to working with MECP and MEA to bringing important public services and infrastructure to Ontario municipalities while also protecting the environment, including cultural heritage resources, as well as addressing community impacts and the interests of the tourism industry. We look forward to working with you in reviewing the proposed regulation and developing an approach to address cultural heritage resources. If you have any questions or would like to discuss our comments, please contact Laurie Brownlee, Coordinator, Tourism Policy Unit at 705-564-3175 or laurie.brownlee@ontario.ca or Karla Barboza, (A) Team Lead, Heritage Planning Unit at 416-314-7120 or karla.barboza@ontario.ca</p>	No response required
236	<p>Table 1: Proposed Changes to Road Schedules</p> <p>R4: The rationale notes that “the value of the project does not relate to the environmental risk and should not be used as a criterion for the classification of the project.” To apply this principle consistently, the same criteria (e.g. location within/adjacent to an Environmentally Sensitive Area) should apply to the classification of parking lot projects whether their cost is above or below \$9.5 million.</p> <p>Further, not all environmental assessment factors are captured by the proposed single criterion. Archaeological resources in particular have the potential to be destroyed or made inaccessible by parking lot development, and the absence of an Environmentally Sensitive Area does not reduce the potential for archaeological resources to be present. As such, we recommend that the criterion be revised to read “...located within or adjacent to an environmentally sensitive area or lands with archaeological potential”. Archaeological potential can be determined through MHSTCI’s Criteria for Evaluating Archaeological</p>	Proposed wording has been used for many years without reported problems. MEA will be participating in MECP’s process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI’s concerns/priorities during MECP’s process.

	Potential checklist, and can be removed through completion of an archaeological assessment that concludes with a recommendation of no further work. In many cases, archaeological assessment will be completed as part of Planning Act requirements.	
237	R15: Proposed amendments are meant to clarify that the retirement of bridges is included in this schedule. 22a Retirement of existing roads and road related facilities including bridges. Note – A retired bridge with cultural heritage value is not to be removed without clearance from the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) – use screening checklist developed with the MHSTCI (emphasis added). See comments above related to the term “retirement” and MHSTCI’s role. Further edits will be required	Proposed wording below is confusing: 22a. Retirement of existing roads and road related facilities including bridges Note – A retired bridge with cultural heritage value is not to be removed without clearance from Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) – use screening checklist developed with the MHSTCI and posted on the MEA website Revise Appendix 1 – Roads as follows: 22a. Retirement of existing roads and road related facilities including bridges. If a bridge is to be removed, apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine if project schedule should be Schedule A+ or C
238	R22: Minor clarification has been included to ensure the project includes plans to protect any heritage aspects of the bridge, to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries. 29 Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MHSTCI) and posted on the MEA website. (emphasis added). See comments above related to MHSTCI’s role. Further edits will be required.	29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website. It was never intended to assign MHSTCI a new approval role. Proponents are to follow the new checklist (which has been approved by MHSTCI) and the checklist determines the appropriate Schedule for the project. Revise Appendix 1 – Roads as follows: 29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule. 33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and

		<p>Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule. Schedule A+ or C</p>
239	<p>R26: The wording “but the heritage features will not be protected” is not clear enough, by itself, to be used in the schedule definitions; it should either be revised or supported by a definition elsewhere in the document. Delete this phrase and replace with “but the heritage attributes will not be conserved.” The revised wording or definition should specify that an exemption from this category applies where the project follows the recommendations of a Heritage Impact Assessment of the structure prepared by a qualified person, and reviewed and endorsed/accepted by mandatory review agencies that have a role in cultural heritage conservation and MHSTCI.</p> <p>33 Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value but the heritage features will not be protected. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries and posted on the MEA website.</p> <p>See comments above related to MHSTCI’s role and comments on R26 above. Further edits will be required.</p>	<p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old which, after appropriate evaluation, is found not to have cultural heritage value or, where there is cultural heritage value, the cultural heritage features are protected or replicated to the satisfaction of MHSTCI. Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website.</p> <p>It was never intended to assign MHSTCI a new approval role. Proponents are to follow the new checklist (which has been approved by MHSTCI) and the checklist determines the appropriate Schedule for the project.</p> <p>Revise Appendix 1 – Roads as follows:</p> <p>29. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule.</p> <p>33. Reconstruction or alteration of a bridge or the grading adjacent to it when the structure is over 40 years old. Apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine project schedule. Schedule A+ or C</p>
240	<p>Table 2: Proposed Changes to Water/Wastewater Schedules</p> <p>W5: Where a new building or structure is required within an existing utility corridor or road allowance, its construction has the potential to disturb archaeological resources, and shifting such projects from Schedule B to Schedule A+ removes the EA trigger for archaeological assessment. Pumping station projects involving a new building or structure should remain within Schedule B unless archaeological potential has been screened out or an archaeological assessment has been completed.</p>	<p>The MCEA process is not intended to be an enforcement tool for other legislation. MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage and archaeological resources when undertaking municipal infrastructure projects. MEA will also be participating in MECP’s process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI’s priorities during MECP’s process.</p>

	W7: See comment on W5 above.	
	W14: See comment on W5 above	
241	W30: Construction of a holding pond on existing municipal property could disturb archaeological resources if the footprint has archaeological potential. As with our comment on W5 above, provision should be made for addressing or screening out archaeological potential before holding pond construction can be exempt from Schedule B.	The MCEA process is not intended to be an enforcement tool for other legislation. MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage and archaeological resources when undertaking municipal infrastructure projects. MEA will also be participating in MECP's process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI's priorities during MECP's process
242	W42: It is unclear why (per the blue text in the Proposed Amendment field) a project would be subject to a higher degree of EA requirements (Schedule B) if existing rated capacity is not exceeded than if it is exceeded by up to 50% (Schedule A). See comment on W30 above with respect to construction of lagoon cells or storage tanks on lands with archaeological potential.	The MCEA process is not intended to be an enforcement tool for other legislation. MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage and archaeological resources when undertaking municipal infrastructure projects. MEA will also be participating in MECP's process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI's priorities during MECP's process
243	W53: Installation of new wells at an existing municipal well site would have similar potential impacts on cultural heritage resources as the establishment of a new municipal well site – namely, potential disturbance of archaeological resources. Installation of new wells should either be categorized together with establishment of a new municipal well site, or, as with the comments above, provision should be made for archaeological screening or assessment before the exemption can apply to the installation of new wells.	The MCEA process is not intended to be an enforcement tool for other legislation. MEA is available to assist MHSTCI if they wish to develop best practice guidance and management tools to support municipalities in the conservation of cultural heritage and archaeological resources when undertaking municipal infrastructure projects. MEA will also be participating in MECP's process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI's priorities during MECP's process
244	Table 3: Proposed Changes to Municipal Class EA Manual 14: Item (f) says "If the heritage aspects of a bridge are addressed, reconstruction with the same vehicle capacity is Schedule A+". It would read better if it said "If the heritage attributes of a bridge are conserved..." However, reconstruction is not conservation. And bridges are rarely reconstructed to replicate the original. This needs more thought.	This is just a generalized statement. The details are in the project descriptions and the Municipal Bridge Checklist.
245	42: The first sentence under Section 4, Cultural Environment, should be revised to "Cultural Environment refers to cultural heritage and archaeological resources in	The proposed amendment is intended to target selected priorities to streamline the MCEA process. It is not intended to re-write the entire document and address all appropriate updates. MEA will be participating

	<p>the environment”, since archaeological resources are part of the definition of cultural heritage resources. Further, the definitions of built heritage resources and cultural heritage landscape are the definitions used in an outdated version of the Provincial Policy Statement, and should be replaced with the definitions used in the current (2020) versions of the Provincial Policy Statement. The last paragraph under Section 4 should be deleted and replaced.</p> <p>DELETE: Significant cultural heritage and archaeological resources features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts, in accordance with provincial and municipal policies and procedures.</p> <p>ADD: Significant cultural heritage resources must be conserved. Where significant cultural heritage resources cannot be avoided, adverse impacts are to be mitigated in accordance with provincial and municipal policies, procedures, best practices and guidelines</p>	<p>in MECP’s process to develop a new regulation that will replace the MCEA. There may be an opportunity to address MHSTCI’s priorities during MECP’s process</p>
246	<p>45: In the heading “Cultural Environment (Cultural Heritage and Archaeological Resources in the Environment)”, the words “and Archaeological” can be removed, since cultural heritage resources includes archaeological resources and the bullets below ensure that this is understood. Additional comment: The current definition of “retirement” in the Glossary of Terms is “the taking out of operation, abandonment, removal, demolition or disposal of a road, sewage, stormwater management or water facility for which approval under the EA Act would have been necessary for its establishment...”. Equivalent definitions in other Class EAs have created a problem whereby demolition of infrastructure is interpreted as being exempt from EA requirements, particularly if the infrastructure itself predates the EA Act, in spite of the fact that such infrastructure (e.g. bridges, dams) may be of cultural heritage value or interest, and its removal would constitute significant cultural heritage impacts (and, potentially, other environmental impacts) that should be assessed through EA. MHSTCI is very concerned</p>	<p>Retirement of infrastructure has been and continues to be Schedule A+ exempt so there is no need to clarify the definition. Bridges have been captured as below.</p> <p>Revise Appendix 1 – Roads as follows: 22a. Retirement of existing roads and road related facilities including bridges. If a bridge is to be removed, apply the Municipal Bridge Checklist developed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and posted on the MEA website to determine if project schedule should be Schedule A+ or C</p>

	<p>about this definition. To the best of our knowledge, all built heritage resources have been constructed before the establishment of the EAA. This definition needs a limitation to prevent the loss or alteration of any cultural heritage resource through a retirement activity. We recommend that the definition of “retirement” be revised so as not to exclude the removal of infrastructure for reasons of its construction having taken place at a time when EA requirements did not exist</p>	
247	<p>Table 4: Proposed Changes to Transit Schedules T7: It is likely not appropriate for something as significant as the construction of new maintenance facilities to have a blanket exemption from the EA process, even where sensitive land uses and resources exist, simply by virtue of being subject to Planning Act approvals. With respect to cultural heritage resources, municipal requirements for approvals under the Planning Act are not sufficiently consistent as to guarantee the level of assessment and mitigation that would be expected in an environmental assessment process. For example, municipal consideration of built heritage resources and cultural heritage landscapes in the Planning Act process tends to be limited to properties that have been listed or designated by Council, often in response to development pressure or public interest, rather than systematically evaluating potential resources on and adjacent to the subject property. Some municipalities also lack clear direction in their Official Plans to require archaeological assessment as part of planning applications. Environmental assessment requirements are meant to provide a more uniform province-wide standard of assessment for similar projects.</p>	<p>Planning Act approvals are sufficient for other municipal and private maintenance facilities.</p>
248	<p>Refer to Municipal Class Environmental Assessment Manual Part A - Class EA Planning Process A.3 CONSULTATION A.3.6 REVIEW AGENCIES</p> <p>DELETE: Ministry of Culture DELETE: Ministry of Tourism</p>	<p>MHSTCI’s name has already been updated</p> <p>Revise A.3.6 as follows:</p> <p>DELETE: Canadian Heritage - Parks Canada ADD: Environment and Climate Change Canada – Parks Canada Agency</p> <p>DELETE: local architectural conservation advisory committee ADD: municipal heritage committee</p>

	<p>ADD: Ministry of Heritage, Sport, Tourism, and Culture Industries</p> <p>DELETE: Canadian Heritage - Parks Canada ADD: Environment and Climate Change Canada – Parks Canada Agency</p> <p>DELETE: local architectural conservation advisory committee ADD: municipal heritage committee</p> <p>RATIONALE: The Class EA includes this disclaimer “It should be noted that agency names were applicable as of the time of this document. Any subsequent change in agency name will not change the need to contact agencies that have an area of interest that will be affected by a project.” However, the references to the above listed review agencies are so out of date, proponents may not know the appropriate successor agency. This issue is particularly egregious in the case of the reference to “local architectural conservation advisory committee.” This committee name arises from the Ontario Heritage Act, which was changed almost twenty (20) years ago to “municipal heritage committee.”</p>	
249	<p>Re: Huron-Wendat "Modernization" re Ontario's Environmental Assessment) Minister Yurek, Kwe,</p> <p>I write in response to your Environmental Assessment Act July 8, 2020 regarding amendments to the) and several related Regulations. First, thank you for engaging the Huron-Wendat Nation on this matter. We have a strong interest in ensuring the protection of our logical and burial sites in Ontario and have serious concerns with the amendments outlined in the "EA Modernization Supporting Document" attached to your email and the documents found on the ERO website.</p> <p>Background As an ancient people, traditionally, the Huron-Wendat, a great Iroquoian civilization of farmers and fishermen-hunter-</p>	<p>Most comments are outside the scope of the amendment to the MCEA.</p> <p>The MCEA process is not intended to be an enforcement tool for other legislation/requirements. However, MEA recognizes and respects the importance of identifying and protecting Indigenous burial sites regardless of the project's schedule classification (A, A+, B or C) in the MCEA.</p> <p>To address this issue the Companion Guide Notes will include the following:</p> <p>CGN – A.3.7 Regardless of a project schedule (A, A+, B, or C), proponents need to recognize and respect the importance of identifying and protecting Indigenous burial sites. To assist proponents with determining their responsibilities, if the proposed project will involve excavating previously undisturbed soil, proponents should use the checklist below to assess the archaeological potential.</p>

gatherers, traveled widely across a territory stretching from the Gaspé Peninsula in the Gulf of Saint Lawrence and up along the Saint Lawrence Valley on both sides of the Saint Lawrence River all the way to the Great Lakes. More precisely, the ancestral territory of the HWN on what we call today Ontario is called Wendake South. Historically, these lands were occupied by more than 100,000 members of the HWN, and the imprints of these lives and our Nation's culture, traditions and heritage are present across this territory. To date, over 800 archeological sites associated with the HWN have been documented in Wendake South, and the number of sites still grows every year.

The HWN has a sacred obligation to ensure the respect and protection of our archeological and burial sites in Ontario. This obligation is especially strong in relation to protecting our ancestors' burial sites, which are deeply sacred to us, as we believe that the spirits of our ancestors continue to reside with their bones.

Our Nation's Council adopted a Resolution on June 15, 2015 describing the rights of the HWN in Ontario and the HWN's sacred obligation to protect its archaeological and burial sites in Ontario (the "Resolution"). The Resolution states that all necessary measures must be taken to ensure the respect and protection of Huron-Wendat cultural and archaeological sites. As Grand Chief, it is my duty to ensure the respect of our Nation resolution.

HWN Rights

The HWN is a signatory to a treaty with the Crown concluded in 1760 which recognizes and protects, inter alia, the HWN's cultural and spiritual practices. This treaty has been recognized by the Supreme Court of Canada (see R. v Sioui, U9901 ISCR 1025).

The HWN also has inherent rights protected by section 35 of the Constitution Act, 1982. These rights include, but are not limited to, the right to the integrity of the Nation's archaeological and burial sites.

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0487E~2/\\$File/TXT_0478E.htm](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0487E~2/$File/TXT_0478E.htm)

The importance to my Nation of its right to the integrity of our archaeological and burial sites cannot be overstated, nor can the importance to the HWN of asserting and protecting that right.

Amendments to Environmental Assessment Act and Changes to Regulations

As stated above, the HWN has serious concerns with the amendments to the EAA that have already been made (both those already in force and those that will come into force on a date to be proclaimed), as well as with the proposed changes to Regulations associated with the EAA.

The EAA has been a tool that the HWN relied on to ensure that its right to the integrity of its archaeological and burial sites was honoured and respected in Ontario. As you are aware, "environment" is defined in the EAA to include cultural heritage, meaning that proponents have (subject to exemptions) been required to consider potential impacts on archaeological and burial sites and to take actions to prevent, mitigate, accommodate or remedy these potential impacts.

The amendments made to the EAA will significantly limit the legislation's scope and application by transitioning from a system in which the EAA presumptively applied to Ontario's and municipalities' activities to a system in which the EAA will only apply to designated projects. In addition, Ontario is proposing to:

- significantly expand exemptions to the EAA;
- reduce environmental assessments (EA) requirements for many projects;
- establish screening processes to assess whether an EA is required and to have proponents themselves complete the screening process.

All these changes are worrisome to the HWN. Limiting the application of the EAA means limiting the triggers for consultation and accommodation of the HWN's inherent

	<p>Aboriginal and Treaty rights and limiting the scrutiny and oversight of projects in Wendake South. Considering this, you will understand that we do not support these changes.</p> <p>We are also concerned by the fact that the amended EAA creates a regulatory framework in which significant discretion is placed in the hands of the Minister and Cabinet. For example, significant portions of the regulatory framework will be contained in Regulations, which of course are not subject to debate in the Legislature. Moreover, though many significant changes to the EAA will be affected by Regulation, we have very little information about what those Regulations will contain and how they could be applied. For example, for the Class EAs, we do not know what the EA process will look like. That process is to be set by Regulation.</p> <p>We are aware that many First Nations in Ontario share our concerns with the amended EAA and proposed Regulations. We trust that in light of the concerns being shared with your Ministry, you will engage with the HWN and other affected First Nations to address our concerns prior to any further changes to the EAA being proclaimed in force or passed by way of Regulation.</p>	
250		