

MCEA's FREQUENTLY ASKED QUESTIONS

FAQ document was broken into 4 Categories:

1. General Questions
2. Recent Changes in EA
3. Municipal Road Projects
4. Municipal Water and Wastewater Projects

General Questions

1	<p>Q In the scope of recent changes to the Class EA, has there been any changes to the Cost Limit that establishes the appropriate Schedule?</p> <p>A The cost limits have been adjusted for inflation to \$2.7m and \$10.3m in 2019. However, for the future, MEA is planning to amend the MCEA to remove cost as a criterion for determine the schedule of a project.</p>
2	<p>Q Should the glossary definition of a "local road" be understood to include private roads?</p> <p>A A private road is not a municipal road and therefore is not covered by the Municipal Class EA. The MCEA only covers municipal projects. Projects not included in the MCEA are exempt from the EA Act by Ontario Regulation 334/90 provided they cost less than \$3.5m</p>
3	<p>Q would a low volume road, that is approved as part of a plan of subdivision, be considered a Class A project? (According to the project description #23 in Appendix-1)</p> <p>A According to Project description #23 in Appendix-1, The construction of local roads (which are required as condition of approval of site plan, subdivision, etc.) is covered as Schedule A project.</p>
4	<p>Q A town is planning for a municipal facility (museum/tourist center) expansion that would be located entirely within a municipal water lot. Would it be subject to a Municipal Class EA process?</p>

	<p>A The Municipal Class EA applies to road, water and sewer projects. The project described in the question statement does not fall within the scope of the MCEA, rather it should comply with the Planning Act, Conservation Authority and Building Code requirements.</p>
5	<p>Q Our city completed a MCEA Schedule-C process for X municipal project. Given the following details, do we need to complete an addendum to ensure that our environmental mitigative measures for this project are still valid? Should we be completing addendums for the individual projects that have not yet been started?</p> <ul style="list-style-type: none"> • The process yielded several preferred alternative projects • The 30-day review of this study ended a 11 years ago • We started work on one, or more, of the preferred projects <p>A This part of the answer assumes that a definition of one problem was made clear in the original ESR (e.g. expand the capacity of a water treatment system), and it was also made clear that the solution was a series of projects that were necessary components of such solution.</p> <p>As long as you have begun construction on a part of the solution (one of the component projects) then you can proceed with implementing the solution by constructing the remaining component projects. To proceed, it is simply suggested that you document in your file; how proceeding is effectively implementing the main solution as per the original ESR. Given the timeframe, it would also be worthwhile to document that nothing in the environment has changed that would warrant a re-consideration of the preferred solution.</p>
6	<p>Q We have an EA that was completed 18 years ago, and a portion of the work was completed a year after the EA (17 years ago). The remainder of improvements as identified in the EA have yet to be completed. Would this EA still be valid or would a new one be required?</p> <p>A Since you have begun the project, the EA is not considered expired. However, it is recommended to consider the following steps given the length of time since the last phase of the project. Since you have begun the project in less than 10 years of completing the EA, the EA is not considered expired. However, it is recommended to consider the following points given the length of time since the last phase of the project</p> <ul style="list-style-type: none"> • Apply your professional judgement • Will the project still proceed as described in the original EA? • Has anything significant changed in the environment around the project? • Include a memo in your file which outlines your reasoning for concluding that the EA is still valid

	<ul style="list-style-type: none"> Alternatively, you could prepare a short addendum report that describes how the project is still relevant and circulate the addendum
7	<p>Q We completed a Schedule-B EA for the replacement of a 100 year heritage bridge. One of several recommendations of the EA was that a hydraulic assessment of the flow passing the bridge be completed. To our knowledge, there has never been an issue with the bridge opening. Would it be a contravention of the EA if a hydraulic assessment was not included in the design of the new bridge ?</p> <p>A Since the EA has been completed and the commitment to complete a hydraulic capacity study was included in the preferred solution, then the proponent must follow through with everything that was included in the preferred solution. Alternatively, you could amend the EA and remove this commitment per your professional judgement and justification.</p>
8	<p>Q What EA Schedule is appropriate for decommissioning of a Municipally owned structure (bridge or structural culvert)?</p> <p>A As per item #39-MCEA page I-6, <i>Retirement of existing roads and road related facilities</i> is Schedule-A+</p>
9	<p>Q I want to understand more about the differences in typical Class EA Schedule-A versus Schedule-B projects?</p> <p>A The best way for understanding the different between Schedule A and B projects is to review the project examples in each of the Schedules in Appendix 1.</p>

Recent Changes in Environmental Assessment

1	<p>Q In the scope of recent changes to the Class EA, has there been any changes to the Cost Limit that establishes the appropriate Schedule?</p> <p>A The cost limits have been adjusted for inflation to \$2.7m and \$10.3m in 2019. However, for the future, MEA is planning to amend the MCEA to remove cost as a criteria for determine the schedule of a project.</p>
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Municipal Road Projects

1	<p>Q Should the glossary definition of a “local road” be understood to include private roads?</p> <p>A A private road is not a municipal road and therefore is not covered by the Municipal Class EA. The MCEA only covers municipal projects. Projects not included in the MCEA are exempt from the EA Act by Ontario Regulation 334/90 provided they cost less than \$3.5m</p>
2	<p>Q would a low volume road, that is approved as part of a plan of subdivision, be considered a Class A project? (According to the project description #23 in Appendix-1)</p> <p>A According to Project description #23 in Appendix-1, The construction of local roads (which are required as condition of approval of site plan, subdivision, etc.) is covered as Schedule A project.</p>
3	<p>Q Is it possible to have a private road over a wetland? Which schedule would it trigger?</p> <p>A Even if it was a municipal road (project), the fact that the road crosses a wetland is not a trigger that would be used to determine the category of assessment. There is other legislation that protects wetlands.</p>
4	<p>Q Is a MCEA process required if a municipality is acquiring and dedicating land parts as public highway (no construction required) ?</p> <p>A Assuming road under these circumstances should <u>not</u> trigger MCEA requirements as there is no physical construction. Definition of an undertaking under the EAA should therefore not apply. On the other hand, it would be good practice to treat it as Schedule-A+ project for transparency and to inform landowners in the vicinity of the road allowance of the change in ownership.</p>

5	<p>Q Our municipality is designing a roundabout for an intersection of two rural roads, which Schedule does this project fall under ?</p> <p>A The project falls under Schedule A or A+. A roundabout could be considered as an operational improvement at an intersection, or as a traffic control device. Refer to MCEA Document page I-5 items 12 and 13.</p>
6	<p>Q We completed a Schedule-B EA for the replacement of a 100 year heritage bridge. One of several recommendations of the EA was that a hydraulic assessment of the flow passing the bridge be completed. To our knowledge, there has never been an issue with the bridge opening. Would it be a contravention of the EA if a hydraulic assessment was not included in the design of the new bridge ?</p> <p>A Since the EA has been completed the hydraulic capacity study was included in the preferred solution, then the proponent must follow through with everything that was included in the preferred solution. Alternatively, you could amend the EA and remove this commitment per your professional judgement and justification.</p>
7	<p>Q Regarding the construction of a new pedestrian bridge/water crossing associated with multi-use path cycling facility:</p> <ul style="list-style-type: none"> • What Schedule EA is required? • What Schedule would be required if the pedestrian bridge were to be constructed inside the right-of way? <p>A If you have an existing bridge which you can modify:</p> <ul style="list-style-type: none"> • Cycle lanes in a right-of-way are Schedule A+ as per item #19 - MCEA page I-5 • Cycle lanes outside of right-of-way are also Schedule A+ as per item #22 - MCEA page I-5 <p>If you are looking to construct a new multi-use path connecting to a new water crossing that is intended only for cycling path, then your project falls under Schedule-A+ according to item #22 – MCEA page I-5</p>
8	<p>Q What EA Schedule is appropriate for decommissioning of a Municipally owned structure (bridge or structural culvert)?</p> <p>A As per item #39-MCEA page I-6, <i>Retirement of existing roads and road related facilities</i> is Schedule-A+</p>

9	<p>Q Are vertical profiles (of the road) required to be included in the ESR for a Schedule-C MCEA for a road realignment?</p> <p>A The ESR needs to define the project clear enough so that impacts are understood by all and can be evaluated. If the area is all generally flat and the vertical profile of the finished road will generally match surrounding properties, then a vertical profile is not likely necessary. However, if the new alignment includes some grade changes to the vertical profile this could have a significant impact on adjacent property owners and should be shown so it can be understood and evaluated.</p>
10	<p>Q Would a realignment of a road be considered as a new road, or as the reconstruction of a road according to MCEA? In our project, the realignment will allow for the road to maintain its same purpose, without changes to its operation. I would like to receive clarification to determine the EA class schedule.</p> <p>A The Municipal Class EA defines a NEW ROAD as "<i>the construction of an improved surface for vehicular traffic on a new right-of-way where the right-of-way is entirely separate from any previous right-of-way. Also refers to construction of a road on a road allowance where no road surface previously existed.</i>"</p> <p>This is commonly interpreted to mean that if your project includes purchasing some property to improve a curve but to basically reconstruct on the same right-of-way this would be a Schedule A+ project (see example no. 19 of the Appendix 1 Road Section Tables).</p> <p>On the other hand, if your project involves constructing a road on mostly new property (even if it is for the same use and capacity) then it is considered a NEW ROAD or a road not at the same location and therefore a Schedule B or C (see example no. 20 or 21 of the Appendix 1 Road Section Tables).</p> <p>Another consideration is if the project is related to a planning act approval it may be a Schedule A (see example no. 23 of the Appendix 1 Road Section Tables).</p>
11	<p>Q I am doing the design for the separation of a combined sewer and road reconstruction. I would like to confirm if this type of project falls under a MCEA Schedule-A.</p> <p>A Your project likely fits this project type and therefore is a Schedule A+</p> <p>According to MCEA, "<i>Establish, extend or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage or natural drainage outlet, provided all such facilities are in either an existing road allowance or an existing utility corridor, included the use of Trenchless</i></p>

	<p><i>Technology for water crossings."</i></p> <p>For the road portion of the project look at no. 19, Reconstruction, of the Appendix 1 Road Section Tables. It states that the reconstructed road or other linear paved facilities will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (e.g. no change to the number of lanes) which is also Schedule A+.</p>
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Municipal Water and Wastewater Projects

1	Q	<p>Our city completed a MCEA Schedule-C process for our main wastewater treatment plant. Given the following details, do we need to complete an addendum to ensure that our environmental mitigative measures for this project are still valid? Should we be completing addendums for the individual projects that have not yet been started?</p> <ul style="list-style-type: none"> • The process yielded several preferred alternative projects (new pumping station, new chlorine contact tanks, new membrane filtration facility) • The 30-day review of this study ended a 11 years ago • We started work on one, or more, of the preferred projects
	A	<p>This part of the answer assumes that a definition of one problem was made clear in the original ESR (e.g. expand the capacity of the system), and it was also made clear that the solution was a series of projects that were necessary components of such solution.</p> <p>As long as you have begun construction on a part of the solution (one of the component projects) then you can proceed with implementing the solution by constructing the remaining component projects. To proceed, it is simply suggested that you document in your file; how proceeding is effectively implementing the main solution as per the original ESR. Given the timeframe, it would also be worthwhile to document that nothing in the environment has changed that would warrant a re-consideration of the preferred solution.</p>
2	Q	<p>Our municipality is working on a project that involves upgrading/maintenance on an existing dock/port. Where does it fit in the Municipal Class EA and what Schedule would it fall under?</p>
	A	<p>Both Schedule B and C for Wastewater projects list a number of projects along or in a water course. I suggest you review this list and, if your project falls within one of these categories then the project would be covered by that schedule.</p>

	<p>If your project is not included in any of the projects listed in Schedule A, A+, B or C then it would not be covered by the MCEA. Projects not included in the MCEA are exempt from the EA Act by Ontario Regulation 334/90 provided they cost less than \$3.5m</p>
3	<p>Q A municipality is looking at developing a marina. The marina development would include floating docks, breakwaters, shoreline work, a building and dredging. The shoreline work and breakwaters are covered by Schedule C of the MCEA. How are the docks and dredging handled in a Provincial Class EA? or how does the MCEA cover these components of the project? We understand there will be a Federal review of the project as well.</p> <p>A Both Schedule B and C for Wastewater projects list a number of projects along or in a water course. It is suggested that you review this list and, if your project falls within one of these categories then the project would be covered by that schedule.</p> <p>If your project is not included in any of the projects listed in Schedule A, A+, B or C then it would not be covered by the MCEA. Projects not included in the MCEA are exempt from the EA Act by Ontario Regulation 334/90 provided they cost less than \$3.5m</p>
4	<p>Q I am doing the design for the separation of a combined sewer and road reconstruction. I would like to confirm if this type of project falls under a MCEA Schedule-A.</p> <p>A Your project likely fits this project type and therefore is a Schedule A+</p> <p><i>According to MCEA, "Establish, extend or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage or natural drainage outlet, provided all such facilities are in either an existing road allowance or an existing utility corridor, included the use of Trenchless Technology for water crossings."</i></p> <p>For the road portion of the project look at no. 19, Reconstruction, of the Appendix 1 Road Section Tables. It states that the reconstructed road or other linear paved facilities will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (e.g. no change to the number of lanes) which is also schedule A+.</p>
5	<p>Q My first question is about triggers for an Environmental Assessment under the Ontario Environmental Assessment Act (OEAA). An example could be the construction of a new Domestic Water Supply that will not involve the likely release of a polluting substance into a water body and will have a location</p>

more than 30m from a water body.

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

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

All municipal undertakings are subject to Ontario's EA Act. An individual EA is required unless the undertaking is exempt or is covered by a Class EA. It sounds like the undertaking you are describing would be covered by the Municipal Class EA as a **Schedule C** activity. However, you should carefully review the charts in Appendix 1 of the MCEA to determine the appropriate schedule for your project.