Municipal
Engineers
Association

# MUNICIPAL CLASS EA PROCESS
# ANNUAL MONITORING REPORT

**October 2022**

**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.

| | |
|---|---|
| Introduction to the MCEA Process | Oct 20-22/20 |
| Introduction to the MCEA Process | June 1-3/21 |

The following Webinars will be offered as soon as the amendment to the MCEA is approve

| | |
|---|---|
| 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 |

## 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 | | | | | | | | | |
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| | | | | | | | | | |
| | | | | | | | | | |
| **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 |
|---|---|---|---|---|
| • **Use** of Municipal Class EA process | • use of Municipal Class EA process as represented by number of projects reported to MECP including:<br>• Schedule 'B' projects<br>• Schedule 'C' projects<br>• Master Plans<br>• projects which followed the Integrated Approach | Numerical summary of:<br>• no. of Schedule 'B' and 'C' projects for which copy of Notice of Completion provided to MECP-EAAB<br>• no. of Master Plans<br>• No. of projects which followed Integrated Approach<br>• designation requests | • MEA to summarize Notices of Completion sent to MECP-EAAB (see Table 1 for sample matrix) | |
| • **Compliance** of municipal proponents for Municipal Class EA, or MEA on their behalf, with:<br>• Conditions of Approval for parent Class EA document | • fulfilment of Conditions of Approval for parent Class EA document | • describe how fulfilled | • 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. | |
| • **Compliance with:**<br>• Class EA process requirements | • general assessment of representative projects as to whether they are in compliance with the approved process | • compare number of Part II Orders granted because of process issue to number of projects reported to MECP | • review Minister's rationale for Part II Orders being denied or granted and identify if process-related<br>• 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 |
|---|---|---|---|---|
| • **Effectiveness** of Municipal Class EA process in meeting requirements of: | | | | |
| i) EA Act | • Continued ability of Municipal Class EA process to meet statutory requirements of EA Act. | • identify any changes to EA Act including regulations and determine implications to Municipal Class EA | | |
| ii) Class EA Program objectives | • continued ability of Municipal Class EA process to meet generic/ broad Class EA program objectives:<br>• assessment of environmental effects<br>• consultation<br>• documentation of decision-making | • summary of Minister's rationale for granting Part II Orders<br>• information received at annual MEA meeting<br>• discussions with MEA Monitoring Committee and MECP-EAAB<br>• 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 |
|---|---|---|---|---|
| | • streamlined approvals | • no. of projects which would otherwise be individual EAs | • summary of Notices of Completion sent to MECP<br>• questionnaire responses from proponent municipalities | |
| | • self-assessment | • qualitative assessment of Part II Order review process | • questionnaire responses | • identify potential changes, enhancements, trends to be considered |
| | • effectiveness of Integrated Approach (see Section A.2.9 of Municipal Class EA document) | • qualitative review of memos sent to MECP-EAAB and information received<br>• qualitative review of questionnaire responses<br>• qualitative review of related Ontario Municipal Board (OMB) decisions | • memos sent to MECP-EAAB<br>• discussions with MEA, MECP and MMAH<br>• questionnaire responses<br>• feedback from MMAH re: OMB decisions regarding municipal infrastructure. | |

# TABLE 3 - 12 MONTH CALENDAR

| Date | MEA | MECP | MMAH |
|---|---|---|---|
| January 1 | • send questionnaires to proponent municipalities, government review agencies and other key stakeholders requesting information by March 1 | • co-ordinate MECP Regions' response to questionnaire | • co-ordinate MMAH's response to questionnaire and collection of information pertaining to the Integrated Approach |
| February 1 | • Feb 1 to May 1 - MEA summarizes information received from MECP re: Notices of Completion and Part II Order requests | • 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<br>• provide summary of projects which received Part II order requests and Minister response letters | • provide information about Integrated Approach to MEA |
| March 1 | • Receive questionnaires from proponent municipalities, agencies and other key stakeholders<br>• Review/interpret questionnaire responses | | |
| April 1 | • arrange annual meeting of Monitoring Committee to be held by June 30)<br>• complete draft Annual Monitoring Report | | |
| May 1 | • circulate draft Annual Monitoring Report to MEA Monitoring Committee and MECP/MMAH | • review draft Annual Monitoring Report | • review draft Annual Monitoring Report |
| June 1 | • hold annual meeting by June 30 | • attend meeting and provide comments | • attend meeting and provide comments |
| July 1 | • July 1 to Sept 1 - revise report | | |
| August 1 | | | |
| September 1 | | | |
| October 1 | • submit report to Director of MECP-EAAB for approval by October 4 | | |
| November 1 | | | |
| December 1 | | | |

# PART 3. RECENT ACTIVITIES

## 3.1 EA 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 RIIORs** 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 PIIOR.

The More Homes More Choice Act implemented these changes in June 2019

**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 PIIOR 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.

In July 2020, the government adopted the COVID-19 Economic Recovery Act. This Act amended the EA Act to change the Part II Order Request process and set up the authority for the introduction of regulations that would replace the Class EAs.

### 3.1.1 Amendment to the MCEA.

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. The chronology of the amendment process to date is shown below:

- June 2019: MECP invites Class EA holders to submit amendments.
- September 2019: MEA submits proposed MCEA amendments for review.
- Winter 2019-20: MEA works with MECP to address staff comments related to the MCEA amendments.
- July 2020: MECP posts MCEA amendments for comment.
- September 2020: MECP extends comment period.
- October 2020: MEA provides responses to the extensive comments received.
- Winter/Spring 2021: MECP undertakes Indigenous consultation.
- Some 260 comments on the amendment were submitted. MEA has reviewed these comments and provided a response to each comment. Many of the comments received were supportive and some of the comments recommended revision/improvements as detailed in the responses. These revisions/improvements were incorporated into the MCEA

Manual and the proposed new Manual was provided to MECP so they could format to ensure AODA compliance and approve.

- June 2021: MECP announces that, to address Indigenous concerns, a requirement to use a checklist will be included in the amendment for certain projects. MEA advises MECP it supports the announced solution to address Indigenous concerns.
- In January 2022, MECP revealed that they intended to make over 1,200 'administrative' changes to Part A of the MEA's MCEA manual. This was contrary to what was discussed in May of 2021 and these changes did not contribute anything to the 2019 goals. However, in the spirit of cooperation, the MEA did not object to these changes. The MEA requested MECP staff focus their efforts on the critical portions of the amendment (i.e., the tables in Appendix 1) and provide this section to MEA for review.
- MEA was advised by MECP staff in February 2022 that there was a planned announcement from the Minister's office to approve the amendment in March of 2022. MEA was pleased to hear this news and was looking forward to concluding the amendment work.
- In early March 2022, MECP staff advised of additional changes to our amendment which include modifications to sections that were never originally contemplated. One example is section A.2.9 Integration with the Planning Act. MEA did not propose amendments to this section, there was no consultation on this section, and yet MECP staff included this amendment, which MEA does not support.
- During the week of March 8, 2022, just days before an expected announcement from the Minister on the amendment, MECP revealed even more changes that were made to our amendment that do not align with the 2019 goals. Examples include

1. Approval of Arterial/Collector Roads by Planning Act MECP's version of the amendment replaces our clause 14b with a screening process. While MEA has no concerns with the use of a screening process, the amendment, as written by MECP, does not include arterial roads, does not include bridges associated with the roads and would require proponents to basically complete further studies through the MCEA process for these facilities. This revision does not align with MECP's goals and will not fully satisfy the needs of the development industry.
2. Transition/Phase-In Provisions In 2019, MEA worked with MECP staff to develop an acceptable transition section that described how projects that were currently underway could take advantage of the efficiencies included in the amendment. However, under the new transition section, projects included in a Master Plan will not be eligible to take advantage of the efficiencies included in the amendment. There is little value of an amendment that shifts certain projects to become exempt but, if the project is identified in the municipality's Master Plan, the project cannot be shifted. It is critical that this issue be resolved before the amendment to the MCEA is finalized.
3. Expansions to Wastewater/Water Treatment Facilities In our May 2021 submitted amendment, the MEA had crafted these sections to specifically align with the 2019 goal #2, to eliminate duplication with other processes. This would allow municipalities to expand treatment facilities without undergoing a Schedule C EA process. MECP has advised that they have deleted the sections of our amendment that deal with minor expansions to these facilities and explained that there may be an opportunity to reduce Class EA requirements, but that more consultation is required. MEA does not understand why the MECP waited until the week of March 7, 2022, to advise more consultation was required. MEA cannot support this missed opportunity to eliminate duplication and achieve significant efficiencies.

- Further complicating all this, MEA was limited to piecemeal exposure of MECP's proposed changes to our amendment during the winter of 2022. Our team only received a full, final version of the proposed amendment, as written by MECP on March 15, 2022. This late notice lacked appropriate time for MEA to review and comment on the significant changes the MECP made to our amendment and MEA to advise the Minister that "This amendment has been modified significantly by MECP staff at this extremely late stage in the process; to the point where the MEA cannot support many of the sections, without further adjustment."
- Beginning in late March, MEA had several productive collaborative discussions with MECP staff, which resulted in us agreeing to a 2-phase approach for the approval of the proposed amendment. The first phase included critical changes to the proposed MCEA amendment including transition provisions, the application of the new archaeological screening process and project cost limit values. With these changes, MEA supported this first phase of the amendment to the MCEA process for prompt approval. Additional work would be required to further address the amendment and implement meaningful change to the MCEA process and MECP staff had confirmed with MEA their willingness to continue collaborating with us to address a second phase of the MCEA amendment. We expected this second phase of the amendment to be prepared over the summer of 2022 and that it would address exemptions for minor expansions at treatment plants, arterial roads, and associated bridges and for private water systems for rural apartments. There was also potential for the consideration of other appropriate improvements.
- On April 22nd MEA understood we had reached an agreement on the content for the 1st phase of an amendment to the MCEA and we anticipated an announcement by MECP the next week. However, there was no announcement and no communication from MECP until September 2022.
- On September 9, 2022, MECP advised that the Ministry continues to consider the proposed amendments but no decision has been made at this time. MECP also asked MEA to provide any examples of projects that are planned that could immediately benefit. MEA provided a list of example projects to MECP on September 15, 2022.

MEA is currently waiting for MECP to engage in further discussions to resolve outstanding issues with the amendment and then approve the amendment to the MCEA.

### 3.1.2 New Regulation to Replace the MCEA

MECP hosted information sessions related to their proposed new regulation that will replace the MCEA on April 20th & 27, 2021 and asked for feedback by May 28, 2021.

MEA submitted feedback and intends to remain actively involved in the process to develop a new regulation to replace the MCEA but hopes this work is deferred until after the amendment to the MCEA is approved. MECP advises that more information will be provided in the coming months.

### 3.1.3 Digitizing EA Processes

Earlier MECP announced their goal to create a centralized digital location for applicants and the ministry to provide interested persons with information about environmental assessments is proposed. Proponents are now required to file all Notices of Commencement and Notices of Completion electronically with MCEA. In the past year proponents reported Notices of Completion as summarized above.

No further digitizing efforts have progressed.

## 3.2 Section 16 Orders (Replaces Part II Order Request Process)

In July 2020, the government adopted the COVID-19 Economic Recovery Act that amended the EA Act to change the Part II Order Request process. Previously there had been significant delays waiting for a Minister's decision on Part II Order Requests. The legislative amendment changed to process such that only issues related to constitutionally protected Aboriginal and treaty rights will be considered by MECP. Requests on other grounds will not be considered by MECP and instead are to be considered by the proponent. MECP provided standardized text that is to be inserted into A.2.8 of the MCEA. MECP also provided standardized text that is to be included in all Notices of Completion

Significant features of the new system established by the COVID-19 Economic Recovery Act are;

- Concerns at the conclusion of the MCEA process (unless the concerns relate to Aboriginal or treaty rights) are forward to the Proponent (not MECP) for resolution/decision. Proponents need to have a process to consider any concerns.
- MECP has discontinued the use of their form for submitting concerns related to an MCEA project. MEA has developed a recommended replacement form for proponents to distribute (see Attachment 4)
- Proponents need to be aware that MECP may act and issue the Proponent a Notice or an Order during a second 30 period (immediately following the 30 period in the Notice of Completion. The complex process which may follow is described in a presentation (see Attachment 5). If MECP does not act within this second 30 day period and there are no concerns related to Aboriginal or treaty rights the Proponent's project is approved and my proceed to implementation.

  This new process has now been in place for almost two full years. In past years it was common for the Minister to issue 20 – 35 decisions related to PIIORs annually. It is important to note that, during this first two years, proponents have reported the following projects to MECP;

| Project Type | | Number of Projects 2021 | Number of Projects 2022 | Number of Notices or Orders |
|---|---|---|---|---|
| Roads | Schedule A+ | 8 | 6 | None |
| | Schedule B | 36 | 33 | None |
| | Schedule C | 61 | 25 | None |
| | Master Plan | 18 | 9 | None |
| Water/Wastewater | Schedule A+ | 2 | 2 | None |
| | Schedule B | 50 | 60 | None |
| | Schedule C | 6 | 18 | None |
| | Master Plan | 26 | 26 | None |
| Total | | 177 | 179 | None |

Of the 179 projects that were included in the 2022 report;

| |
|---|
| 1 project commenced in 2016 |
| 0 projects commenced in 2017 |
| 3 projects commenced in 2018 |
| 13 projects commenced in 2019 |
| 21 projects commenced in 2020 |
| 75 projects commenced in 2021 |
| 67 projects commenced in 2022 |

And 55 projects were completed in the first half of 2022.

It is important to note that MECP did not issue any Notices or Orders for any of these 179 projects in 2022. However, MECP did process two Section 16 requests (both related to the same Master Plan process) and both requests were denied.

It is also worth noting;

That 10 of the projects were Transportation Master Plan and potentially multiple projects could be classified as Schedule A if Master Plan addresses certain aspects and project is associated with Planning Act application
That 18 of the projects are bridges and there is potential that the projects could be classified as Schedule A+ by following the new checklist.
That 39 projects could potentially be classified as Schedule A+ if it meets certain requirements

This clearly demonstrates the importance and urgency for approval of the complete (phase 1 and 2) amendment to the MCEA.

Also of interest, it appears that a number (27) projects may not have been properly classified or not reported properly. Some projects that qualified to be classified as Schedule A+ were elevated by the proponent and classified as Schedule B or C. However, MECP advises that, since these projects are now exempt from the Act, a proponent cannot simply decide to elevate the project. That would require the proponent overruling the exempt status of the project. Also, some of the projects reported were dealt with transmission lines, beaches and other recreation facilities, mobility, and climate change – all of which are outside the traditional roads, water/wastewater, transit project types.

Education/training should be provided so that projects are properly classified and reported.

## 3.3 Companion Guide and Clarification.

MEA continue to develop new Companion Guide sections and Clarifications when issues arise. This information will be incorporated into the new MCEA Manual when it is printed.

### 3.3.1 Climate Change and Air Quality Impact Assessments (see Attachment 1)

In the proposed amendment to the MCEA, Section 1.7 of the MCEA has been completely re-written to provide better/complete information related to climate change. Also, recently there have been a number of municipalities question the need and value of Air Quality Impact Assessments (AQIA) for their road expansion projects. MECP has stated "*If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area".*

For MCEA projects that will generate odour (wastewater treatment facilities), quantitative analysis of the impacts of any odours on nearby properties/uses is important. This will provide useful information that can be used to identify appropriate mitigation measures (capture and treat odours). However, it is important that design work has progressed sufficient to provide realistic/accurate predictions of future impacts. The MCEA may identify this and commit to completing the AQIA and implementing mitigation measures during detailed design.

As stated above, "*The scope of the assessment can be determined based on the potential effects of the proposed alternatives*". For other routine MCEA projects that do not include a point source that generates odour (roads, bridges, other water/wastewater projects), MEA's review of past road projects has demonstrated there is little value in completing a quantitative AQIA as described above and MEA recommends that a qualitative analysis would be appropriate.

MEA has analyzed recently completed MCEA road projects (see attached Case Studies) that included a quantitative AQIA and found that, in all cases:

- The AQIA was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.
- The AQIA concluded that the project's impact on air quality was not significant, and therefore the AQIA did not contribute to or recommend any mitigation measures even when there were sensitive uses adjacent to the project.
- The AQIA consistently demonstrated that there were no significant differences in air quality between the analyzed alternatives. In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.

Air quality is a "big picture" issue. In the transportation sector, Provincial and Municipal policies that promote the use of electric vehicles, active transportation, transit and greening the community have the potential to significantly improve air quality. However, as demonstrated in the Case Studies, the impact to air quality from an individual road project is not significant. A Project's contribution to air quality and the background concentrations will vary from day to day, depending upon meteorological conditions and operational characteristics.

It is our understanding that many MCEA practitioners understand that there is really very little value added by a quantitative AQIA but yet there continues to be an expectation that the completion of a quantitative AQIA is a box that should be checked during the MCEA process. MEA does not support allocating time, funds and effort unless the result adds value to the MCEA process.

Air Quality should still be a consideration and addressed during the MCEA process. However, for typical road projects, similar to the Case Studies, rather than commissioning a new quantitative AQIA, the proponent may wish to rely on the results of previously completed AQIA reports for these similar projects and include qualitative statements to discuss the points identified by MECP as below:

*o A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;*
The proponent should gather existing available information and explain how earlier quantitative AQIA for other similar projects have consistently demonstrated that there were no significant differences in air quality between Future No-Build (do nothing) and Future Build (Preferred/Considered Alternatives). In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area. If relevant, the proponent could include that earlier quantitative AQIAs for other similar projects have demonstrated that doubling the heavy truck volumes would not significantly impact air quality.

*o A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;*

The proponent should identify nearby receptors and explain how earlier quantitative AQIA for other similar projects with sensitive receptors have consistently demonstrated that there were no significant impacts to these sensitive receptors.

*o A discussion of local air quality impacts that could arise from this project during both construction and operation; and*
The proponent should identify local air quality impacts that could arise and score each alternative in the decision-matrix as one of the factors impacting the selection of a preferred solution (Phase 2 of the Municipal Class EA) and/or preferred project design option (Phase 3 of the Municipal Class EA). Alternatives could be ranked with criteria such as poor, acceptable, good or best based on community information and conclusions from past AQIA reports.

*o A discussion of potential mitigation measures.*
Even though past quantitative AQIA reports have not identified the need for mitigation, the proponent should consider including the following in the EA documentation;

- *Outline existing policies that will improve air quality such as promoting the use of electric vehicles, active transportation, transit and greening the community*
- *Consider design options that inherently mitigate air quality such as a roundabout that reduces vehicle idling time at an intersection.*

- *Adding streetscaping/trees where possible along the project. It is commonly understood that trees and other planting can improve air quality and provide other benefits such as storing excess carbon. The inclusion of trees and other plantings may mitigate the perceived (but not actual) impact of the road project*
- *Typical best practices (such as dust control) during construction to mitigate impacts to air quality*

### 3.3.2 MCEA is a 'Self Assessment' Process

As outlined in A.1.2.3, the MCEA is a "self assessment" process where the proponent is responsible for completing the MCEA process including selecting the appropriate schedule. This section also outlines MECP's responsibility to ensure compliance but the section does not assign MECP the authority to develop new interpretations for MEA's document. If MECP disagrees with a proponent's selection of a schedule because of a difference in the interpretation of the wording in Appendix 1 then MECP should initiate an amendment to insert wording with definite clarity. One member of MECP staff should not simply deal with one proponent and create a new interpretation that could then establish a precedent. Initiating an amendment to the MCEA would ensure there is fulsome discussion with stakeholders and that there would be consistent application across the province. Proponents are encouraged to contact MEA if there are any questions related to interpretation of the MCEA Manual.

### 3.3.3 Beaches and other Recreational Projects

Recently MEA learned that an MECP staff had advised a proponent that the relocation of a beach should be classified as a MCEA Schedule C project. The MCEA does not mention beaches anyplace. The MCEA does identify the following as Schedule B projects;

> *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*
>
> All of the identified projects in Schedule B are projects in or along the shore of a smaller watercourse that are constructed for the purposes flood control or erosion control. Construction of a beach would not be for the purposes of flood control or erosion control – a beach is for recreational purposes. Constructing a beach **does not fit with the projects identified in Schedule B**.

Building on Schedule B, Schedule C of the MCEA identifies the following hard physical structures as Schedule C;

*Construct new shore line works, such as off-shore breakwaters, shore-connected breakwaters, groynes and sea walls*

These projects are defined as;

> A breakwater is a permanent structure constructed at a coastal area to protect against tides, currents, waves, and storm surges**.**
> Groynes are low walls or sturdy barriers built out into the sea from a beach to check erosion and drifting.
>
> > A seawall (or sea wall) is a form of coastal defense constructed where the sea, and associated coastal processes, impact directly upon the landforms of the coast. The purpose of a seawall is to protect areas of human habitation, conservation and leisure activities from the action of tides, waves, or tsunamis.[1] As a seawall is a static feature it will conflict with the dynamic nature of the coast and impede the exchange of sediment between land and sea

All of the identified projects in Schedule C are projects along the shore of a major body of water that would require an engineering design/calculations with detailed specifications and drawings. Furthermore, all of the example projects are major municipal projects that purposely interfere with a natural process (absorb waves, check erosion and drifting, impede the exchange of sediment between land and sea). Constructing a beach does not require a detailed engineering design with calculations. And a beach does not purposely interfere with a natural process – it is a recreational feature and **does not fit with the projects identified in Schedule C.**

Also, please recall that, in the spring of 2019, MECP clearly outlined goals for EA reform;

1. Better align the level of assessment and the level of environmental risk associated with projects.
2. Eliminate duplication between environmental assessment and other planning and approval processes.
3. Find efficiencies in the environmental assessment process and related planning and approvals process to shorten the timelines from start to finish.

Constructing a beach, and in fact any work in or along a watercourse or a coastline, is regulated by an existing rigorous permitting process. Trying to included beaches as a Schedule C project is **completely contrary to MECP's goals for EA refor**m.

### 3.3.4 Indigenous Peoples

Section A.3.7 Indigenous Peoples as proposed in the amended MCEA is brief and lacks some "how to" advise so MEA's related Companion Guide section will remain important. A sub-committee has been formed and is working to develop some practical advice for proponents.

## 3.4 Training and Outreach

### 3.4.1 **Eblasts** – Keeping MEA Members Informed

Eblasts are sent to MEA Members at selected times throughout the year. In 2022, the following eblasts were sent.

## Municipal Class Environmental Assessment - Amendment Update

March 30, 2022

Despite the MEA's two previous requests to the Minister's office (July 22, 2021 & January 21, 2022) to expedite the approval the MEA's Municipal Class Environmental Assessment (MCEA) amendment, the MEA currently cannot support the proposed amendment that the Ministry of the Environment, Conservation and Parks (MECP) has prepared. On March 23, 2022, MEA issued a letter to the Minister requesting he postpone approval of the amendment and direct MECP staff to make this a priority and continue working with the MEA to fully resolve the outstanding amendment issues with a target completion date prior to the end of 2022. To view the letter to the Minister, **CLICK HERE**.

Since 2019, MEA has worked diligently to prepare an amendment to the MCEA. We have consulted with many stakeholders throughout this process. MEA submitted its original amendment in September 2019. After a year and a half of public consultation and MECP review, in May 2021, MEA submitted, what we understood to be, the final amendment version to MECP so their staff could undertake a final review that included addressing Indigenous issues and ensuring AODA compliance.

Between May of 2021 and December 2021, MECP dealt with Indigenous issues and MEA anxiously awaited MECP's final comments on our May submission. MEA started to hear back from MECP beginning in around mid-January of 2022. In mid-March, MECP staff provided MEA with their version of the amendment which they intended to present to the Minister for approval. The version provided by MECP differed significantly from what MEA submitted in May of 2021 and was unsatisfactory to the MEA.

The MEA will continue to work diligently with MECP over the coming weeks and months to get this right.

## Municipal Class Environmental Assessment - Amendment Update

September 26, 2022

**Amendment to MCEA** – Beginning in late March, MEA had several productive collaborative discussions with MECP staff, which resulted in us agreeing to a 2-phase approach for the approval of the proposed amendment. The first phase would include selected amendments where wording was agreeable and would be recommended for prompt approval. Additional work would be required to further address the amendment and implement meaningful change to the MCEA process and MECP staff had confirmed with MEA their willingness to continue collaborating with us to address a second phase of the MCEA amendment. We expected this second phase of the amendment to be prepared over the summer of 2022. On April 22nd MEA understood we had reached an agreement on the content for the 1st phase of an amendment to the MCEA and we anticipated an announcement by MECP the next week. However, there was no announcement and no communication from MECP until September 2022.

**Can you help?**

MECP is still considering this amendment and recently they have asked us to provide projects that are planned (or were recently completed) that could immediately benefit (or would have benefitted) if the amendment was approved. It would be very helpful if you could identify specific projects so we can demonstrate how the amendment to the MCEA would be helpful to municipalities.
Please advise if you know of any specific examples that would be helpful.

**MCEA is a 'Self Assessment' Process -** As outlined in A.1.2.3, the MCEA is a "self assessment" process where the proponent is responsible for completing the MCEA process including selecting the appropriate schedule. This section also outlines MECP's responsibility to ensure compliance but the section does not assign MECP the authority to develop new interpretations for MEA's document. If MECP disagrees with a proponent's selection of a schedule because of a difference in the interpretation of the wording in Appendix 1 then MECP should initiate an amendment to insert wording with definite clarity. One member of MECP staff should not simply deal with one proponent and create a new interpretation that could then establish a precedent. Initiating an amendment to the MCEA would ensure there is fulsome discussion with stakeholders and that there would be consistent application across the province. Proponents are encouraged to contact MEA if there are any questions related to interpretation of the MCEA Manual.

### 3.4.2 Training

MEA offer regular training related to application of the MCEA. Introduction to the MCEA course is scheduled to be delivered virtually October 3 – 5, 2022. Training related to project classification will be organized. Further training specific to the amendment of the MCEA will be offered after the amendment is approved.

### 3.4.3 Ask an Expert

MEA posts answers to common inquiries and clarifications related to the MCEA on the web site. Specific question may be submitted to MEA using the 'Ask an Expert' function.

**MCEA Frequently Asked Questions (FAQs)**

Please **CLICK HERE!** to view the MCEA FAQs. This document is comprised of questions that have been made generic to address commonly asked queries about:
**1.** General Questions **2.** Recent Changes in EA **3.** Municipal Road Projects
**4.** Municipal Water and Wastewater Projects

If you still couldn't find an answer to your question, feel free to ask us by utilizing the "**Ask an Expert**" tool on our Resources section

## 3.4 Recent Accomplishments

1) Continue work with on EA Reform with a Sub-Committee that includes representatives from the consulting industry
2) Completed and submitted this Annual MCEA Monitoring Report.
3) Provided training and information to MCEA practitioners
4) Monitored the success of MECP's new process to resolve concerns raised after the Notice of Completion and identified trends in usage of the MCEA
5) Developed new Companion Guide section related to Air Quality Impact Assessments and classification of beaches and other recreation projects.

# PART 4. CONCLUSION

## 4.1 PLAN TO MOVE FORWARD

MEA will pursue approval of the amendment to the MCEA

MEA will organize education/training that explains that exempted projects are not eligible to use the MCEA process so that projects are properly classified and reported.

MEA will finalize and produce a new MCEA Manual that incorporates the amendments and an updated version of the Companion Guide Notes

MEA will deliver specific training webinars related to the amendment and classifying projects after amendment is approved

MECP advises that work to develop a new regulation(s) to replace Class EAs (including the MCEA) will proceed fall 2022. 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. MEA's subcommittee is developing practical advice for proponents.
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.

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## 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) Climate Change and Air Quality Impact Assessments
2) MCEA projects identified in 2022

# Attachment 1

### A.1.7 MECP Codes of Practice and Climate Change

The Ministry has developed codes of practice to provide guidance on key aspects of the Class EA process. The codes of practice include:

- *Preparing, Reviewing and Using Class Environmental Assessments in Ontario;*
- *Consultation in Ontario's Environmental Assessment Process; and*
- *Using Mediation in Ontario's Environmental Assessment Process.*

Together, the codes of practice:

- Set out the ministry's expectations for the content of a variety of environmental assessment documents and provide guidance on the roles and responsibilities of all participants in the environmental assessment process;
- Provide clean direction to proponents, environment assessment practitioners, and other stakeholders involved in the environmental assessment process on class environmental assessments, consultation and mediation; and
- Promote the transparency of government involvement and the decision making process when projects must meet the requirements of provincial environmental assessment legislation.

In addition to these codes of practice, the Ministry has also developed the following guidance document.

*Considering climate change in the environmental assessment process;*

This guide is a companion to the codes of practice and sets out the ministry's expectations for considering climate change in the preparation, execution and documentation of environmental assessment studies and processes.

The guide describes two types of climate change effects that can be considered. The first is the effect that a project can have on climate change. In this instance, the issue to be considered is the degree to which the project can provide some climate change **mitigation** measures by reducing carbon emissions and/or enhancing/protecting natural landscapes that act as carbon sinks. The second is the effect climate change has on a project. In this instance, the issue to be considered is the degree to which the project can demonstrate **adaptation** to climate change impacts.

#### Climate Change Mitigation

Climate change mitigation is a "big picture" issue. The most significant impact where decisions are made for climate change mitigation (i.e. greenhouse gas emission reduction / protection and enhancement of natural areas as carbon sinks) relates to high level planning in a community. These types of planning decisions take place long before an undertaking is considered in the context of the Environmental Assessment Act. These decisions are made through the development of Official Plans and Secondary plans under the Planning Act.

Provincial Policy Statements address the need for climate change considerations in these high-level planning decisions. Infrastructure system development expansion and improvement projects that fall under the MCEA follow the strategic direction of these high-level planning decisions. The impact on climate change mitigation between alternative conceptual solutions (Phase 2 of the MCEA) or optional design approaches (Phase 3 of the MCEA) could be relatively minor at this stage of the development of an undertaking. This would be a basis for a proponent to scale the level of evaluation associated with climate change mitigation assessment in the project.

*Remember that the MCEA process is a tool that evaluates and then selects the best alternative. It should not be used for establishing policies or completing detailed design.*

A logical approach to incorporate some consideration into the MCEA evaluation 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:

- Potential for greenhouse gas emission reduction measures; and
- Potential for protecting/enhancing carbon sinks (i.e. natural landscapes).

*Sensible climate change mitigation measures should be included with all alternatives and are often evaluated the same for each alternative being considered so do not impact the selection of the preferred solution.*

These accommodate qualitative statements, such as "high / medium / low" to be part of the decision matrix based on potential measures that an option may be able to accommodate in reducing greenhouse gas emissions or protecting / enhancing carbon sinks.

**Climate Change Adaptation**

Climate change adaptation is a project specific issue. Any weather event related to climate change that exerts an influence on a project can be considered an effect of climate change on a project. Extreme weather events and phenomenon are changing the performance of level of service for existing infrastructure systems and impacting the basis of designing new systems for the future.

Climate change effects can be localized to property / project specific sites (e.g. flooding from extreme rainfall events), or wide-spread over large areas or regions (e.g. higher community water demands from drought conditions, higher power demands for heating and cooling from cold and hot temperature extremes, ecosystem resilience issues from rain, drought, ice and wind storms or other extreme events of nature).

Effects of climate change on wide spread areas would typically be addressed in master plan and high level

planning studies of community infrastructure needs. As with climate change mitigation, many of these decisions would be addressed through higher level community planning processes under the Planning Act and aligning with appropriate Provincial Policy Statements that incorporate climate change considerations.

Addressing the potential effects of climate change on localized properties and projects ultimately becomes part of the design process, where infrastructure systems and structures are designed in such a way as to adapt and be resilient to extreme weather events. The impact on climate change adaptation between alternative conceptual solutions (Phase 2 of the MCEA) or optional design approaches (Phase 3 of the MCEA) could be relatively minor at this stage of the development of an undertaking. This would be a basis for a proponent to scale the level of evaluation associated with climate change adaptation assessment in the project.

A logical approach to incorporate some consideration into the evaluation, if warranted, is to include climate change adaptation 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 stated as follows:

- Vulnerability of project/infrastructure to climate change effects; and
- Flexibility to incorporate climate change adaptation measures in design.

*All alternatives being considered should be designed to withstand extreme weather events so often this consideration does not impact the selection of the preferred solution.*

*Climate change criteria should be incorporated into the evaluation matrix (see A.2.3)…refer to GC-A.2.3*

These criteria accommodate qualitative statements, such as "high / medium / low" to be part of the decision matrix based on degree of vulnerability between options to climate change effects and flexibility to accommodate adaptation features into the design of an undertaking.

**Climate Change Conclusions**

The proponent should avoid including specific detailed design features in the EA analysis, particularly if these specific design features can be readily incorporated with any of the selected alternatives. Instead, the EA analysis should focus on factors that contribute to selecting the best alterative solution.

The proponent would also decide what weighting the climate change criteria would carry relative to the other criterion in the decision matrix.

*Exercise caution when committing to design details in the ESR as this limits options during detailed design*

*Air quality is a…refer to CG-A.1.7*

The outcome of these considerations would result in proponent commitments through recommendations in the Phase 2 Report or Environmental Study Report to address adaption measures in the implementation of the preferred project (i.e. Phase 5 – design and construction of the Municipal Class EA).

In summary, climate change considerations need to be incorporated into the Municipal Class EA process but these must be scaled appropriately to be practically applied for the types of projects completed under the Class EA process.

**CGN – A.2.3 PHASE 2 ALTERNATIVE SOLUTIONS**

An evaluation matrix should be used to consider the impacts of each alternative solution on each of the identified environmental criteria. The environmental criteria should include all aspects of the environment and typically cover;

| General Criteria | Potential Sub-Criteria |
|---|---|
| Technical | Solution addresses problem/is implementable<br>Solution integrates with other plans and projects (OP, Strategic Plan, Climate Action Plan etc) |
| Socio-Economic | Impacts during construction<br>Long term impacts |
| Natural Environment | Protect Natural Environment<br>Long term impacts |
| Cultural Heritage | Protect Cultural Heritage resources<br>Long term impacts |
| Climate Change ** | Adaptation<br>Mitigation |
| Cost | Capital cost<br>Operation/Maintenance cost<br>Life cycle cost<br>Funding sources |

*** If a project warrants, consideration of Climate Change could integrate components of other evaluation systems such as; (Caution – criteria delated to detailed design should be considered during the detail design process after the MCEA is completed)*

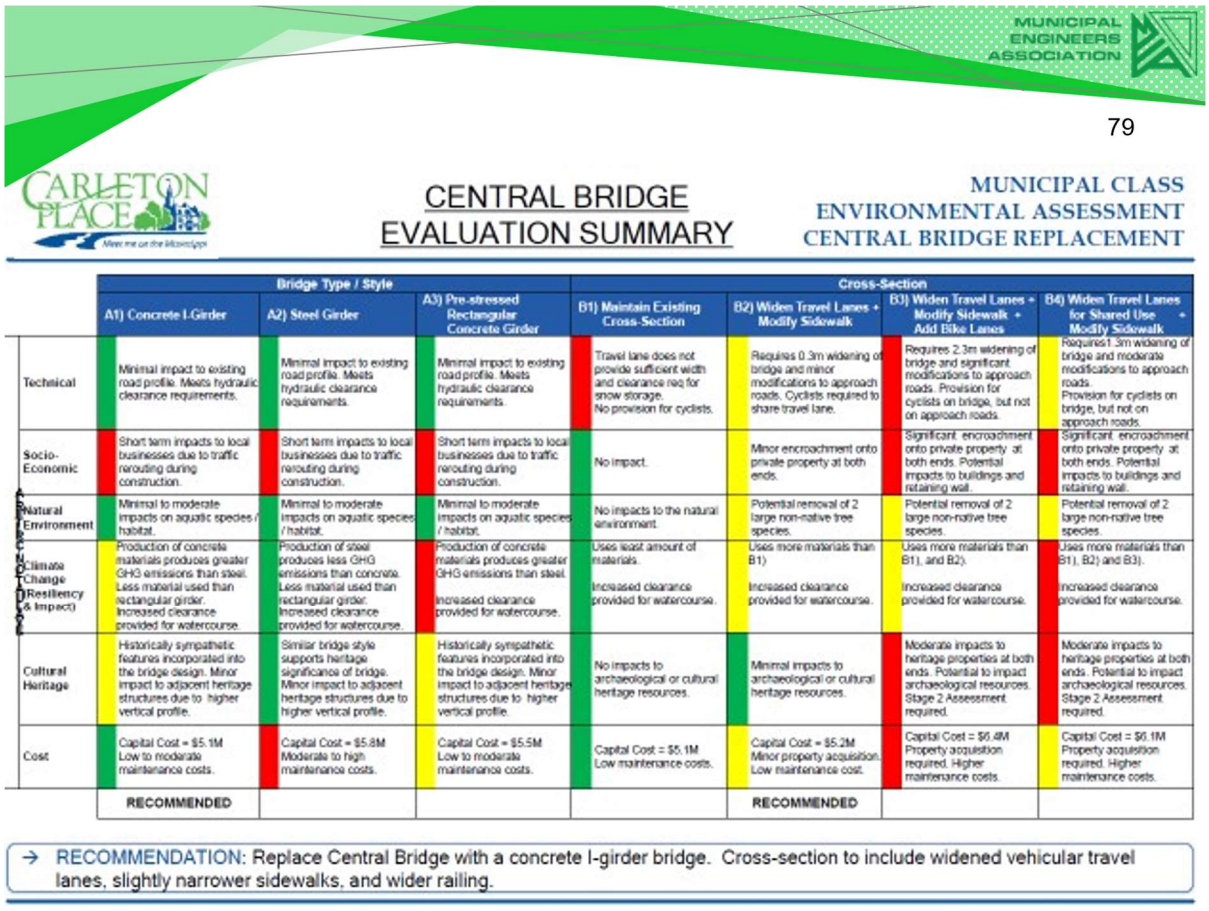
Best Practices for Consideration of the Effects of Climate Change in Project-Level Environmental Assessments prepared by Ontario Centre for Climate Impacts and Adaptation Resources MIRARCO/Laurentian University and Risk Sciences International **LINK**

RPWCO Climate Change Roadmap YouTube LINK

Leveraging 'Envision' and the Integrated design process **LINK**

*Preparing a climate change vulnerability assessment. (ref. PIEVC Protocol – Engineers Canada, see **www.pievc.ca**).*

The evaluation matrix should present the environmental criteria and the alternative solutions and show evaluation/scoring of impacts. Scoring could be numeric, descriptive text or negative/positive/best. The example below uses negative/positive/best represented by colours and accompanied by descriptive text. Note – black hatching/shading can be used instead of colours



MUNICIPAL ENGINEERS ASSOCIATION

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CARLETON PLACE

# CENTRAL BRIDGE EVALUATION SUMMARY

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT
CENTRAL BRIDGE REPLACEMENT

| | Bridge Type / Style | | | Cross-Section | | | |
|---|---|---|---|---|---|---|---|
| | A1) Concrete I-Girder | A2) Steel Girder | A3) Pre-stressed Rectangular Concrete Girder | B1) Maintain Existing Cross-Section | B2) Widen Travel Lanes + Modify Sidewalk | B3) Widen Travel Lanes + Modify Sidewalk + Add Bike Lanes | B4) Widen Travel Lanes for Shared Use + Modify Sidewalk |
| Technical | Minimal impact to existing road profile. Meets hydraulic clearance requirements. | Minimal impact to existing road profile. Meets hydraulic clearance requirements. | Minimal impact to existing road profile. Meets hydraulic clearance requirements. | Travel lane does not provide sufficient width and clearance req for snow storage. No provision for cyclists. | Requires 0.3m widening of bridge and minor modifications to approach roads. Cyclists required to share travel lane. | Requires 2.3m widening of bridge and significant modifications to approach roads. Provision for cyclists on bridge, but not on approach roads. | Requires1.3m widening of bridge and moderate modifications to approach roads. Provision for cyclists on bridge, but not on approach roads. |
| Socio-Economic | Short term impacts to local businesses due to traffic rerouting during construction. | Short term impacts to local businesses due to traffic rerouting during construction. | Short term impacts to local businesses due to traffic rerouting during construction. | No impact. | Minor encroachment onto private property at both ends. | Significant encroachment onto private property at both ends. Potential impacts to buildings and retaining wall. | Significant encroachment onto private property at both ends. Potential impacts to buildings and retaining wall. |
| Natural Environment | Minimal to moderate impacts on aquatic species / habitat. | Minimal to moderate impacts on aquatic species / habitat. | Minimal to moderate impacts on aquatic species / habitat. | No impacts to the natural environment. | Potential removal of 2 large non-native tree species. | Potential removal of 2 large non-native tree species. | Potential removal of 2 large non-native tree species. |
| Climate Change Resiliency (& Impact) | Production of concrete materials produces greater GHG emissions than steel. Less material used than rectangular girder. Increased clearance provided for watercourse. | Production of steel produces less GHG emissions than concrete. Less material used than rectangular girder. Increased clearance provided for watercourse. | Production of concrete materials produces greater GHG emissions than steel. Increased clearance provided for watercourse. | Uses least amount of materials. Increased clearance provided for watercourse. | Uses more materials than B1) Increased clearance provided for watercourse. | Uses more materials than B1), and B2). Increased clearance provided for watercourse. | Uses more materials than B1), B2) and B3). Increased clearance provided for watercourse. |
| Cultural Heritage | Historically sympathetic features incorporated into the bridge design. Minor impact to adjacent heritage structures due to higher vertical profile. | Similar bridge style supports heritage significance of bridge. Minor impact to adjacent heritage structures due to higher vertical profile. | Historically sympathetic features incorporated into the bridge design. Minor impact to adjacent heritage structures due to higher vertical profile. | No impacts to archaeological or cultural heritage resources. | Minimal impacts to archaeological or cultural heritage resources. | Moderate impacts to heritage properties at both ends. Potential to impact archaeological resources. Stage 2 Assessment required. | Moderate impacts to heritage properties at both ends. Potential to impact archaeological resources. Stage 2 Assessment required. |
| Cost | Capital Cost = $5.1M Low to moderate maintenance costs. | Capital Cost = $5.8M Moderate to high maintenance costs. | Capital Cost = $5.5M Low to moderate maintenance costs. | Capital Cost = $5.1M Low maintenance costs. | Capital Cost = $5.2M Minor property acquisition. Low maintenance cost. | Capital Cost = $6.4M Property acquisition required. Higher maintenance costs. | Capital Cost = $6.1M Property acquisition required. Higher maintenance costs. |
| | RECOMMENDED | | | | RECOMMENDED | | |

→ RECOMMENDATION: Replace Central Bridge with a concrete I-girder bridge. Cross-section to include widened vehicular travel lanes, slightly narrower sidewalks, and wider railing.

## CGN - A.1.7: MECP CODES OF PRACTICE & CLIMATE CHANGE – AIR QUALITY

In recent years, there has become an expectation to include consideration of air quality with a complex quantitative Air Quality Impact Assessment (AQIA) and, for many MCEA projects, MECP typically distributes the following narrative to proponents when they submit their Notice of Commencement.

*If there are sensitive receptors in the surrounding area of this project, a quantitative air quality/odour impact assessment will be useful to evaluate alternatives, determine impacts and identify appropriate mitigation measures. The scope of the assessment can be determined based on the potential effects of the proposed alternatives, and typically includes source and receptor characterization and a quantification of local air quality impacts on the sensitive receptors and the environment in the study area. The assessment will compare to all applicable standards or guidelines for all contaminants of concern.* ***Please contact this office for further consultation on the level of Air Quality Impact Assessment required for this project if not already advised.***

*• If a quantitative Air Quality Impact Assessment is not required for the project, the MECP expects that the report contain a qualitative assessment which includes:*

- *o A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;*
- *o A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;*
- *o A discussion of local air quality impacts that could arise from this project during both construction and operation; and*
- *o A discussion of potential mitigation measures.*

*• As a common practice, "air quality" should be used an evaluation criterion for all road projects.*

*• Dust and noise control measures should be addressed and included in the construction plans to ensure that nearby residential and other sensitive land uses within the study area are not adversely affected during construction activities.*

*• The MECP recommends that non-chloride dust-suppressants be applied. For a comprehensive list of fugitive dust prevention and control measures that could be applied, refer to Cheminfo Services Inc. Best Practices for the Reduction of Air Emissions from Construction and Demolition Activities report prepared for Environment Canada. March 2005.*

Also, MECP has often recommended that the following items be included in a typical quantitative AQIA:

*Provide background on Federal and Provincial short-term and long-term goals to control GHG and Net Zero Emissions in Transportation.*

- *Description of the study area and proposed undertaking.*
- *Description of the sensitive receptors in the study area.*
- *List of Parameters of Concern.*

- *Applicable air quality criteria (MECP ambient air quality criteria (AAQCs) and Canadian Ambient Air Quality Standards (CAAQs)).*
- *Background ambient monitoring data representative of the study area (3-5 years of data / 90$^{th}$ percentile; note that in some cases the proponent may need to undertake an air monitoring program to collect ambient data), along with five years of recent representative meteorological data.*
- *Emission estimates for the current and future scenarios under maximum capacity or* worst-case *emissions. The development of the emission estimates should follow guidance provided in Guideline A-10 "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" and/or "Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects".*
- *Dispersion modelling for the current and future scenarios. The model should follow guidance provided in Guideline A-11 "Air Dispersion Modelling Guideline for Ontario" and/or "Environmental Guide for Assessing and Mitigating the Air Quality Impacts and Greenhouse Gas Emissions of Provincial Transportation Projects", depending on the sources modelled.*
- *If applicable, frequency of exceedances is recommended particularly for facilities that are regulated under O.Reg.419/05 and for odour assessments following guidance in the technical bulletin "Methodology for Modeling Assessments of Contaminants with 10-minute Average Standards and Guidelines under O. Reg.419/05".*
- *Cumulative impacts (all sources - modelled and background) for the current and future scenario compared against the air quality criteria.*
- *Mitigation measures and or best management practices for odour and dust should be considered.*
- *Regional impacts and climate change (proposed greenhouse emissions compared against the provincial sector totals).*
- *Brief discussion on the potential construction impacts and what mitigation measures will be in place to minimize off-site impacts.*

For MCEA projects that will generate odour (wastewater treatment facilities), quantitative analysis of the impacts of any odours on nearby properties/uses is important. This will provide useful information that can be used to identify appropriate mitigation measures (capture and treat odours). However, it is important that design work has progressed sufficient to provide realistic/accurate predictions of future impacts. The MCEA may identify this and commit to completing the AQIA and implementing mitigation measures during detailed design.

As stated above, "*The scope of the assessment can be determined based on the potential effects of the proposed alternatives*". For other routine MCEA projects that do not include a point source that generates odour (roads, bridges, other water/wastewater projects), MEA's review of past road projects has demonstrated there is little value in completing a quantitative AQIA as described above and MEA recommends that a qualitative analysis would be appropriate.

MEA has analyzed recently completed MCEA road projects (see attached Case Studies) that included a quantitative AQIA and found that, in all cases:

- The AQIA was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.
- The AQIA concluded that the project's impact on air quality was not significant, and therefore the AQIA did not contribute to or recommend any mitigation measures even when there were sensitive uses adjacent to the project.
- The AQIA consistently demonstrated that there were no significant differences in air quality between the analyzed alternatives. In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.

Air quality is a "big picture" issue. In the transportation sector, Provincial and Municipal policies that promote the use of electric vehicles, active transportation, transit and greening the community have the potential to significantly improve air quality. However, as demonstrated in the Case Studies, the impact to air quality from an individual road project is not significant. A Project's contribution to air quality and the background concentrations will vary from day to day, depending upon meteorological conditions and operational characteristics.

It is our understanding that many MCEA practitioners understand that there is really very little value added by a quantitative AQIA but yet there continues to be an expectation that the completion of a quantitative AQIA is a box that should be checked during the MCEA process. MEA does not support allocating time, funds and effort unless the result adds value to the MCEA process.

Air Quality should still be a consideration and addressed during the MCEA process. However, for typical road projects, similar to the Case Studies, rather than commissioning a new quantitative AQIA, the proponent may wish to rely on the results of previously completed AQIA reports for these similar projects and include qualitative statements to discuss the points identified by MECP as below:

### *o A discussion of local air quality including existing activities/sources that significantly impact local air quality and how the project may impact existing conditions;*

The proponent should gather existing available information and explain how earlier quantitative AQIA for other similar projects have consistently demonstrated that there were no significant differences in air quality between Future No-Build (do nothing) and Future Build (Preferred/Considered Alternatives). In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area. If relevant, the proponent could include that earlier quantitative AQIAs for other similar projects have demonstrated that doubling the heavy truck volumes would not significantly impact air quality.

### *o A discussion of the nearby sensitive receptors and the project's potential air quality impacts on present and future sensitive receptors;*

The proponent should identify nearby receptors and explain how earlier quantitative AQIA for other similar projects with sensitive receptors have consistently demonstrated that there were no significant impacts to these sensitive receptors.

*o A discussion of local air quality impacts that could arise from this project during both construction and operation; and*

The proponent should identify local air quality impacts that could arise and score each alternative in the decision-matrix as one of the factors impacting the selection of a preferred solution (Phase 2 of the Municipal Class EA) and/or preferred project design option (Phase 3 of the Municipal Class EA). Alternatives could be ranked with criteria such as poor, acceptable, good or best based on community information and conclusions from past AQIA reports.

*o A discussion of potential mitigation measures.*

Even though past quantitative AQIA reports have not identified the need for mitigation, the proponent should consider including the following in the EA documentation;

- *Outline existing policies that will improve air quality such as promoting the use of electric vehicles, active transportation, transit and greening the community*
- *Consider design options that inherently mitigate air quality such as a roundabout that reduces vehicle idling time at an intersection.*
- *Adding streetscaping/trees where possible along the project. It is commonly understood that trees and other planting can improve air quality and provide other benefits such as storing excess carbon. The inclusion of trees and other plantings may mitigate the perceived (but not actual) impact of the road project*
- *Typical best practices (such as dust control) during construction to mitigate impacts to air quality*

# Air Quality Impact Assessment (AQIA) Case Studies

**Case Study 1 -** Class Environmental Assessment New East-West Road Corridor (Highway 6 to Brant Street) Air Quality Assessment Final Report August 2009

**Project** – New arterial road and widening of existing arterial roads to six lanes

**EA material**
https://www.hamilton.ca/city-planning/master-plans-class-eas/waterdownaldershot-transportation-master-plan
Please see the tab called "Study documents and project reports" for the ESR and Appendices for this Schedule C project.
- AQIA is in Appendix D.

**Air Quality Impact Assessment Report Details**
See attached Case Study 1
Length – 132 pages

**Excerpts from AQIA**
The Executive Summary includes;
*Maximum concentrations of nitrogen oxides (NOx), carbon monoxide (CO) and fine particulate matter with aerodynamic diameter 2.5 microns and less (PM2.5) related to road traffic were estimated at selected existing and potential future receptors that were expected to be most impacted (*i.e. *closest to the roadway). In order to determine the impact of the proposed road redevelopment, the following three scenarios were modelled:*

- *Scenario 1 – Existing 2008 configuration, based on current traffic data;*
- *Scenario 2 – Future 2021 "no road-build" option, based on forecasted traffic volumes under the existing roadway configuration. This scenario assumes that anticipated future land development in Waterdown would be in place; and*
- *Scenario 3 – Future 2021 Mature State of Development based on forecasted traffic volumes with the proposed new land development and proposed road improvements in place.*

*For the receptors selected for the purposes of this assessment, the future build scenario resulted in changes in the predicted air quality that was not considered to be significant when compared to the air quality impacts predicted for the future no-build scenario.*
*Due to concerns expressed by residents regarding the potential for increase use of the road by heavy trucks, a sensitivity analysis was conducted on pollutant concentrations resulting from increasing the volume of heavy-truck traffic along the section of Parkside Drive that is to be improved. For this sensitivity analysis, the impact on the air quality of doubling the heavy truck volumes on the new East-West Road was investigated. The impact of doubling the heavy truck volumes on the air quality of the selected receptors was not predicted to be significant.*

**Conclusions**
1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures

3) The Air Quality Assessment demonstrated that there were no significant differences in air quality between Scenario 2 (do nothing) and Scenario 3 (Preferred Alternative). In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.

4) The Air Quality Assessment demonstrated that doubling the heavy truck volumes would not significantly impact air quality.

**Case Study 2 -** Class Environmental Assessment Langstaff Road York Region - Air Quality Assessment Final Report January 2020
**Project –** Widen/improve existing arterial road up to six lanes and new grade separation connection

**Air Quality Impact Assessment Report Details**
See attached Case Study 2
Length – 24 pages
Cost - $15,000
Time to Complete – 1-3 months

**Excerpts from AQIA**
The Executive Summary includes;
*The emission modelling was based on the U.S Environmental Protection Agency's roadway traffic emissions model, MOVES version 2014b, and the dispersion modelling was based on the US EPA's dispersion model AERMOD version 16216r. The background concentrations were estimated using air quality monitoring data collected by Environment and Climate Change Canada (ECCC). A Future No-Build and Future-Build scenario were considered. The differences between the two scenarios represent the change in air quality due to the project. The No-Build scenario represents Langstaff Road without the improvements, and the Future-Build scenario represents it with improvements. For both the Future No-Build and Future Build scenario, vehicle emissions were represented using projected 2041 traffic volumes and 2041 vehicle emission factors. Three worst-case air contaminants were chosen to assess the effects of the project on the surrounding air quality: NO2, PM2.5 and benzene.*
*The proposed project is expected to increase local air contaminant levels. PM2.5 and benzene exceed their thresholds for the annual averaging time, at the most impacted receptor location for both the Future Build and Future No-Build scenarios. Predicted exceedances of the threshold is caused by the elevated background concentrations in the study area. PM2.5 background accounts for 94% of the concentration at the worst-case receptor. The background concentration for benzene exceeds the threshold without contributions from the roadway.*
*Through the comparison of the Future No-Build and the Future Build scenarios it is evident that the proposed improvements to Langstaff Road have insignificant impacts on nearby receptors.*

**Conclusions**

1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures

3) The Air Quality Assessment demonstrated that there were no significant differences in air quality between Future No-Build (do nothing) and Future Build (Preferred Alternative). In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.

**Case Study 3 –** York Region Bayview Avenue Class Environmental Assessment Study between Steeles Avenue and Elgin Mills Road (ESR August 2017)

**Project** – Widening existing arterial road to six lanes including transit lanes

**EA material**
The Executive Summary of the Environmental Study Report can be found here (please obtain full ESR from York Region):
https://www.york.ca/wps/wcm/connect/yorkpublic/07edb959-9eeb-4c42-8e6d-934f23291a14/1+Bayview+Ave+Class+EA+ESR+Executive+Summary.pdf?MOD=AJPERESPlease

- Under Chapter 8 Proposed Mitigation and Commitments to Further Work, Section 8.1.4 documents the Region's approach to Climate Change, Regional Air Quality and a summary of the scoped local Air Quality Assessment.
- While the study limits extended between Steeles Avenue and Elgin Mills Road (~10 km), through discussion with MECP during the EA Study, the Air Quality Assessment completed was scoped between John Street and Proctor Avenue (~1km), located in the southern portion of the study area. This is the section of Bayview Avenue where the highest potential for bottlenecking may occur and is an older neighborhood where residences are located closer to the road. There are also critical receptors such as senior's residences and places of worship. It was agreed that this section of Bayview Avenue is a representation of "worst case" impacts for the air quality study.
- As documented in the ESR, MECP recognized the broader regional initiatives that York Region is undertaking regarding air quality, as well as the proposed improvements as part of the EA Study (i.e. widening for transit/HOV lanes, addition/enhancement of multi-use path and sidewalks); therefore, a localized area has been identified for the Air Quality Assessment.
- The Scoped Air Quality Assessment can be found in the Appendix of the ESR.

**Air Quality Impact Assessment Report Details**
See attached Case Study 3
Length – 34 pages + Appendix of Receptor Specific Modelling Results
Cost - $ (to be provided by York Region)
Time to Complete – Approximately 3 months including completion of technical work, review of draft reports and revisions by the Project Team

**Summary of Air Quality Assessment per Bayview Avenue ESR (2014) Section 8.1.4.2.1** (note: content of the ESR refers to the former name of the Ministry - MOECC)
The project includes widening Bayview Avenue to include a single Transit/HOV lane in both directions, for a total of six lanes. The Transit/HOV lanes will be located in the outermost lane in both the northbound and southbound directions. This local air quality assessment examines the impacts of the roadway widening at nearby sensitive receptors. The results of the assessment are as follows:

- The maximum combined concentrations for the future build scenario were all below their respective MOECC guidelines or Canada-wide Standard, with exception of annual PM2.5, PM10, TSP and annual benzene. Note that for each of these contaminants, background concentrations alone were 100% of the guideline or more.
- Frequency Analysis determined that there were no additional days on which exceedances occurred for PM10 and 2 additional days on which exceedances

occurred for TSP when compared to background concentrations, which is less than 1% of the time.

- Mitigation measures are not warranted, due to the small number of days which are expected to exceed the guideline.
- Section 8.1.4.3 of the ESR and the Air Quality Assessment Report also note air quality during construction. "During construction of the roadway, dust is the primary contaminant of concern. Other contaminants including NOx and VOX's may be emitted from equipment used during construction activities. Due to the temporary nature of construction activities, there are no air quality criteria specific to construction activities. However, the Environment Canada "Best Practices for Reduction of Air Emissions from Construction and Demolition Activities" document provides several mitigation measures for reducing emissions during construction activities." Some of the mitigation techniques were mentioned in the ESR and in the Air Quality Assessment Report.

**Conclusions**

1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design. The Air Quality Assessment completed as part of the Bayview Avenue EA was based on the preferred design. During the EA Study, MECP recognized the overall regional approach to climate change and air quality and the Project Team proceeded with a scoped air quality assessment.
2) The Air Quality Assessment demonstrated that there were no significant differences in air quality as a result of the proposed improvements on Bayview Avenue.
3) The Air Quality Assessment did not contribute or recommend any mitigation measures. However, typical best practices such as dust control should be implemented during construction.

**Case Study 4 -** McCowan Road EA between Steeles Avenue and Major Mackenzie Drive (City of Markham) York Region May 2021

**Project –** Widening of existing arterial road to six lanes including HOV lanes and active transportation facilities.

**EA Material**
Website (AQIA provided in Appendix O):
https://www.york.ca/wps/portal/yorkhome/transportation/McCowan-Road-EA/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zivTwNnA0dvQ283J3NXA0czYOCLS1DLUz9fcz1w8EKDHAARwP9KGL041EQhd_4cP0osBIjIxMzD0NnAy8DD38LA0838wBTFwsPQwMjcwIKvI2gCvBYUpAbGmGQ6akIAIkMRWc!/dz/d5/L2dBISEvZ0FBIS9nQSEh/#.YNs3o_lKjIU

**Air Quality Impact Assessment Report Details**
See attached Case Study 4
Length – 132 pages plus six files of appendices

## Excerpts from AQIA

The closing paragraphs of the report shown below demonstrate that this complex and expensive study is another example that confirms the widening an arterial road produces a negligible impact on air quality.

*The proposed Project aims to minimize the air quality impact associated with the projected increased traffic for the Study Area through improved traffic flows within the local vicinity of the proposed Project and reduced queuing times at other roads surrounding the proposed Project. Emissions from the proposed Project within the Study Area do not represent a significant contribution to local air quality. As a result, the proposed Project is necessary to help alleviate congestion and the proposed Project will minimize the air quality impact. The Project will introduce HOV lanes which will encourage the use of carpooling and Transit vehicles. Additionally, this assessment is considered to be conservative as transit vehicles currently use a diesel/gasoline fuel, which was included in the emission estimates, however, in the future, there is potential for these vehicles to be electric.*

*Overall, the proposed Project itself is therefore anticipated to be a relatively minor source of emissions, and the impact on overall air quality in the region is expected to be negligible.*

**Conclusions**
1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures

**Case Study 5 -** Mid-Block Arterial Road (Town of Whitby) March 2021

**Project –** Construct a new east-west arterial road, from Cochrane Street to Thornton Road

**EA Material**
Website (AQIA provided in Appendix N): https://www.midblockea.ca/

**Air Quality Impact Assessment Report Details**
See Attached Case Study 5
Length – 51 pages
Cost - $15,000
Time to Complete – 1-3 months

## Excerpts from AQIA

The closing paragraph of the Executive Summary shown below demonstrates that this complex and expensive study is another example that confirms the widening an arterial road produces a negligible impact on air quality.

*Generally, this study found that while the project is anticipated to cause an increase in most of the target parameters compared to the no-build scenario. All concentrations were predicted to be in compliance with the relevant criteria with the exception of the current scenario's 1-hour averaged NOx impact and benzene nini all scenarios where the PIO is dominated by elevated ambient concentrations. It is Cambium's opinion that the proposed project will not have negative impact on the study area for the build 2031 scenario.*

**Conclusions**
1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures

**Case Study 6 -** Burnhamthorpe Road West Improvements – City of Mississauga January 2020

**Project** – Widen existing arterial road to four lanes.

**EA Material**
Project Website here

**Air Quality Impact Assessment Report Details**
See attached Case Study 1
Length – 57 pages

## Excerpts from AQIA

Section 6.0 Conclusions and Recommendations shown below demonstrates that this complex and expensive study is another example that confirms the widening an arterial road produces a negligible impact on air quality.

*The potential impact of the proposed project infrastructure on local air quality has been assessed and the results are summarized in Table 25. An assessment of GHG emissions was also conducted. The following conclusions and recommendations are a result of this assessment.*
*• The maximum combined concentrations for the future build scenario were all below their respective MOECC guidelines or CAAQS, with the exception of annual PM2.5, 24-hr PM10, 24- hr TSP and annual benzene. Note that for each of these contaminants, background concentrations alone exceeded the guideline.*
*• Frequency Analysis determined that there were no additional days on which exceedances of PM10 or TSP occurred between the 2017 Existing and 2041 Future Build scenarios. For both PM10 and TSP, exceedances of the guideline occurred less than 1% of the time.*
*• Overall, maximum predicted concentrations are similar between the 2017 Existing and 2041 Future Build scenarios, with little or no increase occurring as a result of the project.*
*• Mitigation measures are not warranted, due to the small number of days which are expected to exceed the guideline.*
*• Total GHG emissions were predicted to decrease in the study area. Overall, there was a 15% decrease in total GHG emissions predicted between the Existing and Future Build scenarios.*

**Conclusions**
1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures

**Case Study 7 -** Ninth Line from Eglinton Avenue West to Derry Road West – City of Mississauga April 2021

**Project** – Widen existing arterial road

**EA Material**
Project Website here

**Air Quality Impact Assessment Report Details**
See attached Case Study 7
Length – 53 pages

**Project Summary**
The AQIA is in Appendix Q. The main objective of the study was to assess the local air quality impacts due to the proposed Ninth Line widening from Derry Road to Eglinton Avenue. The study also includes an overview of construction impacts and a screening level assessment of greenhouse gases. Given the nature of the roadway improvements and location of sensitive receptors within the study area, HDR Inc. requested a "hotspot analysis" be performed. Rather than assessing the total length of the roadway, the air quality assessment focused on one hotspot within the study area where worst-case impacts are likely to occur.

## Excerpts from AQIA

Section 6.0 Conclusions shown below demonstrates that this complex and expensive study is another example that confirms the widening an arterial road produces a negligible impact on air quality.

*Presented in Table 27 is a summary of the worst-case modelling results for the 2041 Future Build based on 5-years of meteorological data. For each contaminant, combined concentrations are presented as a percentage of the applicable guideline.*
*The maximum combined concentrations for the Future Build were all below their respective MECP guidelines or CAAQS, with the exception of the 1-hr and annual NO2 CAAQ, annual PM2.5, 24-hr PM10, 24- hr TSP, 24-hour benzene and annual benzene. Note that background concentrations exceeded the guideline for all of these contaminant averaging periods as well. The contribution from the roadway emissions to the combined concentrations was small.*
*Mitigation measures are not warranted, due to the small number of days which are expected to exceed the guideline. Greenhouse gas assessment and air quality impacts during construction are discussed in Section 4 and Section 5*

**Conclusions**
1) The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.

2) The Air Quality Assessment did not contribute or recommend any mitigation measures