



**Municipal
Engineers
Association**

MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT

September 2015

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

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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 dealing with municipal infrastructure projects has been proved to be an effective way of complying with the Ontario Environmental Assessment Act (EA Act) through over twenty years of experience. It provides:

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

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

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

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

1.2 BACKGROUND RE: MUNICIPAL CLASS EA PARENT DOCUMENT

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

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

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

In 1997, the MEA in conjunction with the MOECC-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, MOECC and other key stakeholders have indicated that the process has, and is working well. This was also borne out through the stakeholder survey done during the 1998 review which included a questionnaire distributed to over 1370 stakeholders, of which 85 completed the questionnaire and returned it to MEA.

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

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

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

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

These amendments were approved on September 6th, 2007.

Suring 2010 and 2011, MEA worked with MOECC 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.

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 MOECC 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 MOECC-EAAB
- October 4, 2002 - MEA to Submit yearly Monitoring Report to MOECC-EAAB
- October 4, 2003 - MEA to Submit yearly Monitoring Report to MOECC-EAAB
- October 4, 2004 - MEA to Submit yearly Monitoring Report to MOECC-EAAB
- October 4, 2005 - MEA to Submit yearly Monitoring Report and 5 Year Review
- 2006 and 2007 - Work focussed on amendments
- September 2008 - MEA submitted yearly Monitoring Report
- September 2009 - MEA submitted yearly Monitoring Report
- September 2010 - MEA submitted yearly Monitoring Report
- 2011 - MEA to Submit yearly Monitoring Report
- 2012 - MEA to Submit yearly Monitoring Report and 5 Year Review
- 2013 - Work focussed on amendments.

1.3.2 Municipal Class EA Training Sessions

Following the approval of the amendment to the Municipal Class EA in 2011, MEA hosted online training sessions. The purpose of the sessions was to provide an overview of the changes to Section A.2.9.

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

Also a one day training workshop was held in Toronto in April 2014 and will be repeated October 2014.

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

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 MOECC-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 MOECC-EAAB to review basic approach and draft framework. MOECC indicated that the basic approach in general was acceptable.
- expand draft framework (with additional background information and explanatory notes and incorporate comments from MOECC) to become the “Draft Monitoring Program”;
- September 12, 2001 meeting with the MEA Monitoring Committee, MOECC-EAAB and MMAH to review draft Monitoring Program; and,
- revise and submit to the Director of the MOECC-EAAB by October 4, 2001. Once submitted to MOECC-EAAB, there may be some further discussions between MEA and MOECC 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 MOECC, 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 MOECC 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 MOECC'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 MOECC'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 MOECC. 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 MOECC; and
- relies on the professional expertise and judgment of experienced EA practitioners.

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

1.4.2.5 Other

Other points raised during discussions with MOECC are noted below:

- *Ability to quantify the number of Schedule 'A' projects carried out under the Municipal Class EA* - The Schedule 'A' classification (i.e. pre-approved) is used extensively by all municipalities with some estimating that approximately 90% of projects/activities undertaken by a typical municipality are likely Schedule 'A' because they generally entail maintenance and operational activities for existing facilities. The number of Schedule 'A' projects can not accurately be measured since the Schedule 'A' classification could apply not only to projects but programs as well. Given that Schedule 'B' and 'C' projects have greater potential for environmental effects, Notices of Completion are now required to be sent to MOECC 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 MOECC for these projects.
- *Generic criteria for Class EA Annual Reports being developed by MOECC* - At the time of writing, MOECC was developing generic criteria, however, they were still very preliminary and being reviewed internally by MOECC.
- *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* - MOECC has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MOECC will be addressing this as an initiative to be carried out by MOECC.
- *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 MOECC, 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 MOECC for the record.

1.4.2.6 Conclusion

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

1.4.2.7

Since beginning the annual monitoring program, MEA has been circulating paper questionnaires to gather data from stakeholders. New for 2014, data was gathered using an internet based electronic survey tool.

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, MOECC 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 MOECC-EAAB.

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

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

2.1.1. Commitments Already Included In The Municipal Class EA

During the 1998 review of the previous Municipal Class EA, it was determined that it would have been useful if data had been more readily available about the number of Schedule 'B' and 'C' projects carried out following the Municipal Class EA process. Consequently, it was concluded that proponents should submit a copy of their Notices of Completion for Schedule 'B' and 'C' projects to MOECC-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 MOECC 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 MOECC-EAAB (Section A.1.5.1);
- MEA to meet with MOECC-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 MOECC-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 MOECC-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 MOECC 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 MOECC-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 MOECC Class EA program objectives? MOECC 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 MOECC 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 MOECC and MMAH.

2.1.4 Tools For Collecting Data

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

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

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

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

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

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

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

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

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

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

TABLE 3 - 12 MONTH CALENDAR

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

PART 3. ANNUAL MONITORING REPORT - SEPTEMBER 2015

3.1 DEVELOPMENT OF MONITORING REPORT

In the spring of 2015 Proponent Municipalities, Technical Agencies and other Key Stakeholders identified in the Monitoring Program were asked to complete an electronic survey. In 2013-2014, stakeholders provided extensive feedback for the annual monitoring and as part of the major amendment consultation. Stakeholders were advised that this feedback has been recorded and need not be repeated in the 2015 survey. The Ministry of the Environment and Climate Change was also asked to provide a summary of the Notices of Completions and Part II Order requests which they had received.

The data gathered through the survey was summarized and on June 12, 2015 the MEA Municipal Class EA Monitoring Committee met and reviewed the responses. Comments from this meeting were then incorporated and the draft Monitoring Report was prepared. The report was circulated to all Committee members for review before it was submitted to the Ministry of the Environment in October 2015.

3.2 RESPONSES FROM PROPONENT MUNICIPALITIES

A detailed summary of the responses from Proponent Municipalities to the questionnaire in both 2014 and 2015 is found in Appendix 'A'. Noteworthy comments from the responses are:

- Notices of Completion are not always being sent to EAAB;
- sometimes difficulty selecting project schedule;
- 90% noted trend of increasing effort;
- 90% interested in examining ways to control increased effort;
- some concern that agencies do not respond in a timely manner;
- schedules which include both transit and road projects;
- sometimes MOECC staff is not correct in their interpretation of project schedules;
- challenge for MOECC staff to provide clear and solid advice as they are so far removed;
- standby power in new building - Schedule A or existing building - Schedule A+ seem to be reversed;
- the public can hijack a project by broadcasting misleading information;
- approvals are often too slow;
- time for the Minister's decision on a Part II Order Request is unacceptably long.

3.3 RESPONSES FROM TECHNICAL AGENCIES AND KEY STAKEHOLDERS

A detailed summary of the responses from Technical Agencies and Key Stakeholders, to the questionnaire in both 2014 and 2015 is found in Appendix B. Noteworthy comments from the responses are:

- MCEA is 25 years old and has a number of amendments but now needs to be re-written;
- MOECC should reassess how to integrate all environmental programs to create a seamless system to ensure the environmental effects are identified and mitigated before projects proceed;
- MTO would like to discuss active transportation further with MEA;
- heritage issues are not always properly addressed - lengthy comment;
- first nations consultation guidance should be improved;

- public and agencies are not notified of amendments and training modules;
- MEA should partner with Ministries to promote better FN consultation and the Species at Risk;
- RCCAO comments also attached;
- proponent's consultation with First Nations sometimes not adequate;
- proponents not always circulating notices as required;
- the public feels that the time for the Minister's decision on a Part II Order Request is unacceptably long;

3.4 MOECC COMPLIANCE AUDIT

The following is a sample of the type of concerns that have been raised with MOECC.

Project Name	Process Related Issue/Concern	Outcome
Vaughan Metropolitan Centre Municipal Servicing Strategy Master Plan - SWM Pond	No Aboriginal consultation was completed	PIIOs were denied, and conditions imposed to require state 2 arch. Assessment, Aboriginal consult, and stopping work in event that artifacts/remains found.
Strasburg Road Extension	A segment of the road extension to the north was not included in the scope of the Class EA	As part of its review, the ministry examined the issue and determined it had no concerns, and this segment met the requirements of the Class EA at that time.
Wabagishik Rapids and Marter GS	Inadequate consultation with requesters and first nations	Some gaps in consultation record with FNs, additional info was provided by proponents in follow up. Public and Agency consultation deemed to be adequate.
Duffin Creek	Requester felt that proponents were not picking the appropriate solution - felt that lakewide water quality concerns were not being addressed by preferred approach.	Decision not yet made; but felt that undertaking was proposed to address a specific problem (capacity limitations and mixing of effluent) as opposed to algae growth and potential limits to amount of phosphorus in plant effluent.
Dundas Sewage Pumping Station	Requester felt that one of the projects proposed by the master plan highly impacted the natural environment. Felt that project should be eliminated from further study at the master plan stage as it would negate the remainder of the solutions identified by the master plan (as opposed to being further studied as a schedule C once master plan complete.	PIIO cannot be made for a master plan. Proponent encouraged to consult with regional MOECC office during schedule C planning; requesters advised that they may submit PIIO request for schedule C project.

Project Name	Process Related Issue/Concern	Outcome
Second Avenue Sudbury	Regional EA coordinator not sent project notices as per class EA. No project file completed.	Part II orders dismissed; proponent advised to complete project file and re-issue notice of completion.
Haig Street and Station Road	FN community were inadequately consulted - their territory was adjacent to study area, and traditional territory within study area - believe that archaeological remains may be present and impacted by project.	Proponent directed to send archaeological assessments and project documentation to requester FN, resolution of concerns ongoing.
Hope Side Road Schedule C	Conservation area did not have the opportunity to comment on the draft ESR	The MCEA does not require the proponent to provide review agencies with the opportunity to comment on the draft ESR. Ministry staff were satisfied that the City met consultation requirements of the Class EA
	Concerned that the City adjusted its study area during the project planning - concerned that it reflects poor methodology to assess the alternatives.	City expanded its study area to assess other routes. The ministry was satisfied that the alternatives were adequately assessed.
Queen Street bike configuration Schedule B. *This Project falls under Schedule A+. Due to public interest the proponent decided to plan the Project under the Schedule B requirements	Residents on perpendicular streets were not notified of the project in the same manner as residents living along Queen Street.	Public notices were advertised and mailed out to property owners abutting Queen Street and any interested stakeholders. The ministry was satisfied that the City met all consultation requirements.
	If the City decides to revert back to the original configuration, the Class EA process would need to be reopened.	The ministry was satisfied that the City will follow the appropriate process under the Class Environmental Assessment if a reversal of the Project was to occur.

Generally, proponents are complying with the MCEA. However, proponents need to properly complete First Nations consultation and provide notices.

3.5 CREEP OF SCOPE OF THE MCEA PROCESS

During 2013 and 2014, various groups (Peel, RCCAO, BILD, Consultants) approached MEA complaining that the scope of preparing a MCEA had, over the years, expanded and they are seeking changes that would reduce the time/cost of preparing a MCEA for a Schedule B or C project. The various groups had different ideas about what should change to accomplish the improvements to the MCEA. MEA decided to bring the various stakeholders together and organized a meeting on April 17, 2014 with this idea as the central topic. At the meeting MEA commented that it was really changes to the practices and expectations that were needed not amendments to the MCEA document. Notes from the meeting are attached in Appendix C.

3.6 MCEA COMPANION GUIDE

MEA is developing an MCEA Companion Guide that would provide useful tips for proponents and illustrate minimum requirements with examples. This Guide would provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples. It will focus on satisfying the minimum requirements for Advertising/Consultation, the EA process including investigation into options and detailed design and Documentation (Schedule A+, B and C) but then explain when additional work could be considered.

It would likely be similar to the guidance documents that have been prepared by other Class EA proponents for internal use by their staff while they prepare their Class EA projects. MEA would be pleased to review this guidance document with MOECC but formal MOECC approval would not be required.

3.7 AFP/P3 PROJECTS

Brant County and Town of Erin are planning projects following a streamlined model where the final MCEA approval will provide flexibility so the project could be constructed as a AFP/P3 project.

Brant County Schedule C projects (expand water and wastewater plants) are now underway. It is anticipated that the final ESR focus on impacts to the environment but will contain limited design details so maximum flexibility is available during detailed design/construction and a design build construction model could be used. There is interest in the technical reviewer's comments when the ESR only includes limited details. MEA will be reporting on the success of this pilot project when complete in early 2016.

3.8 NEW REGULATION - EXEMPT PRE-APPROVED PROJECTS FROM PART II ORDER REQUESTS

In 2011, MEA learned of a new MOECC legal interpretation that Part II Order Requests would be considered on pre-approved projects (Schedule A and A+). This is a significant change to 25 years of practice and MEA considers correcting this loophole to be a high priority.

MOECC has explained that a new regulation to exempt projects with a low environmental impact (Schedule A and A+) from Part II Order Requests is being planned. However, completing this regulation is not a high priority with senior staff at MOECC as there has not been a history of Part II Order Requests for these types of projects. MEA remains very concerned with the new interpretation that permits a Part II Order Request on Pre-approved projects. MEA takes little comfort in the fact that this has not been a problem to date and strongly encourages MOECC to be proactive and proceed with the regulation. MEA has written to the Minister and is asking other stakeholders to join in lobbying for prompt adoption of this regulation. (see Appendix D) MEA remains disappointed with the lack of action by MOECC.

3.9 DELEGATE PART II ORDER REQUESTS

MEA continues to recommend that decisions related to Part II Order Requests be delegated to the director so that decisions can be rendered in a timely manner.

MEA presented data which showed that in 2013 the Minister took anywhere from 148 to 581 days (with an average of 304 days) to respond and deny a request for a Part II Order. All 28 requests that were processed in 2013 were denied and only 4 of the denials included any conditions. After reviewing the letters denying the Part II Order Requests, MEA believes that the majority of the requests had little merit and should have been processed and denied in a timely manner. Similar data in 2014 shows that the Ministry's performance is worse with an average time for a decision increasing to 347. These excessive delays in approvals are unnecessarily holding up key infrastructure projects increasing costs and slowing growth and economic development. Equally important are the multitude of projects where a delay of a year just cannot be accepted and the proponents are forced to make poor and/or expensive decisions to avoid a Part II Order Request even though the concern really does not have merit. The MCEA requires the Ministry to process Part II Order requests in 66 days (45 days for the EAA branch and 21 days for the Minister) and MEA has written several times to the Minister to strongly encourage the Ministry to improve their review process. Furthermore, MEA strongly believes that the authority for decisions on Part II Order Requests for the MCEA must be delegated to the Director. The authority for these requests related to other Class EAs has been delegated and we note a considerable improvement in the time for a decision (for example, the Forest Class EA has averaged 128 days for a response over the last 5 years). MEA has written to the Minister and is asking other stakeholders to join in lobbying for delegation (see Appendix E). Municipalities, MEA, the public and other stakeholders all agree that the timeframe of a Minister's decision is unacceptable MEA remains disappointed with the lack of action by MOECC.

3.10 OMB AND PART II ORDER REQUESTS FOR INTEGRATED PROJECTS

MEA continues to seek a return to when Integrated Projects did not face double jeopardy and were subject to the OMB but not a Part II Order Request. To review the history of the integrated process:

- i) In 2000, the MCEA was amended to include A.2.9 to Integrate with Planning Act - no provision for Part II Orders;
- ii) Summer 2010, MOECC is lobbied by Developer groups and provides \$100,000 to MEA to update A.2.9; At the same time, MOECC legal decides Part II Order Requests can be submitted on Integrated Projects;
- iii) Summer 2011, MEA reluctantly submits amendments to A.2.9 making it clear that the double jeopardy must be removed;

- iv) Over past 3 years, MEA has participated in a number of conference calls with MOECC and RCCAO, a new regulation has been mentioned but no solution.

MEA is frustrated working to improve A.2.9 only to find out that MOECC's new interpretation of the legislation means proponents face the double jeopardy of both an appeal to the OMB and a Part II Order Request. Earlier MOECC had indicated that a regulation, similar to the proposed regulation to deal with Part II Order Requests on pre-approved projects, might be possible so that integrated projects only faced appeals to the OMB. However, MOECC now advises that such a regulation is not being considered. Instead they suggested that, if MEA could demonstrate that selected types of integrated projects (for example collection roads in subdivisions) were of low environmental risk these specific types of integrated projects could be included in the regulation proposed to deal with Part II Order Requests on pre-approved projects.

3.11 GUIDANCE FROM REGIONAL EA COORDINATORS

The guidance material included in Appendix F is being consistently circulated to proponents by the Regional EA Coordinators upon their receipt of an MCEA Notice of Commencement.

MEA has offered to work with MOECC regarding the content of these guidance letters.

3.12 ANNUAL MEETING OF THE MEA CLASS EA MONITORING COMMITTEE AND RECOMMENDATIONS

**Annual MOECC – MEA Meeting
Monitoring of the MCEA
Agenda with Notes from the Meeting
Friday June 12th, 2015
Toronto City Hall
22nd Floor East Tower**

Present: Solange Desautels MOECC
Andrew Evers MOECC
Paul Knowles MEA
Alan Korrel MEA
Dadean Assam MEA
Fahd Michael MEA
Jeff Dea MEA

- 1) Annual Monitoring Report - A draft of the 2015 monitoring report is attached. Responses to questionnaire (both municipalities and the public complain about the length of time for a PIIOR decision from the Minister)

There really has not been any new issues raised by this year's Monitoring feedback. Time for a decision on a PIIOR has now increased to an average of 347 days. MEA is frustrated with the lack of progress by the Ministry on issues of importance – PIIOR on pre-approved projects and the time for a decision of a PIIOR. MEA will finalize and submit the annual monitoring report prior to the October 4th deadline.

- 2) Next Major amendment to the MCEA – See attached issues that have been identified. MEA will insist that any new amendment to the MCEA include a clear explanation detailing that there is no ability for a PIOR on pre-approved projects.

The MEA Board has taken the position that MOECC must take action related to PIOR before work on a major amendment to address further issues begins. However, at the meeting, a new strategy was discussed – that MEA should proceed with a further major amendment that addresses both the outstanding issues and the issues that are important to MEA. The Minister has made general statements about an upcoming EA review but this seems to be undefined to Ministry staff so perhaps MEA should put forward ideas and press for approval of an amendment that addresses MEA’s issues. MEA is currently preparing a paper that will outline MEA’s position on MCEA reform.

- 3) Companion Guide - MEA is developing a Companion Guide one section at a time, selecting certain sections based on priority. These sections will be posted on our MCEA web site as clarifications and, if deemed appropriate, they could be turned into a training module. They could also be incorporated into our ongoing classroom training.

When completed, the Guide could be bound into a consolidated form to provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples. Ideally the online version of the MCEA would have an icon wherever Companion Guide advice is relevant. The user could click on this icon and open up the appropriate advice from the Guide.

The first version of the Companion Guide will likely expand on the following sections from the MCEA;

I	A.1.2.3	Responsibility for Compliance
ii	A.2.1.1	Level of Complexity
iii	A.2.2	Phase 1 - Problem
iv	A.2.3	Phase 2 – Alternative Solutions
v	A.2.4	Phase 3 – Alternative Designs
vi	A.2.8.3	Responsibility of the Public
vii	A.3.2	Council
viii	A.3.3	Stakeholders
ix	A.3.4.1	Mandatory Contacts
x	A.3.4.2	Discretionary Contacts
Xi	A.3.5.1	Consultation Plan
Xii	A.3.5.2	Method of Contact
xiii	A.3.5.3	Public Notice
xiv	A.3.5.4	Info about the MCEA
xv	A.3.7	First Nations

MOECC was asked to identify any sections they feel would benefit from further explanation.

4. AFP/P3 Pilot Projects –

Pilot project will be assessed upon completion this fall to gauge the success.

- 5) Guidance Material from Regional EA Coordinators (MEA should work with MOECC to ensure that the guidance information which is distributed is consistent and addresses common issues).

MEA has noted MOECC's concern that not all proponents are filing their Notices of Commencement and Completion properly. MEA suggests that they work with the Regional EA Coordinators regarding this form letter so that items such as could be stressed in any form letter.

- 6) Cycling Amendment – When?

It is hoped that this amendment will be approved shortly. It is now well beyond the allotted 60 days for the Minister to issue a decision on the amendment.

- 7) EA Review planned by MOECC

As explained above, Ministry staff currently have no details about the anticipated EA Review. MEA is frustrated with MOECC's lack of action on critical issues and will be forwarding a further letter to the Minister (see attached).

3.13 SUCCESS OF MUNICIPAL CLASS EA

3.13.1 Use of Municipal Class EA

The Municipal Class EA is extensively used by municipalities as the approved mechanism for their sewer, water and road projects. This process is particularly important for the Schedule A projects which represent up to 95% of a municipalities work. The streamlining and consistence approach described in the Class EA are important advantages.

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

3.13.2 Compliance with Requirements

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

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

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

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

Condition has been fulfilled.

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

A Review of the Municipal Class Environmental Assessment will be completed by October 4th, 2015.

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

This report satisfies this condition.

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

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

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

3.13.3 Effectiveness to Meet EA Act Objectives

The Municipal Class EA continues to meet the statutory requirements of the EA Act. However a change to the EA Act or regulations is required to remove the loophole that allows for consideration of a Part II Order Request on a pre-approved project. A review of the questionnaires and of the Minister's decision relating to Part II Orders, confirms that the Municipal Class EA continues to meet the broad Class EA program objectives. The Municipal Class EA streamlines the planning process for municipalities, particularly for Schedule A projects, avoiding the individual EA requirements for thousands of municipal projects. The MOECC's detailed review of selected projects (Part II Order requests) confirms that generally municipalities correctly apply the Class EA's self assessment.

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

3.13.4 Conclusions

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

3.14 SUCCESS OF MONITORING PROGRAM

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

3.15 AMENDMENTS TO THE MUNICIPAL CLASS EA

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

Details of the recent amendment are included in Appendix G. A further major amendment is planned after MOECC enacts the new regulation to exempt Schedule A and A+ projects from Part II Order Requests. Issues that should be addressed in this future amendment are identified in Appendix H.

3.16 INQUIRIES/RESPONSES

The new MCEA web site www.municipalclassea.ca provides a forum where proponents or the public may submit inquires. A listing of inquiries and responses can be found on this website.

APPENDIX A

FEEDBACK

FROM PROPONENT MUNICIPALITIES

Municipal Class EA Process - Questionnaire

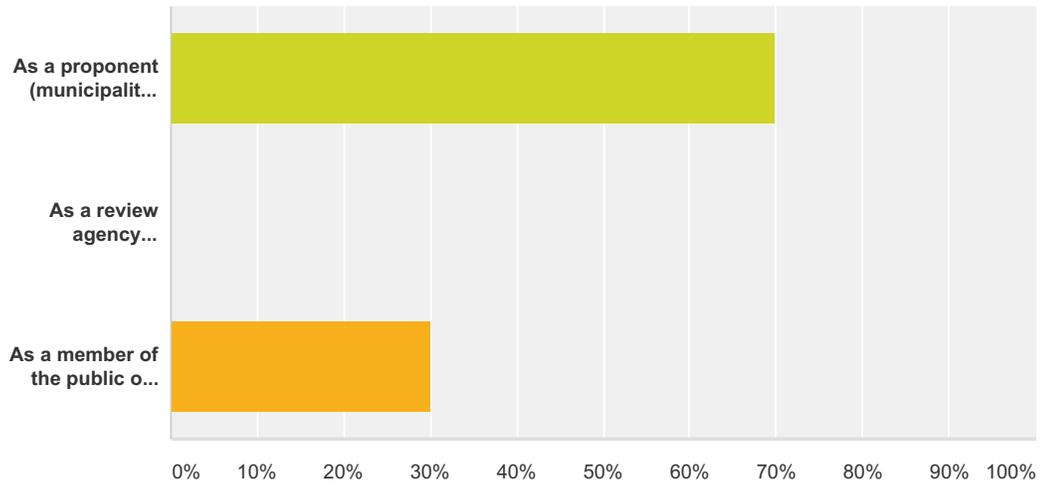
Q1 If further information required please fill out the following:

Answered: 3 Skipped: 7

Answer Choices	Responses
Name:	100.00% 3
Title:	100.00% 3
Organization	100.00% 3
Address 1:	100.00% 3
Address 2:	33.33% 1
City/Town:	100.00% 3
Postal Code	100.00% 3
Country:	0.00% 0
Email Address:	100.00% 3
Phone Number:	0.00% 0

Q2 How have you been involved with the Municipal Class EA?

Answered: 10 Skipped: 0

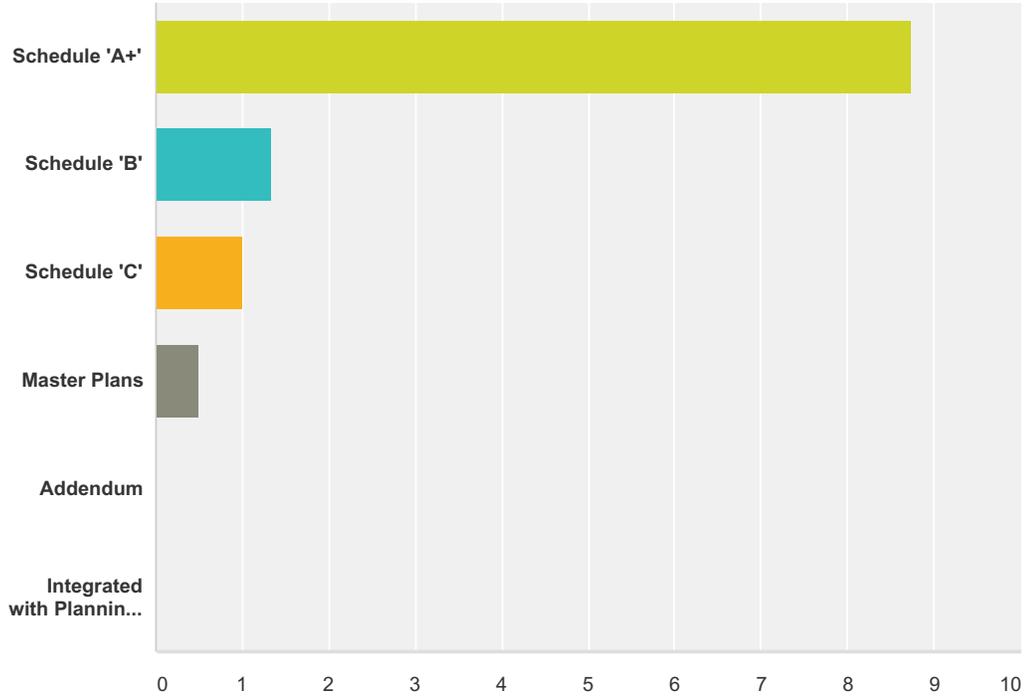


Answer Choices	Responses
As a proponent (municipality or developer) using the MCEA to satisfy EA Act requirements?	70.00% 7
As a review agency providing comments on MCEA projects?	0.00% 0
As a member of the public or other stakeholder providing input on MCEA projects?	30.00% 3
Total	10

Municipal Class EA Process - Questionnaire

Q3 Please indicate the number of projects your municipality initiated in the past calendar year.

Answered: 4 Skipped: 6

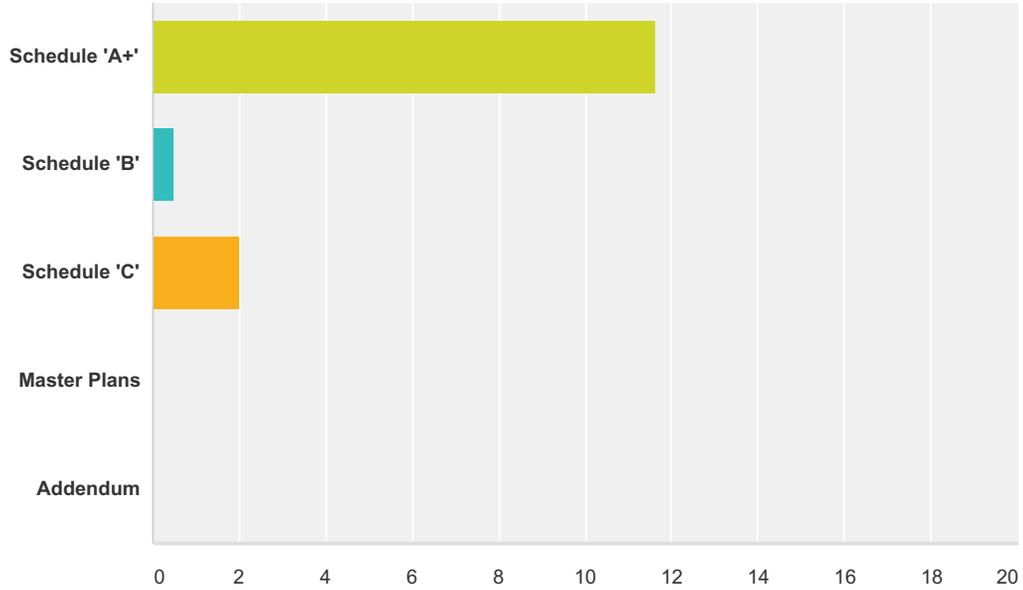


Answer Choices	Average Number	Total Number	Responses
Schedule 'A+'	9	35	4
Schedule 'B'	1	4	3
Schedule 'C'	1	2	2
Master Plans	1	1	2
Addendum	0	0	1
Integrated with Planning Act	0	0	0
Total Respondents: 4			

Municipal Class EA Process - Questionnaire

Q4 Please indicate the number of projects your municipality completed in the past calendar year?

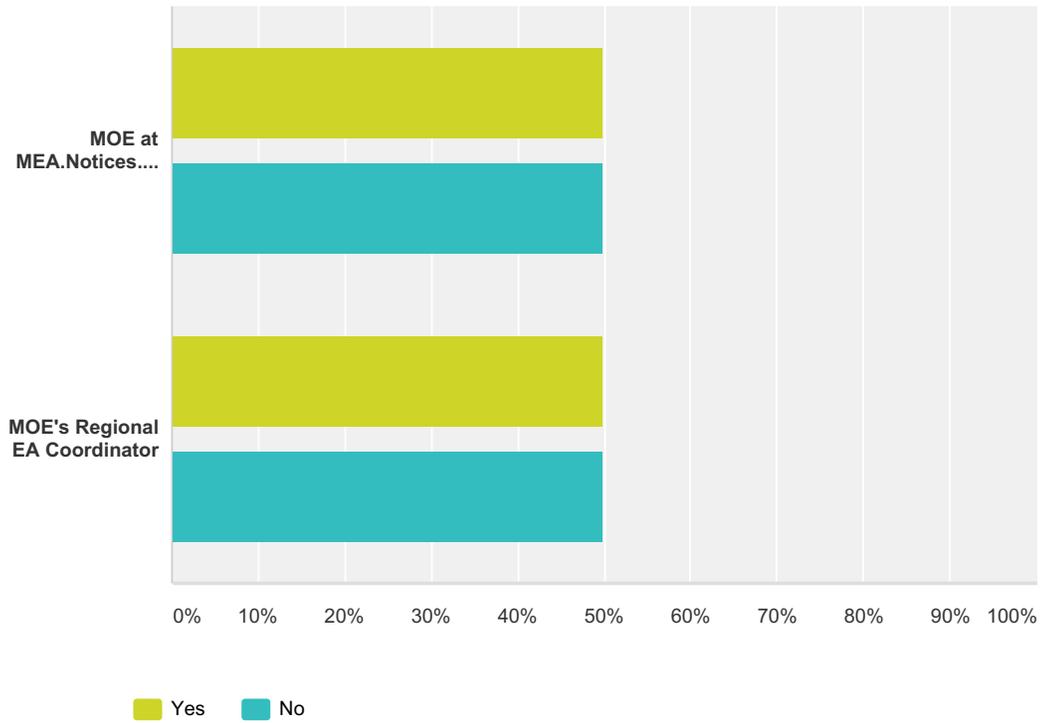
Answered: 3 Skipped: 7



Answer Choices	Average Number	Total Number	Responses
Schedule 'A+'	12	35	3
Schedule 'B'	1	1	2
Schedule 'C'	2	4	2
Master Plans	0	0	1
Addendum	0	0	1
Total Respondents: 3			

Q5 For each completed project was the Notice of Completion sent to:

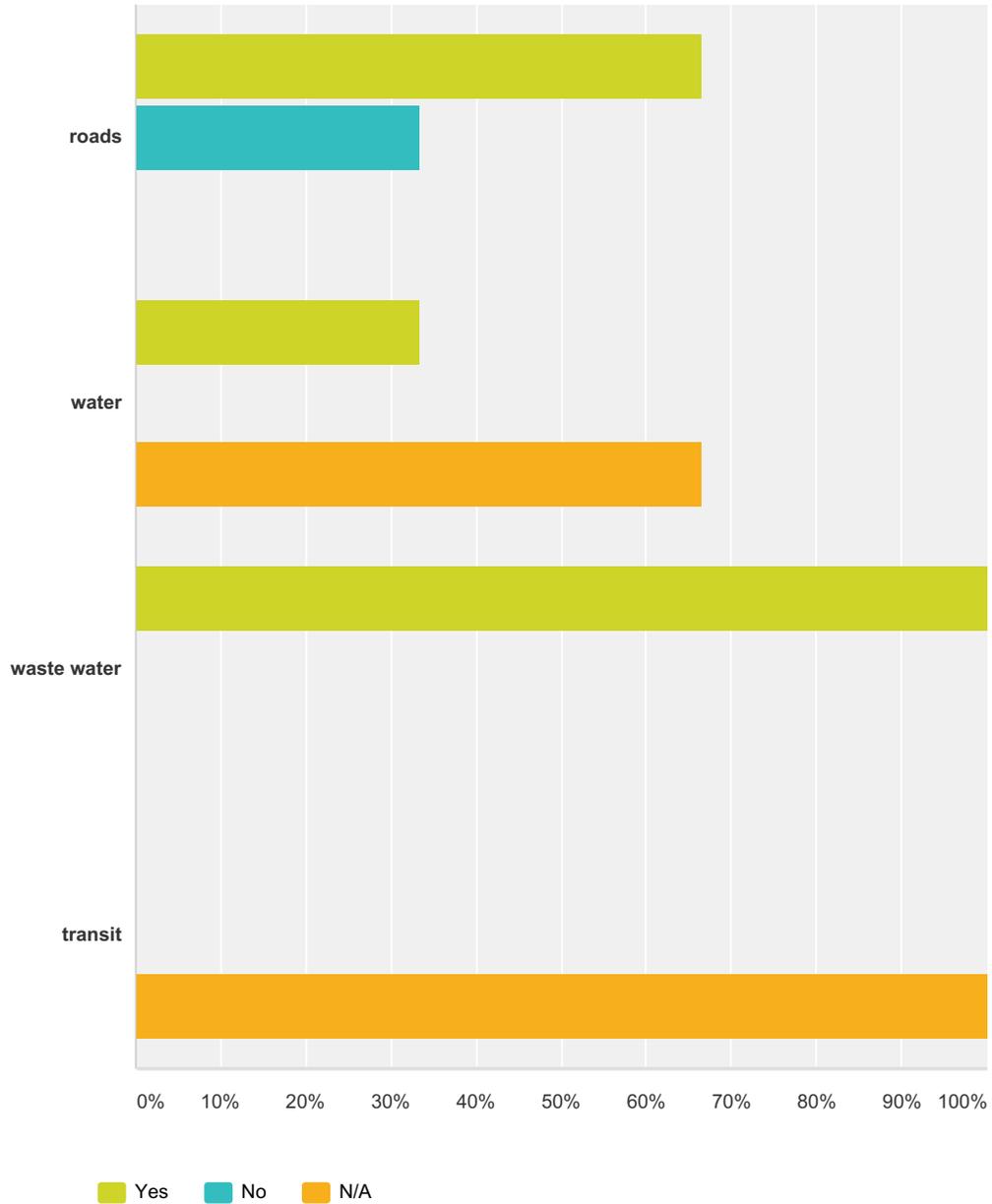
Answered: 2 Skipped: 8



	Yes	No	Total
MOE at MEA.Notices.EAAB@ontario.ca	50.00% 1	50.00% 1	2
MOE's Regional EA Coordinator	50.00% 1	50.00% 1	2

Q6 In general, do you find the project schedules appropriate for the type and scope of your projects?

Answered: 3 Skipped: 7



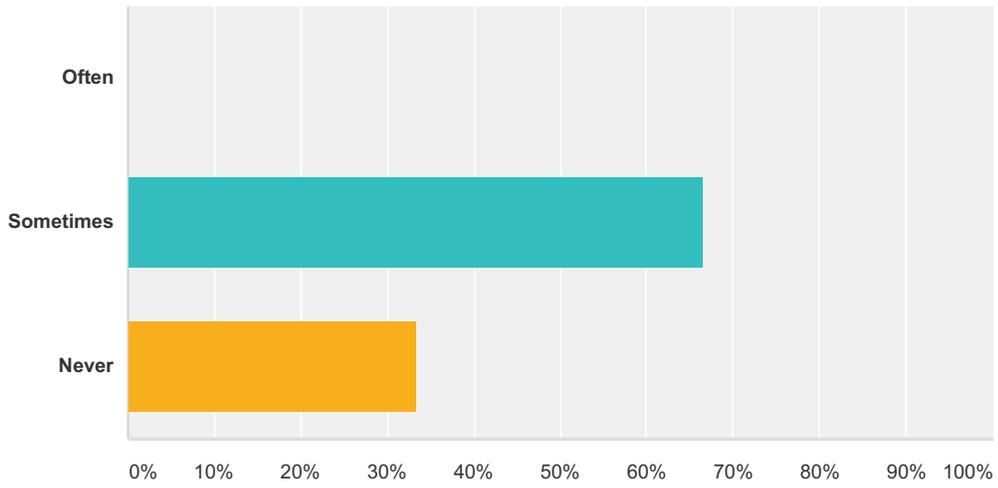
	Yes	No	N/A	Total
roads	66.67% 2	33.33% 1	0.00% 0	3
water	33.33% 1	0.00% 0	66.67% 2	3
waste water	100.00% 3	0.00% 0	0.00% 0	3

Municipal Class EA Process - Questionnaire

transit	0.00% 0	0.00% 0	100.00% 3	3
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Q7 Do you have difficulty determining the appropriate schedule for projects?

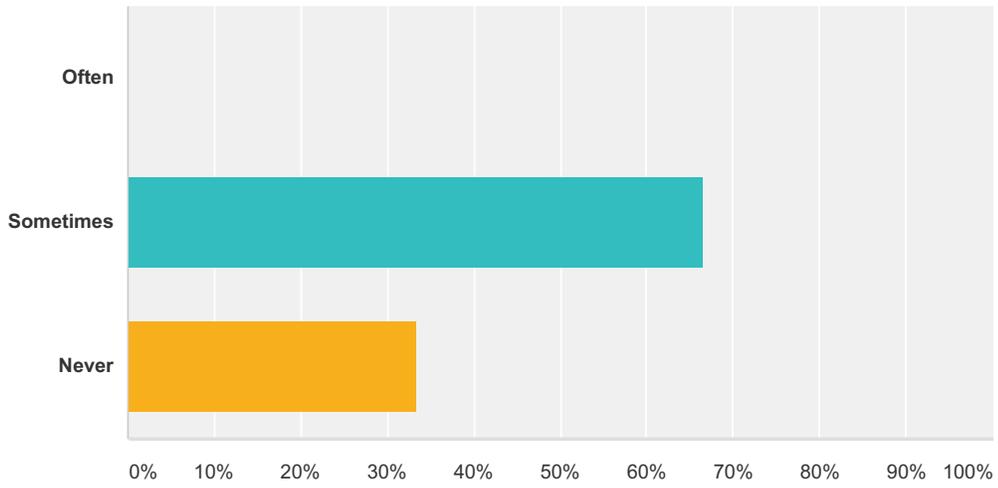
Answered: 3 Skipped: 7



Answer Choices	Responses
Often	0.00% 0
Sometimes	66.67% 2
Never	33.33% 1
Total	3

Q8 Has your choice/interpretation been challenged?

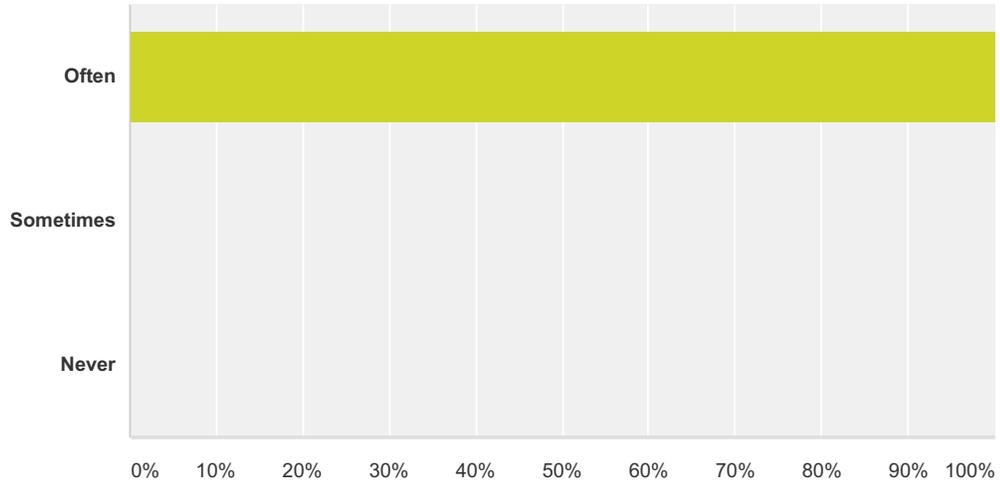
Answered: 3 Skipped: 7



Answer Choices	Responses
Often	0.00% 0
Sometimes	66.67% 2
Never	33.33% 1
Total	3

Q9 Do you find that your municipality, your consultants and MOE staff are consistent when interpreting the project schedules?

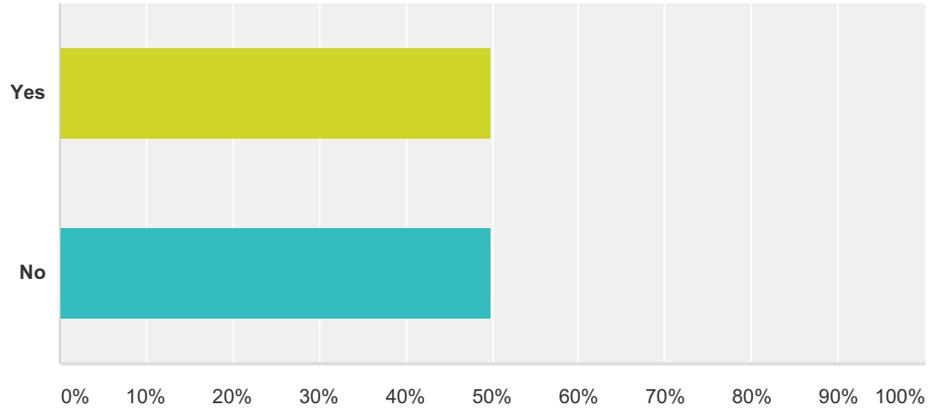
Answered: 3 Skipped: 7



Answer Choices	Responses
Often	100.00% 3
Sometimes	0.00% 0
Never	0.00% 0
Total	3

Q10 Are there any specific projects identified in the schedules (see Appendixes of the the Municipal Class EA) which should be modified/changed/deleted/added?

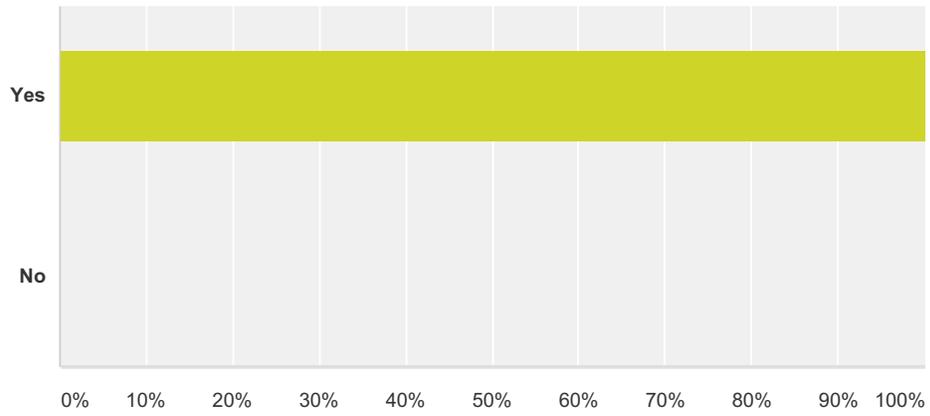
Answered: 2 Skipped: 8



Answer Choices	Responses
Yes	50.00% 1
No	50.00% 1
Total	2

Q11 In general, is the Municipal Class EA process easy to follow and to apply?

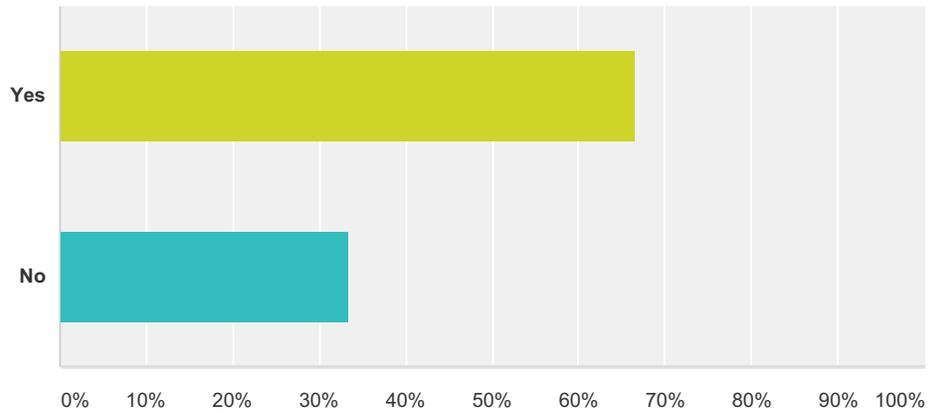
Answered: 3 Skipped: 7



Answer Choices	Responses
Yes	100.00% 3
No	0.00% 0
Total	3

Q12 Have you noted this trend of increased effort, cost and time?

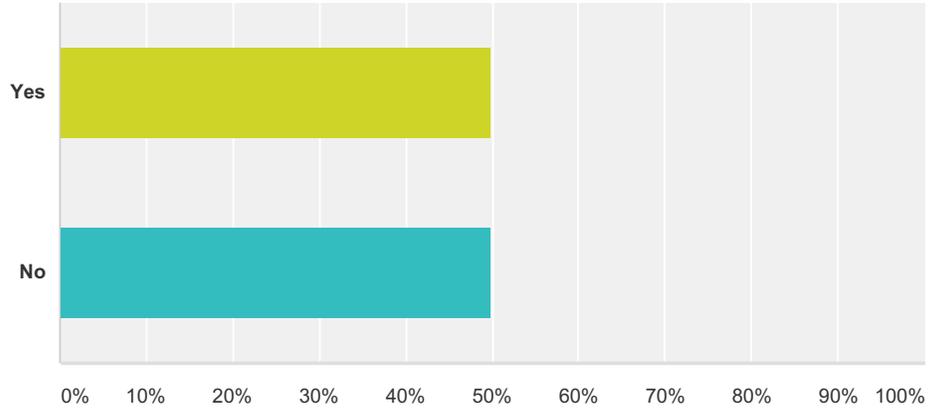
Answered: 3 Skipped: 7



Answer Choices	Responses
Yes	66.67% 2
No	33.33% 1
Total	3

Q13 Would you be interested in examining current practices to determine if the effort, cost and time can be reduced?

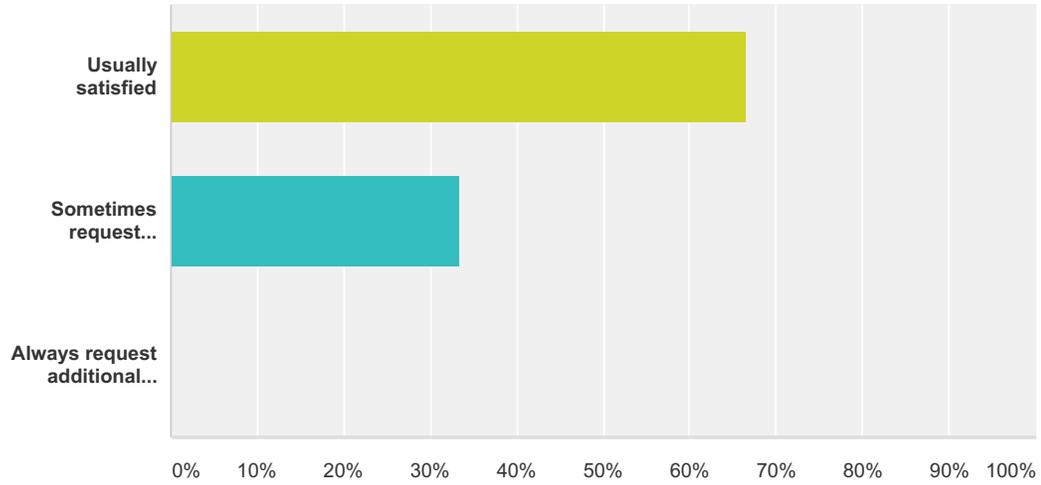
Answered: 2 Skipped: 8



Answer Choices	Responses
Yes	50.00% 1
No	50.00% 1
Total	2

Q14 In general, do project stakeholders indicate that they are satisfied with the level of notice, consultation and documentation?

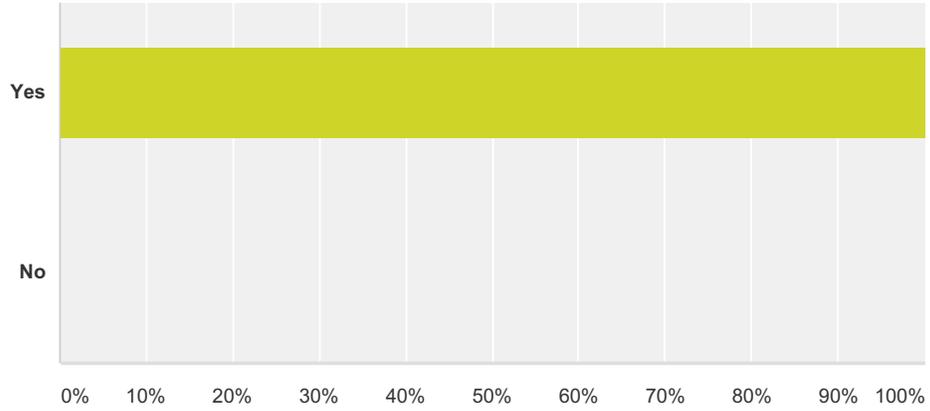
Answered: 3 Skipped: 7



Answer Choices	Responses
Usually satisfied	66.67% 2
Sometimes request additional Information	33.33% 1
Always request additional information	0.00% 0
Total	3

Q15 In general, do technical agencies participate in the process and provide input/comments in a timely manner?

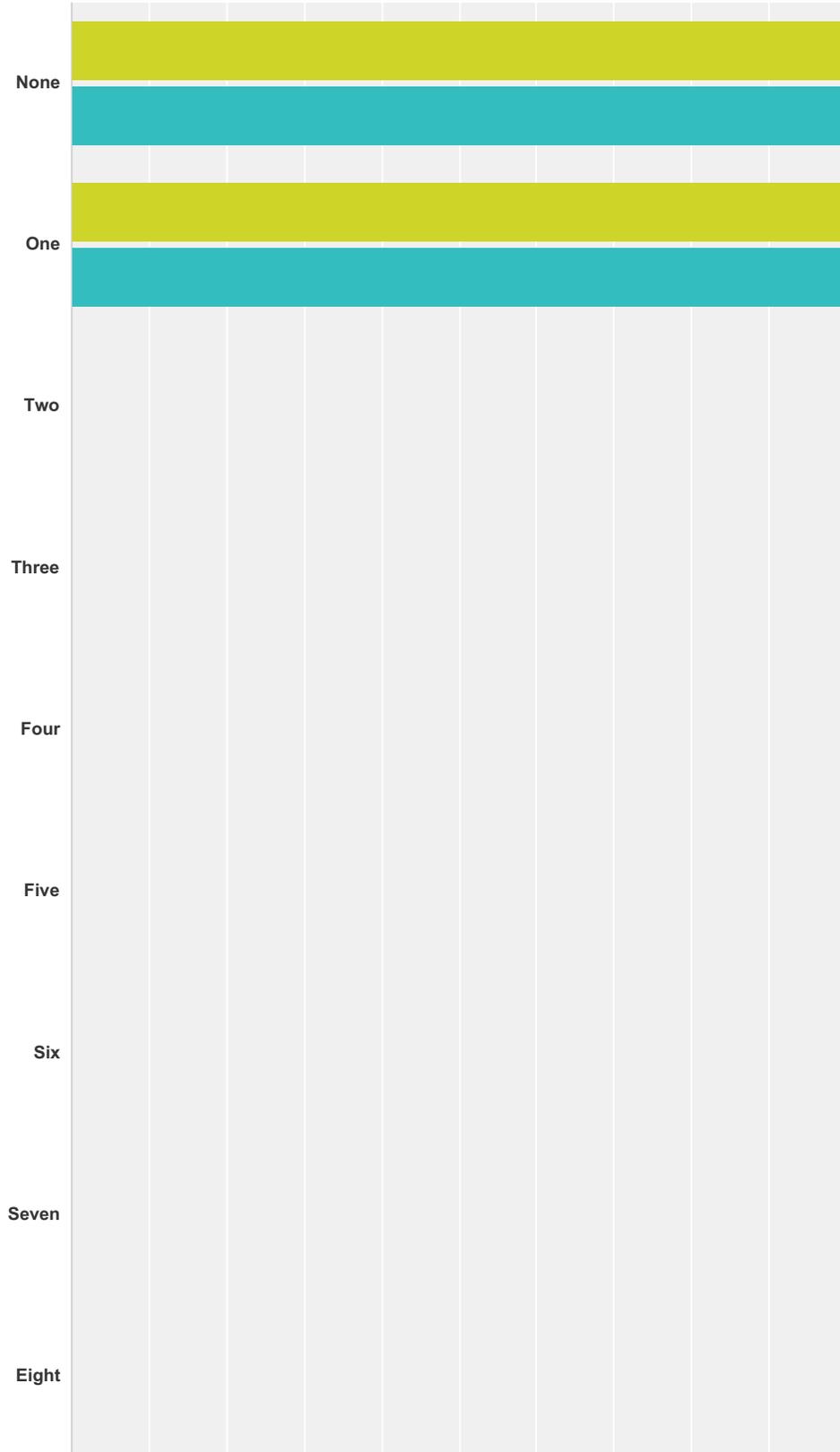
Answered: 3 Skipped: 7



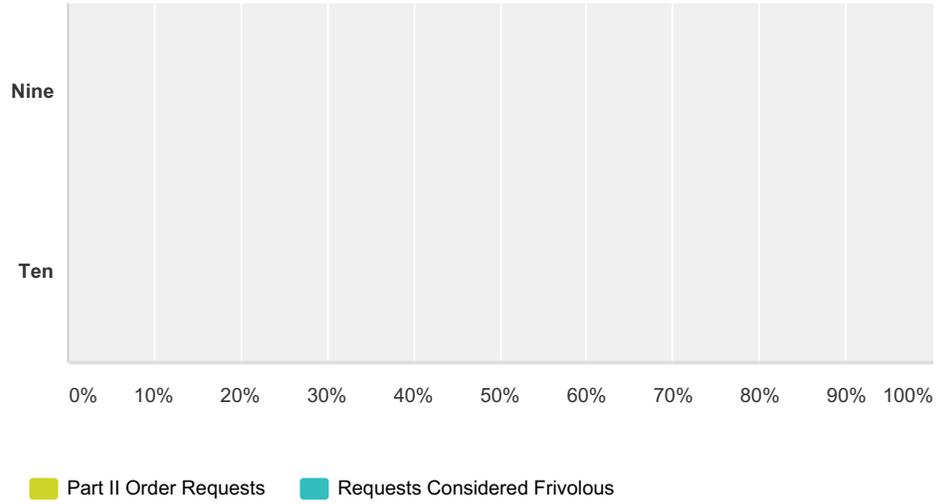
Answer Choices	Responses
Yes	100.00% 3
No	0.00% 0
Total	3

Q16 How many Part II Order Requests did you receive in 2013? How many did you consider frivolous?

Answered: 3 Skipped: 7



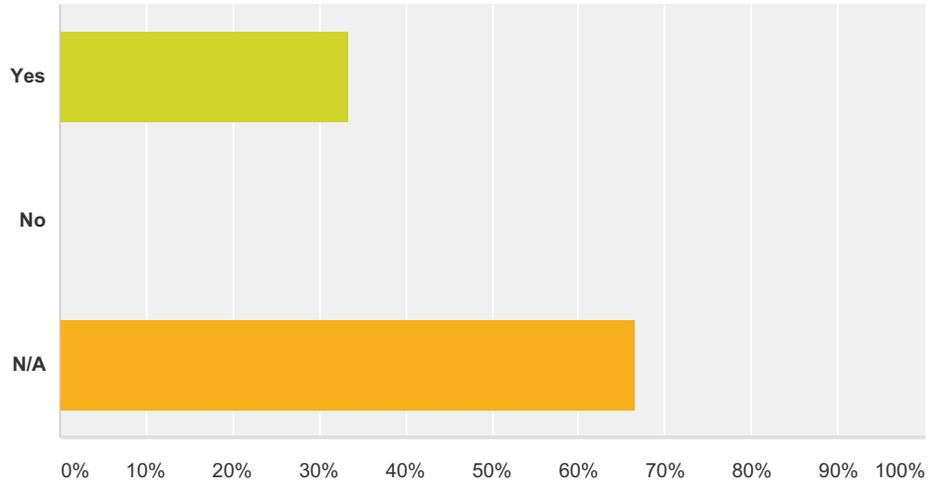
Municipal Class EA Process - Questionnaire



	Part II Order Requests	Requests Considered Frivolous	Total Respondents
None	100.00% 2	100.00% 2	2
One	100.00% 1	100.00% 1	1
Two	0.00% 0	0.00% 0	0
Three	0.00% 0	0.00% 0	0
Four	0.00% 0	0.00% 0	0
Five	0.00% 0	0.00% 0	0
Six	0.00% 0	0.00% 0	0
Seven	0.00% 0	0.00% 0	0
Eight	0.00% 0	0.00% 0	0
Nine	0.00% 0	0.00% 0	0
Ten	0.00% 0	0.00% 0	0

Q17 Related to your Part II Order Request, did MOE request any additional information and if so what information?

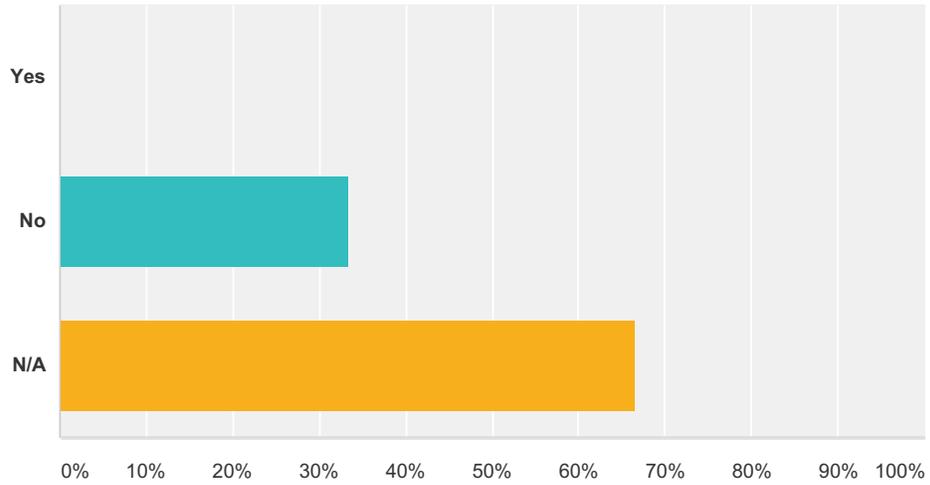
Answered: 3 Skipped: 7



Answer Choices	Responses
Yes	33.33% 1
No	0.00% 0
N/A	66.67% 2
Total	3

Q18 Were you satisfied with the manner in which the Part II Order Requests were processed by MOE? If not, please describe the impact and financial cost of the delay waiting for MOE's response.

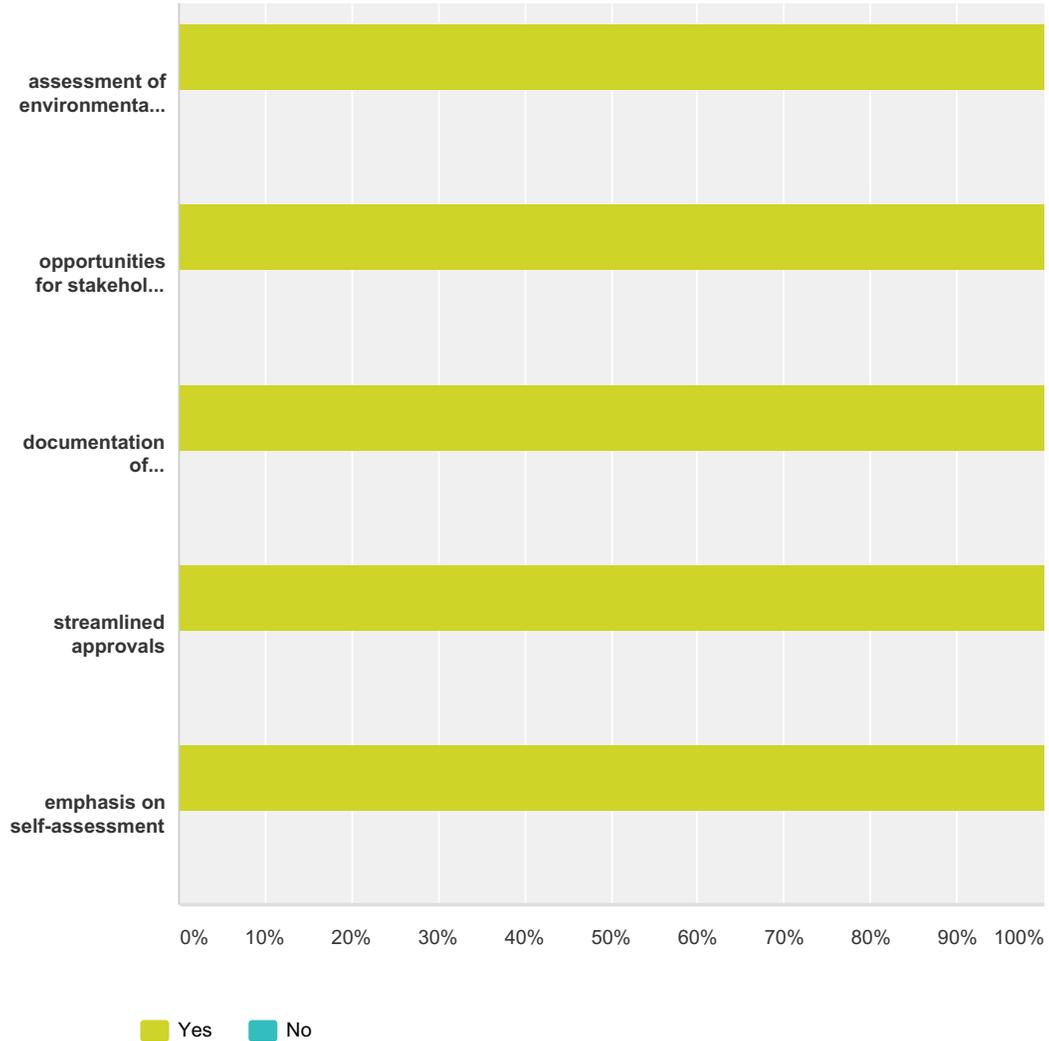
Answered: 3 Skipped: 7



Answer Choices	Responses
Yes	0.00% 0
No	33.33% 1
N/A	66.67% 2
Total	3

Q19 Based on your experience, are you generally satisfied that the Municipal Class EA process is continuing to be effective in meeting MOE's generic class environmental assessment program objectives, including:

Answered: 3 Skipped: 7



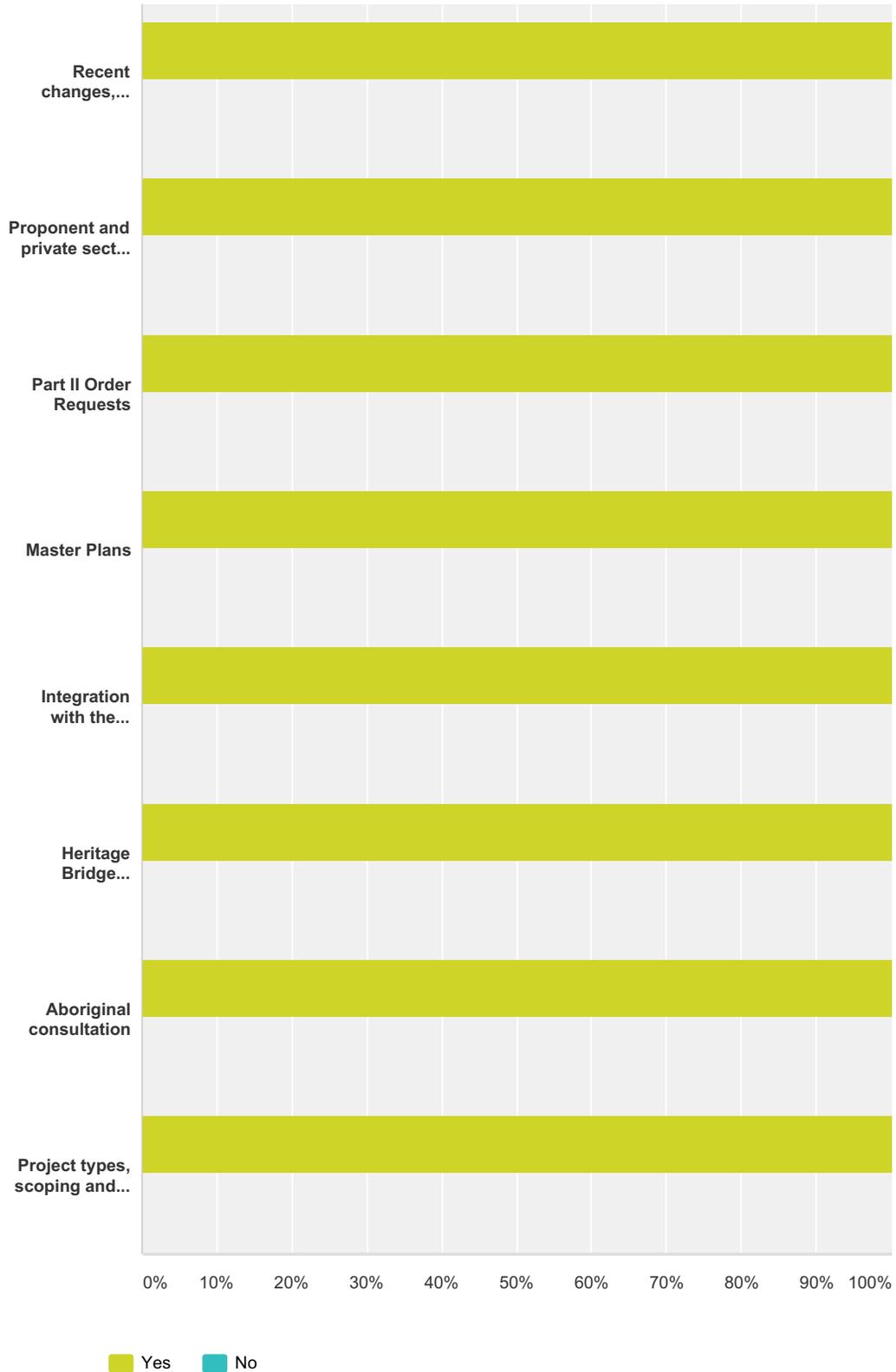
	Yes	No	Total
assessment of environmental effects	100.00% 3	0.00% 0	3
opportunities for stakeholder consultation	100.00% 3	0.00% 0	3
documentation of decision-making	100.00% 3	0.00% 0	3
streamlined approvals	100.00% 3	0.00% 0	3

Municipal Class EA Process - Questionnaire

emphasis on self-assessment	100.00% 3	0.00% 0	3
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Q20 Are you aware MEA has developed on-line training modules on the following topics?

Answered: 3 Skipped: 7



Municipal Class EA Process - Questionnaire

	Yes	No	Total
Recent changes, clarifications and amendments to the MCEA	100.00% 3	0.00% 0	3
Proponent and private sector projects	100.00% 3	0.00% 0	3
Part II Order Requests	100.00% 3	0.00% 0	3
Master Plans	100.00% 3	0.00% 0	3
Integration with the Planning Act	100.00% 3	0.00% 0	3
Heritage Bridge Structures	100.00% 3	0.00% 0	3
Aboriginal consultation	100.00% 3	0.00% 0	3
Project types, scoping and piecemealing	100.00% 3	0.00% 0	3

Q21 Comments on training modules

Answered: 0 Skipped: 10

Q22 Please provide comments on any additional topics

Answered: 0 Skipped: 10

APPENDIX B

FEEDBACK FROM

GOVERNMENT REVIEW AGENCIES

AND

OTHER STAKEHOLDERS

Municipal Class EA Process - Questionnaire

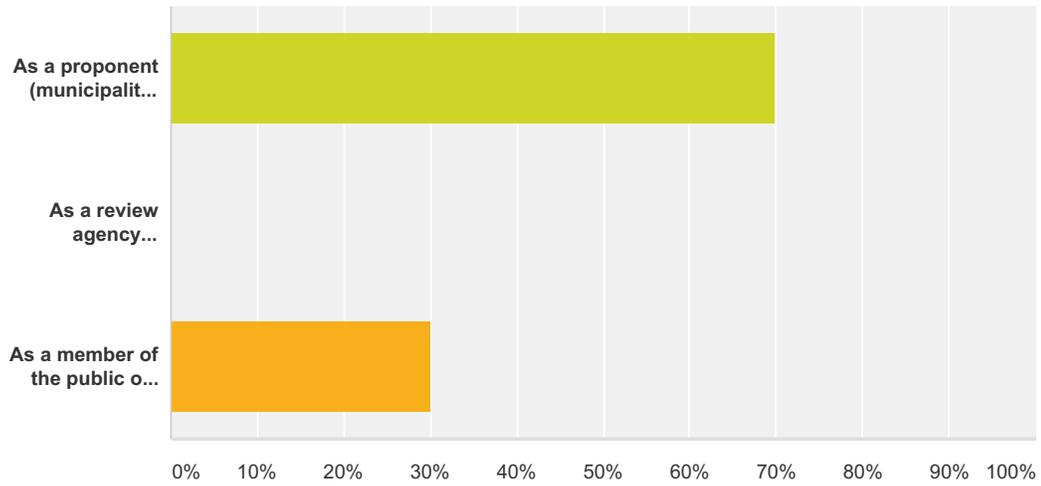
Q1 If further information required please fill out the following:

Answered: 3 Skipped: 7

Answer Choices	Responses
Name:	100.00% 3
Title:	100.00% 3
Organization	100.00% 3
Address 1:	100.00% 3
Address 2:	33.33% 1
City/Town:	100.00% 3
Postal Code	100.00% 3
Country:	0.00% 0
Email Address:	100.00% 3
Phone Number:	0.00% 0

Q2 How have you been involved with the Municipal Class EA?

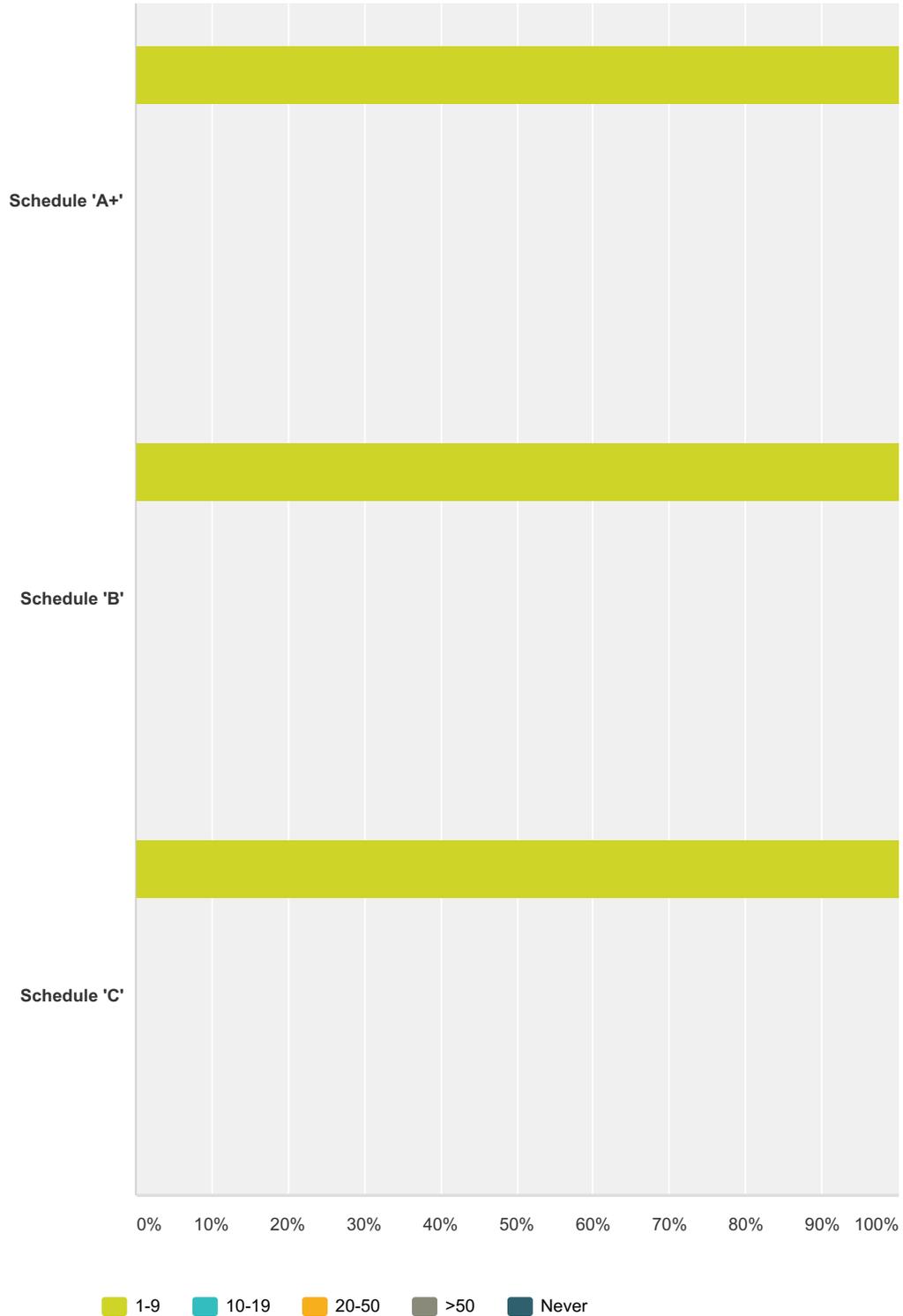
Answered: 10 Skipped: 0



Answer Choices	Responses
As a proponent (municipality or developer) using the MCEA to satisfy EA Act requirements?	70.00% 7
As a review agency providing comments on MCEA projects?	0.00% 0
As a member of the public or other stakeholder providing input on MCEA projects?	30.00% 3
Total	10

Q34 Questionnaire - Involvement as a Stakeholder or Member of the Public
In the last year how many of the following projects were you involved with?

Answered: 1 Skipped: 9

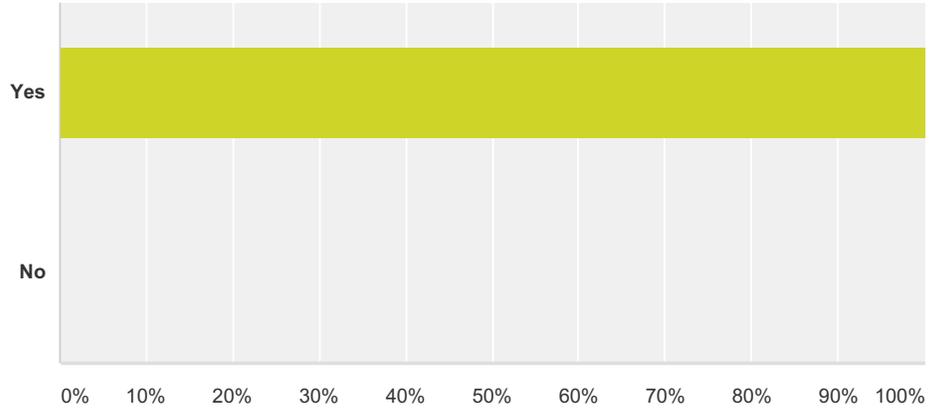


Municipal Class EA Process - Questionnaire

	1-9	10-19	20-50	>50	Never	Total
Schedule 'A+'	100.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	1
Schedule 'B'	100.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	1
Schedule 'C'	100.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	1

Q35 Did the Municipality (Proponent) provide adequate notice that made you aware of the projects in a timely manner?

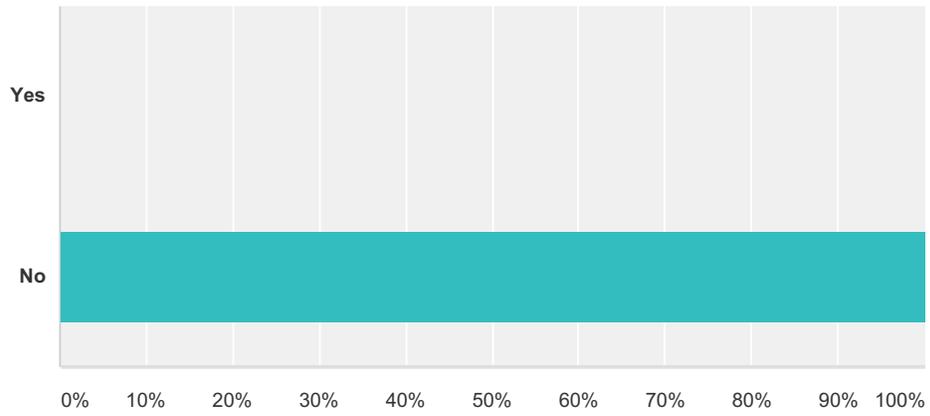
Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	100.00% 1
No	0.00% 0
Total	1

Q36 Did the Municipality (Proponent) explain the proposed project clearly?

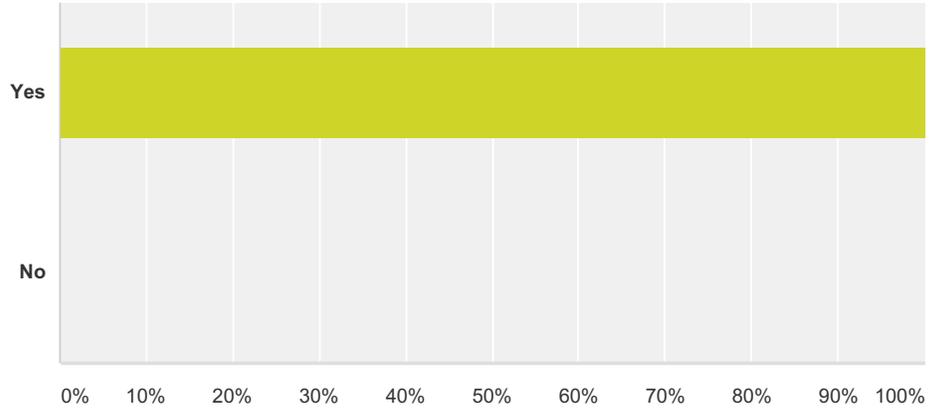
Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	0.00% 0
No	100.00% 1
Total	1

Q37 Did the Municipality (Proponent) provide suitable opportunities for you to provide feedback?

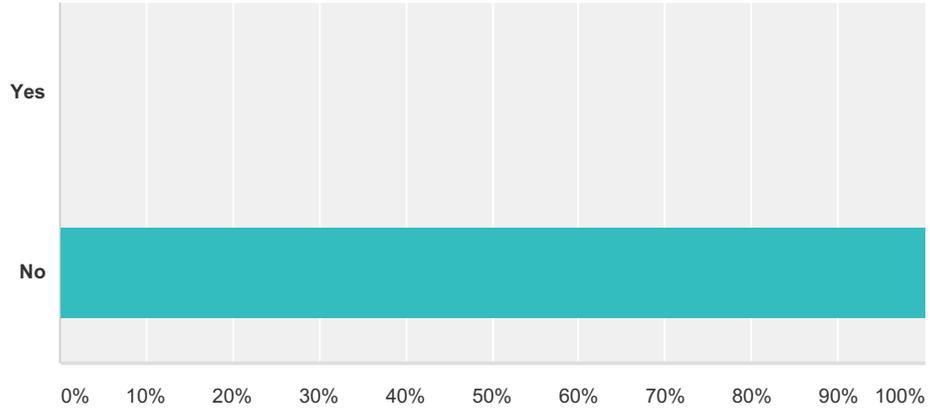
Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	100.00% 1
No	0.00% 0
Total	1

Q38 Did the Municipality (Proponent) clearly explain the Municipal Class Environmental Assessment Process?

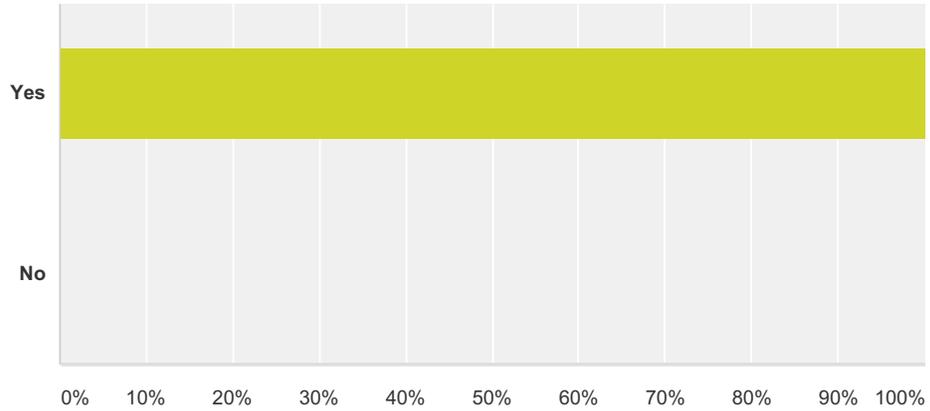
Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	0.00% 0
No	100.00% 1
Total	1

Q39 In the past year, did you file a Part II Order Request with the Minister of the Environment seeking a higher level of review for a project?

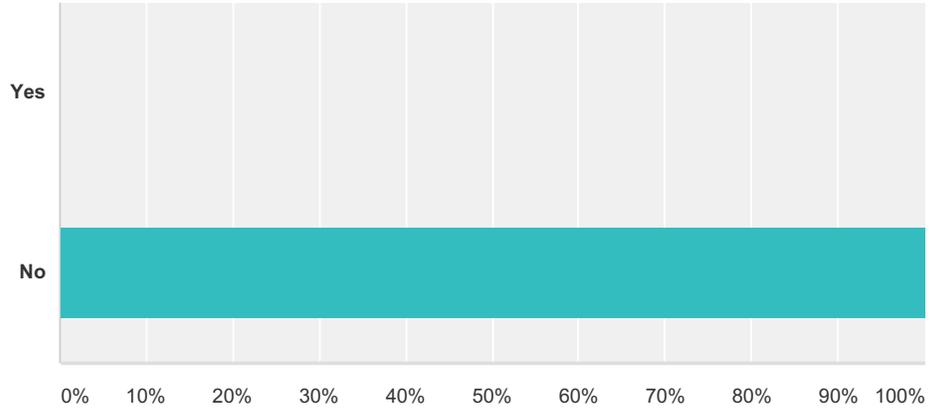
Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	100.00% 1
No	0.00% 0
Total	1

Q40 If yes, were you satisfied with the Minister's decision and the timing of that decision?

Answered: 1 Skipped: 9



Answer Choices	Responses
Yes	0.00% 0
No	100.00% 1
Total	1

APPENDIX C

NOTES FROM

STAKEHOLDERS MEETING

April 17th, 2014

MUNICIPAL CLASS ENVIRONMENT ASSESSMENT STAKEHOLDERS MEETING

12:30 P.M. April 17th, 2014

10 Peel Centre Drive
Mississauga Room

Minutes and Action Items

Attendance

Paul Knowles*	Town Carleton Place	pknowles@carletonplace.ca
Joe Vaccaro	OHBA	jvaccaro@ohba.ca
Steve Willis	MMM	williss@mmm.ca
Andy Manahan	RCCAO	Manahan@rccao.com
Frank Zechner	Zechner Law	frankzechner@zechnerlaw.com
Erica Anderson	IO	Erica.anderson@infrastructureontario.ca
Margaret Fazio	City of Hamilton	Margaret.fazio@hamilton.ca
Diana Morreate	City of Hamilton	Diana.morreate@hamilton.ca
Eric Flora	Region of Peel	eric.flora@peelregion.ca
Mark Knight	Stantec	mark.knight@stantec.com
Steven Rowe	SR plan	steven@srplan.ca
Janet Amos	Amos Consulting	amos@primus.ca
Lisa De Angelis	Region of Halton	lisa.deangelis@halton.ca
Sally Rook	Region of Peel	sally.rook@peelregion.ca
Steve Ganesh	Region of Peel	steve.ganesh@peelregion.ca
Damian Albanese	Region of Peel	damian.albanese@peelregion.ca
Jeff Dea*	City of Toronto	idea@toronto.ca
John Mende	City of Toronto	jmende@totonto.ca
Tom Copeland*	City of London	tcopeland@london.ca
Maria Samardzic	BILD GTA	msamardzic@bildgta.ca
Sabbir Saiyed	Peel Region	sabbir.sayed@peelregion.ca
David Zuramel	CEO	dzuramel@ceo.on.ca
Vivi Chi (teleconference)	City of Ottawa	Vivi.Chi@ottawa.ca
John Simmonds	MEA	John.simmonds@municipalengineers.on.ca

Note * Also represents MEA on MEA/MCEA committee

Introductions

Steve Ganesh welcomed the attendees to the stakeholders meeting and introductions were made around the table.

Background

The meeting is being held as a result of a previous stakeholders meeting recently held by Peel Region and also in response to papers written by the RCCAO, Peel region and many concerns expressed by the housing and construction industry and by environmental consultants using the Municipal Class EA.

Paul Knowles, as the chair of the MEA/MCEA committee gave a brief history of the MCEA process and the MEA's responsibility for maintaining the MCEA. He indicated that the MEA was aware of the concerns expressed and had called this meeting to engage all the stakeholders so that a strong case could be made to the MOE for updates and changes. Paul also outlined the changes that were currently being proposed on the MCEA web site.

The following issues were discussed.

1. Scope Creep in Preparing a Schedule B or C MCEA

The scope and size of Schedule B and C EA's has increased considerably over the years. According to the recent RCCAO report, costs of study reports have approximately tripled over the last 10 years, despite the fact that the basic legislation has not changed. It would seem that the proponents are reacting to requests to change the scope of study to cover issues not related to the project in hand. They are also often ignoring the existence of many master plans that already set the stage for the first part of an EA and they are revisiting every issue from the start unnecessarily.

Studies are also getting hung up on the need for first Nation consultation, in that some local MOE branches will not indicate when enough consultation is achieved.

In an effort to bring back Class EA's to their original intent and scope, the MEA is working with the MOE and the County of Brant to carrying out an outcomes based schedule C study for expansions to a sewer and water treatment project. This is underway and already appears to be costing far less than a conventional project in addition to likely providing a report in a timely fashion. The final report will not be a detailed design report but simply a report that will show approximate building massing, and a treatment process that will achieve the requirements, in addition to addressing the necessary environmental impacts.

There was general agreement that Environmental study reports have grown exponentially over the years and have strayed away from their original purpose by trying to answer every question and concern conceivable.

2. Additional environmental legislation

- **First nations**

There is a duty to consult with First Nations built into the legislation, and failure to consult appropriately can set back an ESR to the start of the process. The problem arises from the fact there is no definition of what is sufficient consultation. In some areas of the province there is good communication with the local first nations and projects are proceeding with minimal delay. However, in some other areas such as south west Ontario the local MOE cannot provide any positive affirmation of what is enough consultation and proponents are extremely frustrated by long delays in completing an ESR.

- **Source Water Protection Act**

This is another new environmental legislation that needs to be addressed during the ESR. Many proponents now incorporate this need into an ESR now. The base MCEA document is being amended to highlight this need.

- **Endangered species Act**

Again this needs to be reviewed with the local conservation authorities and the MNR at the ESR stage so that any permitting issues are solved well prior to construction. Currently, the presence of an endangered species on a project late in the tendering process is causing many projects to be significantly delayed.

- **Permit to take water legislation**

A permit is normally required for any dewatering project and as quantities are often unknown at the ESR stage a permit is only applied for at the contract stage. The required hydrogeological studies and the MOE review have sometimes delayed a project for months and sometimes to the next construction season. Consequently the MCEA process will also be referring to the need to review this aspect of the project. It should be noted that the Modernization of approvals branch of the MOE is actively writing new regulations to exempt many routine dewatering activities associated with short term construction impacts.

3. Part II Orders

According to the RCCAO report there is an increasing use of Part II orders by the public to appeal municipal construction projects. Many of these appeals appear to be completely unrelated to the project in hand and appear to be made to put pressure on the municipality to solve other unrelated problems. Although the MOE have not ruled in favour of any part II orders in the last 10 years, they are substantially delaying a project and adding to the cost of an ESR. The MCEA annual review is showing that the MOE is not able to make their rulings in a timely fashion or anywhere close to their required timelines. Currently, the part II order must be signed off by the Minister of the Environment. A more timely approach would be to delegate this authority to a Director, as was the case initially with the MCEA.

The MOE legal Branch has also ruled that Schedule A and A+ projects can be subject to a part II order. The MEA have been working with the MOE on this issue and the MOE are re writing the regulations to exempt schedule A and A+ projects, however, the timeline for this is not clear and there appears to be no urgency on the MOE side to process this change.

4. Training and Support

The MEA has just substantially updated their basic training package and recently gave a one day seminar in April in Mississauga. A second one is planned for October. There was much talk around the table on a need to “reset” expectations for an MCEA study and to provide more detailed guidance on what are the minimum requirements of an ESR in addition to providing examples of typical project reports, public notices and problem statements.

This support could be a mix of onsite seminars and webinars. Much of the new documentation associated with the training seminar could be modified in this respect. It should be noted that there is a discussion forum, an FAQ section and a training section on the MCEA site that is a good start on this. There was a suggestion to develop a “white paper” on the EA topics that cause practitioners the most problems.

5. Measurement and metrics for the MCEA process.

There is an annual monitoring process carried out by the MCEA of proponent projects that measures completion times and also time to review Part II orders (currently trending around 500 days). This year the MEA will be using a web based system to obtain this information. There was also discussion on the need for a central repository of ESR documents. Currently, active project studies are only available on individual municipal web sites and these are often removed after completion. There was a general consensus that a centralized system would make it easier for public access, but more importantly EA practitioners and proponents would be able to measure average response and project times in addition to spotting trends. It was surprising that the MOE had an EBR but no central registry for ESR's for any type of Class EA projects.

6. Construction cost index

The existing construction cost index is maintained by the MTO, who seem unable to keep this current. There was a general consensus that simple project cost is not a good criteria for defining project schedules and that the cost limits be removed and the definitions be updated accordingly.

Action Items

There are two streams of action to pursue, one involving educating and supporting the proponents, the other obtaining meaningful change from the MOE on response times and Inconsistent interpretations of the existing legislation.

1 Legislative and Administrative Changes

It was proposed that a White Paper be developed to be used as a clear concise document to act as a basis for discussions with the MOE. This document would have the backing of all the stakeholders and would thus likely carry much authority with it. The document would address the following issues:

- Delays caused by part II orders and need to eliminate schedule A and A+ projects from part II appeals.
- Resolution of the problems with integration with the planning act and the confusion between the appeal process to the OMB and to the MOE under a part II order
- Delegation of authority to the Director for Part II orders to allow the MOE to be able to meet their required timelines.
- A consistent application and definition of the “duty to consult” requirements under the EA.
- Construction cost index to be removed from defining schedules and replaced by updated project definitions.
- Work with the MOE to bring down expectations on the level of detail and complexity of schedule B and C projects and make sure this understanding is shared with the Regional offices.

2 Education and Support

It is clear that many of the frustrations and delays related to EA studies are a result of major scope creep in the project and a willingness of the proponent to go far above the requirements outlined in the existing legislation and guidelines document.

This direction often comes from the municipal political section in trying to placate and cater to all requests and concerns related and unrelated to a project. In addition, there appears to be a basic lack of understanding that the Class EA process is a self-governing one that does not require formal approval from the MOE or other agencies. In many cases formal comments from these agencies, while, well-meaning do not necessarily have to be followed verbatim if in the opinion of the proponent they are not relevant to a particular EA report. The ultimate test if there is a conflict of opinion is the Part II order system and consequently decisions on Part II orders must be made in a timely fashion and within the MOE’s own time schedule requirements.

The solution to the above issues is an enhanced education and support program that would provide clear definitions and examples related to the existing MCEA manual. The program would not only be targeted to the EA practitioners, but also to the public and politicians. There are a good set of basic documents already on the MCEA site that can

be enhanced in addition to making material available from the new training package. In addition there is an existing forum site on the MCEA site that could serve as a basis for an ongoing dialogue with MCEA users.

Implementation – next steps

The MEA does not receive any funding from the MOE for maintaining the MCEA except from the sale of manuals and training. It was agreed that the above projects will require some substantial funding to be able to prepare documents in a timely fashion and the various stakeholders, including the MEA, would review the possibility of providing funding this project. A follow up meeting will be required to discuss the results of this meeting and agree on the next steps.

Minutes of the meeting taken by:

John Simmonds P. Eng
Executive Director MEA

APPENDIX D

LETTER TO

MINISTER OF MOECC

PART II ORDERS ON

PRE-APPROVED PROJECTS



OFFICE OF THE PRESIDENT

1525 Cornwall Rd, Unit 22
Oakville, Ontario, L6J 0B2
(905) 795-2555
Fax: (905) 795-2660

August 11th, 2014

The Honourable Glen R. Murray
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

Dear Minister Murray:

We are writing to you to express concern with the application of section 16 of the *Environmental Assessment Act* (EAA) to the Municipal Class Environmental Assessment (EA) and how this impacts the routine construction, operation and maintenance routine of municipal infrastructure.

In 2011, while the Municipal Engineers Association (MEA) was amending the Municipal Class EA, we were advised that MOE legal staff had recently decided that under Section 16 of the EAA, anyone may request the Minister of the Environment to review any undertaking subject to the EAA and issue an Order making a Class EA project subject to Part II of the EAA.

We understand that MOE feels this legal interpretation would apply to **all** pre-approved projects, in **all** Class EAs. This interpretation is in direct contravention of the practices for the past 25 years and alters the fundamental principle on which the Class EAs were built. The MCEA pre-approved projects include projects like:

- normal operations of sewage and water systems;
- normal operation and maintenance of roads;
- resurfacing of roads;
- snow and de-icing operations on roads; and
- construction of a local road within a Plan of Subdivision.

Imagine if everyone that was dissatisfied with the winter maintenance of their street was aware that they could submit a Part II Order Request related to the municipality's (or MTO's) winter maintenance practices. Imagine if residents, that opposed a Subdivision, were aware that they could submit a Part II Order Request when a Developer began construction, even if the Ontario Municipal Board had approved the development. This would put your Ministry and the proponent both in a very difficult position.

For Schedule B or C projects, when a Part II Order Request is submitted work on the project is placed on hold and does not proceed until a decision has been made and you have authorized proceeding. What will be your direction to municipalities (or MTO) regarding their continued winter maintenance activities following a Part II Order Request or to a Developer constructing a Subdivision when a resident submits a Part II Order Request? Would municipalities (or MTO) be expected to cease winter maintenance activities while a decision about a Part II Order request was made?

Over the past three years we have communicated three times with your predecessor but the issue remains unaddressed.

We understand, from your staff, that a regulation is contemplated to close this loop hole and address this issue. However, we have not yet seen a draft of this regulation and work seems to have stalled. By copy of this letter, we ask other stakeholders to join us to urge you to be proactive and have your staff place a high priority on developing this regulation so that this issue is corrected before any Part II Order Requests are received.

We recognize that most people are not aware of this loophole and, therefore, there is no history of a problem. However, we take little comfort in a strategy that relies on people not finding out a new way to obstruct municipal infrastructure projects.

Yours truly



Dan Cozzi
President, MEA
905-845-6601 ext 3303
dan.cozzi@oakville.ca



Paul Knowles, P. Eng.
Chair, MCEA Monitoring Committee
613-257-6207
pknowles@carletonplace.ca

cc: Ministers with Class EAs
Attendees to April 17th, meeting

APPENDIX E

LETTER TO

MINISTER OF THE MOECC TO

IMPROVE PART II ORDER REQUEST

DECISION PROCESS



June 25th, 2015

The Honourable Glen R. Murray
Minister of the Environment and Climate Change
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

RE: Municipal Class EA

Dear Minister Murray:

We will be pleased to work with the Ministry when you act on your earlier announcement and initiate a review of “the entire EA permitting system” later this year. To prepare for this, MEA will be consulting with stakeholders so we can propose amendments (particularly to the project schedules) that will improve the MCEA.

However, we are writing to you to again express our serious concern and frustration with the lack of action regarding:

- the application of Section 16 of the *Environmental Assessment Act* (EAA) to the Municipal Class Environmental Assessment (EA) and how this could detrimentally impact the routine construction, operation and maintenance of municipal infrastructure; and
- the Part II Order request process under the *Environmental Assessment Act* and how the Ministry of the Environment and Climate Change’s (MOECC) review process negatively affects municipal infrastructure projects.

These issues are urgent and should be dealt with separate from the planned overall review.

Our past letters to you and your predecessors are attached for your reference.

Application of Section 16 EAA

In 2011, towards the end of a consultation process designed to support more effective implementation of the Class EA process, we were advised that Ministry legal staff had arrived at a new interpretation of Section 16 of the EAA. This interpretation is in direct contravention of the practices which have been applied over the past 25 years and alters the fundamental principle on which the Class EAs were built.

We immediately engaged your staff to seek a solution and, during the fall of 2013 cooperated with your staff as they worked to prepare a regulation that would close the loophole this new interpretation had created. Unfortunately work on this regulation has stalled and it is frustrating to learn that this issue has little priority as the loophole has not yet created serious problems.

There have not been problems yet because the MCEA document still reflects the practices prior to 2011 so few people are aware of the loophole the Ministry’s new interpretation has created. However, this is changing. The attached letter from an Environmental Solicitor makes it clear he understands this new interpretation and he will be using it for his clients.

We predict serious problems when the public discovers they can obstruct an infrastructure project (for example the construction of a street in a new subdivision even after all OMB appeals have been addressed or an important resurfacing project) just because they are dissatisfied with something.

The current MCEA document clearly states that there is no ability for a Part II Order request on pre-approved projects. Ministry staff have suggested that this section of the MCEA needs to be deleted (so it does not conflict with the new interpretation) so the document is silent regarding the public's rights.

We cannot support a non-transparent strategy that uses silence so that people's rights are not clearly explained – even if those rights now include a new way for them to obstruct municipal infrastructure projects if they choose.

We urge you to be proactive and have your staff place a high priority on developing this regulation so that this issue is corrected before the problem develops.

Part II Order Process

We have just compiled the recent feedback on the Municipal Class EA and, again this year, both proponent municipalities and the public have expressed dissatisfaction with the Part II Order review process. Furthermore it is disappointing to note that the average time for a decision has increased from 304 days in 2013 to 347 in 2014, far in excess of the allotted 45 days. This performance is, quite frankly, unacceptable and must be addressed.

To date, your staff have resisted our offer to work with them to make clear information available to proponents on what they need to provide to the Ministry when there is a Part II Order Request.

We continue to urge you to:

- 1) mandate your staff to work with MEA to develop clear direction to proponents regarding the information they should provide to the Ministry to assist with consideration of a Part II Order;
- 2) ensure appropriate resources and priority are available to review Part II Order Requests within the allotted 45 days; and
- 3) delegate decisions related to Part II Order Requests for the MCEA to the Director of the Environmental Approval Branch.

These measures will ensure that delays and costs to municipal infrastructure projects are minimized and the full effect of these projects to the local and regional economies realized.

Yours truly



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Chair, MCEA Monitoring Committee
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OFFICE OF THE PRESIDENT

1525 Cornwall Rd, Unit 22
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Fax: (905) 795-266

March 24th, 2015

The Honourable Glen R. Murray
Minister of the Environment and Climate Change
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

Dear Minister Murray:

As you know, the original Municipal Class Environmental Assessment (MCEA) was prepared in the 1980's, and, since that time, society's expectations related to active transportation, particularly cycling, have changed dramatically.

Currently, active transportation options like cycling facilities are not included in the MCEA so municipalities must either:

- rely on the exemption provided in Ont. Reg. 345 if the project is less than \$3.5m;
- or
- complete an individual EA if the project is greater than \$3.5m.

This means that the approval process, for larger cycling projects, is more onerous than for a similar-sized road project.

The Municipal Engineers Association (MEA) has recognized this problem as cycling and multi-use facilities are now common infrastructure for municipalities and therefore should be included in the Municipal Class Environmental Assessment. Throughout 2012, MEA worked extensively with Ministry staff and on January 23rd, 2013 submitted an amendment, to include cycling facilities in the MCEA, to your predecessor.

In February 2013, the Ministry advised MEA that amendments to three other sections of the MCEA needed to be included with the amendment. The purpose of these amendments was to clarify the Ministry's process for reviewing Part II Order requests, the Ministry's process under which amendments to the Municipal Class EA would be considered and updates to the sample notices included in the appendix of the Municipal Class EA to reflect the Ministry's requirements under the *Freedom of Information and Privacy Protection Act*. On May 7th, 2013, the cycling amendment was re-submitted with the three additional sections included.

In the summer of 2013, the Ministry again insisted that amendments to a fourth section of the MCEA be made to include information about the Ministry's Source Water Protection Program under the *Clean Water Act*. On December 5th, 2013, MEA, again, re-submitted (for the third time) the cycling amendment with the additional information about Source Water Protection Planning.

During the next 12 months, MEA gathered input and the Ministry completed an extensive review of the proposed amendment and in December 2014, it was posted on the EBR for a final round of consultation. On March 10th, 2015, MEA submitted the results from this consultation which did not identify any significant concerns with the proposed amendment.

We are excited that this concludes the amendment process and that, as per section A.1.3.2 of the MCEA (both existing and proposed in the amendment), you will be making a decision, by May 10th, 2015, within 60 days of our submission.

We were pleased to read the March 3rd, 2015 article by Brian Platt of QP Briefing where, on the topic of EA reform, you are quoted to say: *"One, I find them enormously long and involved on things that should take a lot less time, like electrification of rail."* he said. *"If you're taking diesel trains off and electric trains on, that shouldn't require as extensive an EA as we have."*

Clearly taking cars off the road by removing the onerous process for cycling infrastructure projects is also sensible. We urge prompt approval of this amendment to the MCEA so that projects can proceed without an onerous EA process and municipalities can provide their communities with safe, health, green, active transportation opportunities.

Furthermore, we will be pleased to work with the Ministry when you initiate a review of "the entire EA permitting system" later this year. We are confident that further improvements to the system can be achieved.

Yours truly



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cc:

Nancy Smith Lea, Toronto Centre for Active Transportation
Jacquelyn Hayward Gulati, Manager, Cycling Infrastructure and Programs,
City of Toronto – Jeffrey Dea
City of Ottawa – Robert Grimwood
City of Hamilton – Margaret Fazio
Jared Kolb, Executive Director, Cycle Toronto
Andy Manahan, RCCAO
Various Cycling Groups in Ontario (List attached)

Municipal Engineers Association

Almonte Bicycle Club	mcauslan@rogers.com
Barrie/Simcoe Cycling Club	robb@barriecycling.com
Brampton Cycling Club	president@bramptoncyclingclub.com
Cobourg Cycling Club	info@cobourgcyclingclub.com
Haliburton Real Easy Ryders Cycling Club	admin@haliburtonrealeasyryders.com
Hamilton Cycling Club	marcrisdale@gmail.com
Kanata-Nepean Bicycle Club	info@knbc.ca
Kingston Velo Club	info@kvc.ca
Kawartha Cycling Club	admin@kawarthacyclingclub.com
London Centennial Wheelers	abottere@uwo.ca
London Cycling Club	londoncyclingclubinfo@gmail.com
Mississauga Bicycling Racing Club	info@mbrc.org
Credit Valley Cycling Club	creditvalleycyclingclub@gmail.com
Newmarket Eagles Cycling Club	thedarkes@sympatico.ca
Oakville Cycling Club	Joemarangi@yahoo.ca
Ottawa Bicycle Club	obcadmin@gmail.com
Owen Sound Cycling Club	president@owensoundcycling.ca
Niagara Freewheelers Bicycle Touring Club	dmunn@sympatico.ca
Sault Cycling Club	C/O YMCA 235 McNab St. SSM P6B 1Y3
Sudbury Cycling Club	sudburycc@gmail.com
Silver Spokes Cycling Club	cornwell@execulink.com
Beaches Curling Club	dan@beachescycling.com
D'Ornellas Cycling Club	tracysullivan@me.com
Gay West Bicycle Club	gwbikeclub@gmail.com
Outdoor Club of East York	PO Box 65126 RO Chester TO M4K 3Z2
Toronto Bicycling Network	webadmin@tbn.ca
Thunder Bay Cycling Club	secretary@tbaycc.ca
Waterloo Cycling Club	
Great Canadian Bicycle Tours	admin@gcibt.org
Woodstock Cycling Club	woodstockcyclingclub@gmail.com
Caledon Cycling Club	boothleigh@hotmail.com
Ancaster Velo	fletccj@gmail.com
Arrow Racing	left_saidfred@yahoo.com
B1 Evo Cycling	vito@b1gruppo.ca
Bike Race Ottawa	bikeraceottawa@yahoo.com
Blacksheep Mountain Bike Club	info@blacksheepmtb.com
Crimps Cycling Club	
Cycle Solutions	
Cyclepath Oakville Race Team	bfargo@cogeco.ca
Dark Horse Flyers Club	flyersracing@gmail.com
Eastside Riders Cycling Club	esrcycling@gmail.com
Energy Cycling Club	energycyclingclub@gmail.com
Erace Cancer Cycling Team	pkofman@rogers.com
Etobicoke Cycling Club	chris@etobicokecycling.com

EZ Riders Cycling Inc
Forest City Velodrome
Full Throttle Cycling Club
Gears Bike Shop Club
Grand River Cycling Club
Hamilton Youth Cycling
Hummingbirds International Cycling Club
La Bicicletta Cycling Club
Lapdogs Cycling Club
Madonna Wheelers Cycling Club
Midweek Cycling Club
Morning Glory Cycling Club
Mountainview Cycling Club-Total Sports
Ontario Masters Cycling Association
Pedales Rápidos Inc
Peterborough Cycling Club
Racer Sportif/Mattamy Homes
Randonneurs Ontario
Ride with Rental
Rock and Road Cycle Race Team
Short Hills Cycling Club
Speed River Cycling Club
St. Catharines Cycling Club
TeamNCCH p/b Dec Express
Team RACE
Team Spoke O'Motion
Tekne Cycle Club
Thunder Bay Cycling Club
Toronto Chinese Road Bike Club
Trek Store Cycling Club
True North Cycles
Uxbridge Cycling Club
Vaughan Veloforte Cycling Club
Velocity Cycling Club Inc.
Veneto Cycling Club
West of Quebec Wheelers
Wild Bettys
Wolfpak Racing/Inception Cyclery

smetalin@rogers.com
forestcityvelodrome@live.com
coachwaynehenry@gmail.com
ira@gearsbikeshop.com
info@grandrivercycle.com
chris.l.kiriakopoulos@gmail.com
hummingbirdsc@gmail.com
tovi@labicicletta.com
michael@lapdogs.ca
steve.hamilton@rogers.com
michael@midweekclub.ca
morningglorycc@gmail.com

gcluett@hotmail.com
pedales@kapfin.com
craigmurray@trentu.ca
info@racersportif.com
thompsw@pobox.com
cheney_jason@hotmail.com
rockandroadraceteam@gmail.com
contact@shorthillscyclingclub.com
info@speedrivercyclingclub.org
president.stcatharinescc@gmail.com
info@ncch.ca
info@teamrace.com
myles@spokeemotion.com
teknecycling@gmail.com
linda.browningmorrow@shaw.ca
info.tcrbc@gmail.com
trekbarrie@bellnet.ca
antisketch@gmail.com
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August 11, 2014

The Honourable Glen R. Murray
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

Dear Minister Murray:

We are writing to you to express concern about the Part II Order request process under the *Environmental Assessment Act* and how the Ministry of the Environment's (MOE) review process affects municipal infrastructure projects.

Under the Notice of Approval for the Municipal Class Environmental Assessment (EA), the Municipal Engineers Association (MEA) is required to prepare an annual monitoring report and submit the results to the MOE. As part of the preparation of our annual monitoring reports, the MEA reviews the Part II Order process and how it impacts projects being planned under the Municipal Class EA.

In 2013, your predecessor reached decisions denying all 23 Part II Order Requests that were submitted in response to Municipal Class EA projects. The Municipal Class EA states that the EAA branch will review Part II Order Requests within 45 days and then the Minister will issue a decision within an additional 21 days for a total of 66 days. Based on the MEA's review, it took an average of 304 days (ranged from 148 days to 581 days) in 2013 for a decision to be provided about Part II Order requests.

Delays in approvals can cause significant issues for both municipal and private developer proponents. Delays mean the construction of critical infrastructure and the associated economic activity does not proceed and, often when it finally does proceed, the cost of the project has increased.

Just as importantly, the threat of an excessive delay often results in poor decisions and/or increased costs. As an example, proponents may agree to project commitments that would otherwise not be considered, simply to avoid further delay by a Part II Order Request.

We also note that the authority for a decision on a Part II Order Request for some other Class EAs has been delegated to the Director and that the average time for their decisions was approximately 150 days.

By copy of this letter we ask other stakeholders to join us to urge you to;

1. ensure appropriate resources and priority are available to review Part II Order Requests within the allotted 45 days; and
2. delegate decisions related to Part II Order Requests for the MCEA to the Director of the Environmental Approvals Branch.

These measures will ensure that delays and costs to municipal infrastructure projects are minimized and the full effect of these projects to the local and regional economies realized. We appreciate your consideration of these requests and would be pleased to meet with you to further discuss.

Yours truly



Dan Cozzi
President, MEA
905-845-6601 ext 3303
dan.cozzi@oakville.ca



Paul Knowles, P. Eng.
Chair, MCEA Monitoring Committee
613-257-6207
pknowles@carletonplace.ca

cc: Attendees to April 17th, meeting

Municipal Engineers Association

APPENDIX F

GUIDANCE FROM REGIONAL

EA COORDINATORS

ABORIGINAL CONSULTATION INFORMATION

Consultation with Interested Persons under the Ontario Environmental Assessment Act

Proponents subject to the Ontario *Environmental Assessment Act* are required to consult with interested persons, which may include First Nations and Métis communities. In some cases, special efforts may be required to ensure that Aboriginal communities are made aware of the project and are afforded opportunities to provide comments. Direction about how to consult with interested persons/communities is provided in the Code of Practice: Consultation in Ontario's Environmental Assessment Process available on the Ministry's website:

http://www.ene.gov.on.ca/environment/en/resources/STD01_076108.html

As an early part of the consultation process, proponents are required to contact the Ontario Ministry of Aboriginal Affairs' Consultation Unit and visit Aboriginal Affairs and Northern Development Canada's Aboriginal and Treaty Rights Information System (ATRIS) to help identify which First Nation and Métis communities may be interested in or potentially impacted by their proposed projects.

ATRIS can be accessed through the Aboriginal Affairs and Northern Development Canada website:

http://sidait-atris.aadnc-aandc.gc.ca/atris_online/

For more information in regard to Aboriginal consultation as part of the Environmental Assessment process, refer to the Ministry's website:

www.ontario.ca/government/environment-assessments-consulting-aboriginal-communities

You are advised to provide notification directly to all of the First Nation and Métis communities who may be interested in the project. You should contact First Nation communities through their Chief and Band Council, and Metis communities through their elected leadership.

Rights-based consultation with First Nation and Métis Communities

Proponents should note that, in addition to requiring interest-based consultation as described above, certain projects may have the potential to adversely affect the ability of First Nation or Métis communities to exercise their established or credibly asserted Aboriginal or treaty rights. In such cases, Ontario may have a duty to consult those Aboriginal communities.

Activities which may restrict or reduce access to unoccupied Crown lands, or which could result in a potential adverse impact to land or water resources in which harvesting rights are exercised, may have the potential to impact Aboriginal or treaty rights. For assistance in determining whether your proposed project could affect these rights, please refer to the attached "Preliminary Assessment Checklist: First Nation and Métis Community Interest."

If there is likely to be an adverse impact to Aboriginal or treaty rights, accommodation may be required to avoid or minimize the adverse impacts. Accommodation is an outcome of consultation and includes any mechanism used to avoid or minimize adverse impacts to Aboriginal or treaty rights and traditional uses. Solutions could include mitigation such as

adjustments in the timing or geographic location of the proposed activity. Accommodation may in certain circumstances involve the provision of financial compensation, but does not necessarily require it.

For more information about the duty to consult, please see the Ministry's website at:

www.ontario.ca/government/duty-consult-aboriginal-peoples-ontario

The proponent must contact the Director, Environmental Approvals Branch if a project may adversely affect an Aboriginal or treaty right, consultation has reached an impasse, or if a Part II Order or an elevation request is anticipated; the Ministry will then determine whether the Crown has a duty to consult.

The Director of the Environmental Approvals Branch can be notified either by email with the subject line "Potential Duty to Consult" to EAASIBgen@ontario.ca or by mail or fax at the address provided below:

Email:	EAASIBgen@ontario.ca Subject: Potential Duty to Consult
Fax:	416-314-8452
Address:	Environmental Approvals Branch 12A Floor 2 St Clair Avenue W Toronto, ON M4V1L5

Delegation of Procedural Aspects of Consultation

Proponents have an important and direct role in the consultation process, including a responsibility to conduct adequate consultation with First Nation and Métis communities as part of the environmental assessment process. This is laid out in existing environmental assessment codes of practice and guides that can be accessed from the Ministry's environmental assessment website at:

www.ontario.ca/environmentalassessments

The Ministry relies on consultation conducted by proponents when it assesses the Crown's obligations and directs proponents during the regulatory process. Where the Crown's duty to consult is triggered, various additional procedural steps may also be asked of proponents as part of their delegated duty to consult responsibilities. In some situations, the Crown may also become involved in consultation activities.

Ontario will have an oversight role as the consultation process unfolds but will be relying on the steps undertaken and information you obtain to ensure adequate consultation has taken place. To ensure that First Nation and Métis communities have the ability to assess a project's potential to adversely affect their Aboriginal or treaty rights, Ontario requires proponents to undertake certain procedural aspects of consultation.

The proponent's responsibilities for procedural aspects of consultation include:

- Providing notice to the elected leadership of the First Nation and/or Métis communities (e.g., First Nation Chief) as early as possible regarding the project;

- Providing First Nation and/or Métis communities with information about the proposed project including anticipated impacts, information on timelines and your environmental assessment process;
- Following up with First Nation and/or Métis communities to ensure they received project information and that they are aware of the opportunity to express comments and concerns about the project. If you are unable to make the appropriate contacts (e.g. are unable to contact the Chief) please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office for further direction.
- Providing First Nation and/or Métis communities with opportunities to meet with appropriate proponent representatives to discuss the project;
- Gathering information about how the project may adversely impact the relevant Aboriginal and/or Treaty rights (for example, hunting, fishing) or sites of cultural significance (for example, burial grounds, archaeological sites);
- Considering the comments and concerns provided by First Nation and/or Métis communities and providing responses;
- Where appropriate, discussing potential mitigation strategies with First Nation and/or Métis communities;
- Bearing the reasonable costs associated with these procedural aspects of consultation, which may include providing support to help build communities' capacity to participate in consultation about the proposed project.
- Maintaining a Consultation Record to show evidence that you, the proponent, completed all the steps itemized above or at a minimum made meaningful attempts to do so.
- Upon request, providing copies of the Consultation Record to the Ministry. The Consultation Record should:
 - summarize the nature of any comments and questions received from First Nation and/or Métis communities;
 - describe your response to those comments and how their concerns were considered;
 - include a communications log indicating the dates and times of all communications; and
 - document activities in relation to consultation.

Successful consultation depends, in part, on early engagement by proponents with First Nation and Métis communities. Information shared with communities must be clear, accurate and complete, and in plain language where possible. The consultation process must maintain sufficient flexibility to respond to new information, and we trust you will make all reasonable efforts to build positive relationships with all First Nation and Métis communities contacted.

If you need more specific guidance on Aboriginal consultation steps in relation to your proposed project, or if you feel consultation has reached an impasse, please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office.

**Preliminary Assessment Checklist:
First Nation and Métis Community Interests and Rights**

In addition to other interests, some main concerns of First Nation and Métis communities may pertain to established or asserted rights to hunt, gather, trap, and fish – these activities generally occur on Crown land or water bodies. As such, projects related to Crown land or water bodies, or changes to how lands and water are accessed, may be of concern to Aboriginal communities.

Please answer the following questions and keep related notes as part of your consultation record. “Yes” responses will indicate a potential adverse impact on Aboriginal or treaty rights.

Where you have identified that your project may trigger rights-based consultation through the following questions, you should arrange for a meeting between you and the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office to provide an early opportunity to confirm whether Ontario's duty to consult is triggered and to discuss roles and responsibilities in that event.

	YES	NO
<p>1. Are you aware of concerns from First Nation and Métis communities about your project or a similar project in the area?</p> <p>The types of concerns can range from interested inquiries to environmental complaints, and even to land use concerns. You should consider whether the interest represents on-going, acute and/or widespread concern.</p>		
<p>2. Is your project occurring on Crown land, or is it close to a water body? Might it change access to either?</p>		
<p>3. Is the project located in an open or forested area where hunting or trapping could take place?</p>		
<p>4. Does the project involve the clearing of forested land?</p>		
<p>5. Is the project located away from developed, urban areas?</p>		
<p>6. Is your project close to, or adjacent to, an existing reserve?</p> <p>Projects in areas near reserves may be of interest to the First Nation and Métis communities living there.</p>		
<p>7. Will the project affect First Nations and/or Métis' ability to access areas of significance to them?</p>		
<p>8. Is the area subject to a land claim?</p> <p>Information about land claims filed in Ontario is available from the Ministry of Aboriginal Affairs; information about land claims filed with the federal government is available from Aboriginal Affairs and Northern Development Canada.</p>		
<p>9. Does the project have the potential to impact any archaeological sites?</p>		

APPENDIX G

RECENT AMENDMENTS TO THE

MCEA

A.2.8. PROVISION FOR CHANGING PROJECT STATUS (PART II ORDER)

A.2.8.1 Part II Order

It is recognized that the planning and design process, as outlined, is one which allows for concerns to be identified and resolved through the course of the project's planning. In some circumstances, however, it is possible that issues may be raised during public review of a project that cannot be easily accommodated. In cases where concerns are raised it is the proponent's obligation, as proponent, to use all reasonable means available to them to resolve these concerns. In circumstances where interested persons, Aboriginal communities, or government agencies feel that these efforts have not been made, they may seek to have the proposed undertaking made subject to a more rigorous planning, design and documentation procedure

The Part II Order is the legal mechanism whereby the status of an undertaking can be elevated from an undertaking within a Class EA to higher level of review, including an Individual Environmental Assessment. According to section 16 of the *EAA*, the Minister or delegate may by order require a proponent to comply with Part II of the *EAA* before proceeding with a proposed undertaking to which a Class EA would otherwise apply. Under this same section of the *EAA*, the Minister or delegate may also impose conditions with respect to a proposed undertaking

It is the responsibility of the proponent to advise the public of their right to request a Part II Order in public notifications (see Appendix 6). Any interested persons, Aboriginal communities, or government agency may request the Minister or delegate to issue a Part II Order within the public review period for a Project File, Environmental Study Report or an Addendum. In the case of an Addendum, only the changes to the project that are addressed as part of the Addendum shall be considered in a request for a Part II Order.

A.2.8.2 Procedure to Request a Part II Order

The purpose of this Section is to outline the details surrounding a Part II Order request:

1. An interested person, Aboriginal community, or government agency with a concern about a project would bring the concern to the attention of the proponent.

Proponents are required to provide several opportunities for public notification and consultation throughout the Class EA planning process such as newspaper notices, workshops, open houses and request for comments. Those who are directly affected by the proposed project as well as the general public should share the responsibility for being involved in the planning process.

Members of the public having concerns about the potential environmental effects of a project or the planning process being followed, have a responsibility to bring their concerns to the attention of the proponent early in the planning process, when the proponent has greater flexibility to accommodate changes in the project development and the process.

On the other hand, to ensure that the proponent's evaluation of the environmental impacts and the mitigating measures being proposed are fully understood by all stakeholders, members of the public expressing concerns should be advised not to make a request for a Part II Order until planning is complete. Requests for an order made before the 30-day review period will be considered by the Minister of delegate to be premature.

2. If the concern cannot be resolved by any means employed by the proponent, the interested persons, Aboriginal communities, or government agencies may formally request that the proponent submit the undertaking to a higher level of review, such as a Schedule C process for a Schedule B activity or an Individual EA.

3. If the proponent is unwilling to elevated the status of the undertaking or determines that an elevation of the undertaking's status is inappropriate, the interested persons, Aboriginal community, or the government agency with the concern, may request within 30 days of the "Notice of Completion" or "Notice of Filing of an Addendum" date that the Minister or delegate issue a Part II Order.

Requests made or received after the 30 calendar day review period will not be considered.

The request to issue a Part II Order must be made in writing to the Minister of the Environment or delegate, and be received by the ministry within the 30 day review period following issuance of the Notice of Completion or Notice of Addendum. The request must address the following issues as they relate to the identified concerns with the potential environmental effects of the project or the planning process followed.

- project name and proponent must be clearly outlined;
- environmental impacts of the project and their significance;
- the adequacy of the planning process;
- the availability of other alternatives to the project (where appropriate as some projects may not have any alternative);
- the adequacy of the public consultation program and the opportunities for public participation;
- the involvement of the requester in the planning of the project;
- the nature of the specific concerns which remain unresolved;
- details of any discussions held between the requester and the proponent;
- the benefits of requiring the proponent to undertake a higher level of review (e.g. elevating a Schedule B project to a Schedule C process or an individual environmental assessment); and
- any other important matters considered relevant.

The Request for a Part II Order Form should be used to submit a request to the Minister or delegate.

The requester shall forward a copy of the request to the proponent and the EAB at the same time as submitting it to the Minister or delegate. Please note that all personal information included in a submission – such as name, address, telephone number and property location - unless stated otherwise in the submission, will be collected and maintained by the ministry, under the authority of the EAA, for consultative purposes and for the purpose of creating a record that is available to the general public. The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

4. The EAB will advise the proponent within 10 working days of the receipt of a Part II Order request and will provide the proponent with an opportunity of making a submission to address the issues raised in the Part II Order request. The proponent also has the option of advising the Director of the EAB in writing if they are prepared to voluntarily carry out an individual EA. This should be done within one week of being advised that there has been a Part II Order request. The Director of the EAB would then advise the requester that the individual EA will be carried out, which would negate the need for further review of the Part II Order requests by EAB.

The review of any Part II Order requests by EAB will commence after the end of the 30-day review period following issuance of the Notice of Completion or Notice of Filing of an Addendum, and upon receipt of all necessary and satisfactory information from the requester, the proponent, other government agencies and/or interested persons.

The EAB may consult with other government agencies and/or other interested persons during the review of a Part II Order request. The EAB may also request additional documentation from the proponent. If there are critical deficiencies in the documentation submitted by the proponent, the EAB may require the proponent to submit additional information. The proponent will need to respond to the issues raised and provide a written record of their responses to the EAB. Proponents will also need to provide information (i.e. consultation summary / record of consultation) to EAB about how Aboriginal

ane Metis communities were consulted during the planning process. The proponent shall provide the information within the requested time frame. Within a minimum target of 45 days of receiving all necessary information, the EAB will review the information and prepare a recommendation for the Minister or delegate's consideration. The EAB will focus on the issues associated with the request, the review of the documentation, and the proponent's response. EAB will also review the proponent's Aboriginal consultation activities undertaken in accordance with Section 4.1.1 and will make a recommendation to the Minister or delegate.

Following the submission of a Part II Order request, proponents should continue to carry out negotiations with the requester in an attempt to resolve the concerns locally. To provide this opportunity, the 30 day review period may be extended for a period of time that is mutually acceptable between the proponent and the requester, and with notification provided to the EAB.

Should the review period be extended, the start of timelines for the review of any Part II Order request by EAB will be deferred accordingly. If the proponent satisfies the concerns of the requester, it is the requester's responsibility to withdraw the request for a Part II Order. Such withdrawals should be in writing to the Minister or delegate and should be copied to the proponent and the EAB. The Director of the EAB may accept and may act upon such withdrawals on behalf of the Minister.

A.2.8.3 Minister's Decision

As part of the Minister or their delegate's decision-making process, the Minister or their delegate will consider the information submitted by the proponent, the person requesting the Part II Order and any interested persons, Aboriginal community, or government agency, the Minister or delegate chooses to consult before making a decision. The Minister or delegate will also consider the evaluation criteria for Part II Order requests found in subsection 16(4) of the EAA, as follows:

- the purpose of the EAA;
- extent and nature of public concern;
- potential for significant adverse environmental effects;
- need for broader consideration of alternatives by the proponent;
- consideration of urgency;
- participation of the requester in the planning process;
- nature of request (i.e. substantiation of claims with regard to identification of factors that suggest that the proposed undertaking differs from other undertakings in the class to which the Class EA project applies);
- degree to which public consultation and dispute resolution have taken place;
- any reasons given by a person who requests the order;
- the mediator's report, if any;
- the timeliness of the request and the timeliness of the requester raising the issues and/or concerns with the proponent; and
- any other important matters as the Minister considers appropriate.

The Minister or delegate will make a decision to do one of the following:

1. Make a Part II Order (to require an individual EA or impose other conditions);
2. Deny the request;
3. Deny the request with conditions;
4. Advise the proponent to restart its project planning where there is evidence that the project has not been prepared in accordance with this Class EA.

If the Minister or delegate issues a Part II Order, then he/she shall give notice, with reasons, to the proponent, the person requesting the Part II Order, and to any other interested persons, Aboriginal

community, or government agency as the Minister or delegate considers appropriate. The proponent shall then adhere to the Order if it wishes to pursue implementation of the undertaking.

If the Minister or delegate refers the matter to mediation then he/she shall give notice, with reasons, to the proponent, the person(s) requesting the Part II Order, and to any other interested persons, Aboriginal community, or government agency as the Minister or delegate considers appropriate. When referring a matter to mediation, section 8 of the *EAA* will apply, including the appointment, by the Minister or delegate, of one or more neutral persons to act as mediators; the preparation of a report by the mediator to the Minister or delegate within 60 days of appointment, and the payment of the fees and reasonable expenses of the mediators by the proponent.

If the Minister or delegate denies the Part II Order request, he/she shall give notice, with reasons, to the person requesting the Part II Order, the proponent and to any other interested persons, Aboriginal community, or government agency as the Minister or delegate considers appropriate. The proponent then continues to plan and implement the undertaking under this Class EA. Any conditions which the Minister or delegate might apply to the decision to deny the Part II Order request must be adhered to by the proponent when implementing the project.

SAMPLE NOTICES

The following Sample Notices are provided:

Schedule A+:

- Mandatory contact - Notice to Public

Schedule B:

- 1st mandatory contact, Phase 2 Commencement - Public Comment Invited or Notice of Study
- 2nd mandatory contact, Phase 2 - Notice of Completion

Schedule C:

- 1st mandatory contact, Phase 2 Commencement - Public Comment Invited or Notice of Study
- 2nd mandatory contact, Phase 3 - Notice of Public Consultation Centre
- 3rd mandatory contact, Phase 4 Study Report - Notice of Completion of Environmental
- Revisions and Addenda to ESR - Notice of Filing of Addendum

Part II Order Request Form

- Request for Change of Project Status

NOTE:

1. The notices describe hypothetical projects in a hypothetical municipality and are intended only as a guide.
2. The format, style, title or content may vary from municipality to municipality to suite specific circumstances and local requirements. **However, the following points shall be included in all notices as minimum mandatory requirements:**

- Project name, description, purpose
- Proponent name
- Proponent contact information (address, phone, fax, email)
- Name of the Class EA being followed (e.g. the Municipal Class EA)
- Map of where project is located (where applicable)
- Public record locations where documents are located for viewing or information (where applicable)
- Meeting locations (where applicable)
- Project web site address (where applicable)
- Freedom of Information (FOI) disclaimer
- Schedule of Class EA being followed (A+, B, C)
- Time period for comments and time when PIIO request can be made during 30 day review
- PIIO request only to be made if reason why a higher level assessment should be required
- PIIO request to be sent to proponent contact; Minister (correct address) and Environmental Approvals Branch (EAB) Director;
- Date the Notice was issued

Circulation to MOE

- Proponent to send all notices to the applicable MOE Regional Offices;
- Proponent to send Notice of Completion to MOE [Regional Offices](#) ([for](#) review and comment where applicable);
- Proponent to send Notice of Completion to MOE EAAB email (compliance monitoring and in case a PIIO request is submitted).

3. Notices should be in language which is easy to understand.

This appendix also includes a sample covering memo to MOE - EAB, to accompany copies of Notice of Completion for Schedule B or C projects (see discussion in Section A.1.5.1 of Part A)

SCHEDULE A+

MANDATORY PUBLIC CONTACT

Sample Letter to Adjacent Property Owners

Date

Name

Street

Town

Postal Code

RE: 2012 Capital Construction

Dear

The Town of South Falls is planning to ~~proceed with the reconstruction of~~reconstruct Frank Street from Lake Avenue West to Emily Street during the 2012 construction season. Reconstruction will includes sanitary sewer and watermain replacement (including services on private property, if required) from Lake Avenue West to John Street. Upgrades to the storm sewer, new road base and surface, curbs and sidewalks are also planned from Lake Avenue West to Emily Street.

The Town's current policy concerning newly constructed streets is that no road cuts will be permitted for a two year period after the placement of new pavement. This being the case, if homeowners are considering changing or upgrading services (i.e., natural gas conversion, underground bell, hydro or cable service), it is recommended that these agencies be contacted in order to coordinate necessary work.

There will be an Open House regarding the 2012 Construction Program on Wednesday, April 18th, 2012 in the Council Chambers of the South Falls Town Hall from 4:00 p.m. to 7:00 p.m. This Open House will provide residents with an opportunity to review construction plans and schedules and meet with Public Works staff to address questions and/or concerns relating to this project. Should you be unable to attend this meeting, you may contact the undersigned or John Smith, Public Works Inspector at xxx-xxx-xxxx.

We have attempted to notify all tenants of the planned construction and Open House. If you have tenants in the affected area please advise them of the planned construction so they may attend the Open House if they wish.

Yours truly

K.J. Brown, P. Eng. Town Engineer
Town of South Falls

NOTE: Alternatively notice could be provided with a notice posted at the site, a report to Council, listing the project on the municipality's web site, etc See section A.3.5.3 for more information.

SCHEDULE B

1ST MANDATORY PUBLIC CONTACT - PHASE 2

**TOWN OF SOUTH FALLS
CLASS ENVIRONMENTAL ASSESSMENT
BIOSOLIDS STORAGE FACILITIES
PUBLIC COMMENT INVITED
(OR NOTICE OF STUDY COMMENCEMENT)**

The Town of South Falls is carrying out a study to determine the preferred method of biosolid storage and disposal. Options include the establishment of temporary sewage biosolids storage facilities to allow land spreading of biosolids to continue on nearby lands.

Map (where applicable)	Map (where applicable)
------------------------	------------------------

The project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**.

For further information on the project, or on the planning process being followed consult www.southfalls.ca/Biosolidsstoragefacilities or contact Ms. Anne Lane, Environmental Technician, Town of South Falls, 1 South Falls Road, South Falls, Ontario, L0M 1N9 Telephone: (519) 222-3300 or at anne@southfalls.ca

Public input and comment are invited, for incorporation into the planning and design of this project, and will be received until 17th February, 2012. Subject to the identification of a preferred method of biosolids storage and disposal, comments received and the receipt of necessary approvals, the Town of South Falls intends to proceed with the planning, design and construction of this project, to be completed by late 2012.

This Notice issued 5th January, 2012.

K.J. Brown, P. Eng.
Town Engineer,
Town of South Falls

SCHEDULE B

2ND MANDATORY PUBLIC CONTACT - PHASE 2

TOWN OF SOUTH FALLS CLASS ENVIRONMENTAL ASSESSMENT BIOSOLIDS STORAGE LAGOONS - COOKS LAND LANDFILL NOTICE OF COMPLETION

To allow the spreading of sewage biosolids to continue on agricultural lands in the Township of Hadley, the Town of South Falls is proposing to establish temporary storage lagoons at the Town's landfill site, located on Cook's Lane. These works are planned to be completed by late 2012 at an estimated cost of \$75,000.

Map (where applicable)

The above project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**. Subject to comments received as a result of this Notice, and the receipt of necessary approvals, the Town of South Falls intends to proceed with the design and construction of this project.

The project plans and other information are available at www.southfalls.ca/Biosolidsstoragefacilities and at the following locations

Engineering Department
Town of South Falls
1 South Falls Road
South Falls, Ont. L0M 2K0
Mon - Fri: 9:00 am - 9:00 pm
Telephone: (519) 222-3300

County Library
500 Main Street
South Falls, Ont. L0M 2K0
Mon - Fri: 9:30 am - 4:30 pm
Saturday: 9:00 am - 5:00 pm
Sunday: 1:00 pm - 5:00 pm
Telephone: (519) 223-1234

Interested persons should provide written comment to the municipality on the proposal within 30 calendar days from the date of this Notice. Comment should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests may be made on a Part II Order Request Form which is available from the Proponent or at www.municipalclassea.ca/PartIIOrderRequestForm. Copies of the Request Form must be sent to:

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

-and-

Ministry of the Environment
Environmental Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Engineering Department
Town of South Falls
1 South Falls Road
South Falls, Ont. L0M 2K0
Mon - Fri:9:00 am - 9:00 pm
Telephone: (519) 222-3300

If there is no request received by May 28, 2012, the Town of South Falls will proceed to design and construction for the biosolids storage lagoons, as presented in the planning documentation.

Please note that ALL personal information included in a [Part II Order Request](#) submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public that will be available for viewing to the general public. The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 27th April, 2012.

K.J. Brown, P. Eng. Town Engineer, Town of South Falls

SCHEDULE C

1ST MANDATORY PUBLIC CONTACT - PHASE 2

TOWN OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SYSTEM AUGMENTATION PUBLIC COMMENT INVITED (OR NOTICE OF STUDY COMMENCEMENT)

Population growth and expansion of recreational areas in the south of the Township have placed the Township's water supply system under stress, resulting in water restrictions being imposed last summer. The Township is therefore considering alternative ways in which the water supply may be augmented and have authorized hydrogeological studies to be undertaken.

Map (where applicable)

In accordance with the requirements for **Schedule C** projects of the **Municipal Class Environmental Assessment**, the Township is making preliminary study material and plans available for public review. During the week of 8th to 12th October, 2012, between the hours of 4:00 p.m. and 8:00 p.m., the public is invited to attend at the Henry Lion Public School, Side Road 15. The Township's consultants will be available to discuss issues and concerns with members of the public. Thereafter, input and comment will be accepted by the consultants until 2nd November, 2012.

For further information on the project, or on the planning process being followed, consult www.dartfordt.ca/watersystemaugmentation or contact ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0, telephone (519)123-1567; attention Ms. Julie Appleby, B.Sc., Chief Hydrogeologist at jappleby@ABC.com.

This notice issued 21st September, 2012.

Reeve, John McKay
Township of Dartford
R.R. #1
Dartford, Ontario

SCHEDULE C

2ND MANDATORY PUBLIC CONTACT - PHASE 3

TOWN OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SYSTEM AUGMENTATION NOTICE OF PUBLIC CONSULTATION CENTRE

Recent hydrogeological studies undertaken to consider alternative methods in which the Township's water supply may be augmented to serve the growth in the south end of the Township have now been concluded. In order to overcome seasonal water shortages, the Township is considering the establishment of a recharge system to augment the water supply from the two 1st Concession wells, using the York River as the water source.

Map (where applicable)

This project is being planned as a **Schedule C** project under the **Municipal Class Environmental Assessment**. For further information on this project consult www.dartford.ca/watersystemaugmetation or contact ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0, telephone (519)123-1567; attention Ms. Julie Appleby, B.Sc., Chief Hydrogeologist at jappleby@ABC.com

Public Consultation Centre

Time:	Open House:	3:00pm to 6:30 pm
	Public Meeting	7:00 pm
	Date	Wednesday, 23 rd January, 2012
	Location	Henry Lion Public School, Sideroad 15 Township of Dartford

Following the public consultation centre, further comments are invited for incorporation into the planning and design of this project and will be received until 15th February, 2012. For further information, please consult:

Ms. Julie Appleby, Chief Hydrogeologist, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0 Telephone (519) 123-4567 e-mail jappleby@ABC.com

Subject to comments received as a result of this Notice, the Township plans to proceed with the completion of the Class EA for this project and an Environmental Study Report will be prepared and placed on the public record for a minimum 30 day review period.

This Notice issued 2nd January, 2012

Reeve John McKay
Township of Dartford
R.R. #1 Dartford, Ontario
e-mail: info@dartford.ca
Phone: (519) 234-5678

SCHEDULE C

3RD MANDATORY PUBLIC CONTACT - PHASE 4

**TOWN OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SYSTEM AUGMENTATION
FIRST CONCESSION RECHARGE SYSTEM
NOTICE OF COMPLETION OF ENVIRONMENTAL STUDY REPORT**

In order to augment the water supply in the south of the Township to serve population growth and expansion of tourism and recreational facilities, the Township is proposing to establish a recharge system to augment the aquifer which serves the 1st Concession wells. This project involves the establishment of a pumping station at Baileys Bluff on the York River, the construction of water supply lines along the 5th Sideroad and the 1st Line and the construction of a series of lagoons and trenches along the crest of Dartford Hill, in the 1st Concession.

Map (where applicable)

The Township has planned this project under **Schedule C** of the **Municipal Class Environmental Assessment**. The Environmental Study Report has been completed and by this Notice is being placed in the public record for review and comment. Subject to comments received as a result of this Notice and the receipt of necessary approvals, the Township intends to proceed with the construction of this project in the year of 2012. The estimated cost is \$225,000.

The Environmental Study Report is available for review at www.dartford.ca and at the following location(s):

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

Resource Centre, YM-YWCA
3rd Floor, 123 First Avenue
Dartford, Ontario

Mon-Fri: 8:30 a.m - 4:30 pm
Telephone: (519)765-4321

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist jappleby@ABC.com

Interested persons should provide written comments to the municipality on the proposal within 30 calendar days from the date of this Notice (INSERT DEADLINE FOR COMMENTS). Comments should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests should be made on a Part II Order Request Form which is available from the Proponent, the Ministry of the Environment or at www.municipalclassea.ca/PartIIOrderRequestForm

Copies of the Request Form must be sent to:

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

-and-

Ministry of the Environment
Environmental Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Township Office Resource Centre
Township of Dartford 3rd Floor
Township Road 20
Dartford, Ontario
Mon-Fri: 8:30 a.m - 4:30 pm

If there is no "request received by May 28, 2012", the Township will proceed to carry out design and construction of the recharge system as presented in the planning documentation.

Please note that ALL personal information included in a [Part II Order request](#) submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public record and will be available to the general public.- The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 1st May, 2012.

Reeve John McKay
Township of Dartford
R.R. #1, Dartford, Ontario

**REVISIONS AND ADDENDA TO
ENVIRONMENTAL STUDY REPORT
NOTICE OF FILING OF ADDENDUM**

**TOWNSHIP OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SUPPLY AUGMENTATION
FIRST CONCESSION RECHARGE SYSTEM
NOTICE OF FILING OF ADDENDUM**

Construction of the First Concession Recharge System commenced in the summer of 2012. The York River Pumping Station and the trunk water mains were completed in late September. Due to unexpected soil conditions at the southerly end of Dartford Hill however, construction of the lagoons and infiltration trenches was halted to allow a review of the design to be undertaken.

An Addendum has now been completed to the Environmental Study Report which was issued 1st June, 2012. The Addendum contains details of the revised recharge system and the amended construction schedule. Please note that only the changes proposed in the Addendum are open for review.

By this Notice, the Addendum is being placed on the public record for review in accordance with the requirements of the Municipal Class Environmental Assessment. Subject to comments received as a result of this Notice, the Township intends to proceed with the construction of this project in the summer of 2000. The estimated cost is \$225,000..

The addendum is available for review at www.dartford.ca and at the following location(s):

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

Resource Centre, YM-YWCA
3rd Floor, 123 First Avenue
Dartford, Ontario

Mon-Fri: 8:30 a.m - 4:30 pm
Telephone: (519)765-4321

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist jappleby@ABC.com

Interested persons should provide written comment to the municipality on the proposal within 30 calendar days from the date of this Notice. Comment should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment through an Individual Environmental Assessment process (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests should be made on a Part II Order Request Form which is available from the Proponent, the Ministry of the Environment or at www.municipalclassea.ca/PartIIOrderRequestForm
Copies of the Request Form must be sent to:

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

Ministry of the Environment
Environmental Approval Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Township Office Resource Centre
Township of Dartford 3rd Floor
Township Road 20
Dartford, Ontario
Mon-Fri: 8:30 a.m - 4:30 pm

Please note that ALL personal information included in a Part II Order Request submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public that will be available for viewing to the general public. The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 1st August 2012

Reeve John McKay
Township of Dartford
R.R. #1, Dartford, Ont.

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT PART II ORDER REQUEST FORM

If concerns arise while a project is being planned under the Municipal Class Environmental Assessment, which cannot be resolved in discussions with the proponent/municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment referred to as a Part II Order.

Person/Party submitting Part II Order Request: _____

[Representative \(if applicable\):](#) _____

Address: _____

Phone: _____ Email: _____

I, _____, have concerns with the following proposed project.

Project Name/Location: _____

Proponent/Municipality: _____

Name of Municipal Contact: _____

Email of Municipal Contact: _____

Members of the public or parties having concerns about the potential environmental effects of a project or the planning process being followed, have a responsibility to bring their concerns to the attention of the proponent early in the planning process, when the proponent has greater flexibility to accommodate changes in the project development and the process.

Please explain how you have participated in the Environmental Assessment Process.

Please explain the concerns you have with the project as proposed and why you feel your concerns have not been addressed. Be sure to address the following issues for the Minister's consideration:

- environmental impacts of the project and their significance;
- the adequacy of the planning process;
- the availability of other alternatives to the project;
- the adequacy of the public consultation program and the opportunities for public participation;
- the involvement of the person or party in the planning of the project;
- the nature of the specific concerns which remain unresolved;
- details of any discussions held to resolve the specific concerns between the person or party and proponent;
- the benefits of requiring the proponent to undertake a higher level of assessment;
- any other important matters considered relevant.

Requests which are clearly made with the intent of delaying project planning and implementation, or, which do not contain a reasonable amount of information may be denied by the Minister or delegate on the basis of being unsubstantiated. Please outline below the specific concerns about the project that you have not been able to resolve through discussion with the proponent/municipality.

[\(add additional pages, as many be necessary\)](#)

I have not been able to resolve my concerns, identified above, with the proposed project through discussion with the municipality and I request that the Minister of the Environment order a change in the project status and require a higher level of assessment.

Signature

Date

Forward this form, along with any supporting documentation to:

Minister of the Environment 77 Wellesley Street West 11 th Floor, Ferguson Block Toronto, ON M7A 2T5	- and -	Ministry of the Environment Environmental Approval Branch 2 St. Clair Avenue West Floor 12A Toronto, ON M4V 1L5	- and -	Proponent/Municipality
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Form must be received by the Minister within 30 days of the published notice.

Freedom of Information and [Protection of Privacy](#) of Protection Act

Under the *Freedom of Information and Protection of Privacy Act* and the *Environmental Assessment Act*, unless otherwise stated in the submission, personal information such as name, address, telephone number and property location in a submission become part of the public record and will be released, if requested, to any person. Requests should also be sent to the proponent. If not already provided requests will be shared with the proponent for a response. The proponent's response to the issues raised

will also be considered as part of the decision on a Part II Order request.

Consequential Amendments to Appendix 1, Project Schedules: Municipal Road Projects

Amend the proposed “note to be included just prior to Table in Appendix 1” as follows:

*“Note: Phase in Provision - Any data gathered or consultation related to a cycling or multi-purpose **path** completed prior to approval of the amendment, including projects in the MCEA, can be used as part of the MCEA process provided the proponent has followed the requirements of the MCEA.”*

Rationale: the City of Mississauga requested that consistent terminology be used to describe multi-purpose paths, whereas the previous language proposed used multi-purpose paths and multi-use trails interchangeably.

Add the following note after paragraph 4, Page 1-4 as follows:

Note:

Municipal projects involving the construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing rights-of-way (see activity No. XXXX) are exempt under Ontario Regulation 334, made under the EA Act, from EA requirements if the estimated project cost is less than \$3.5 M. This value will not be adjusted as part of the MEA's annual adjustments to cost thresholds as there is no such adjustment made to the 3.5 M exemption under O Reg. 334. For clarity, the cost threshold to carry out a Schedule C process for municipal projects involving the construction or removal of sidewalks (multipurpose paths or cycling facilities including water crossings outside of existing rights-of-way will be adjusted on an annual basis.

Rationale: this note is to clarify that the 3.5 M cost threshold in the MCEA will remain consistent with the 3.5 M exemption in Ontario Regulation 334.

STATUS OF MUNICIPAL ROAD PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

Page 1-1

Amend fifth paragraph as follows:

*Take, for example, the redesignation of an existing general purpose lane as a High Occupancy Vehicle (HOV) lane. This could be accomplished with the installation of low cost traffic control devices and as such could be considered as a **Schedule A+** project. However, the potential changes to general traffic patterns could be significant and could have effects on adjacent businesses or communities and as such should perhaps be considered as a Schedule B or C project.*

Rationale: this amendment is required to ensure consistency with the proposed scheduling for activity no. 22.

Section B.2.3.1 Description of Projects (page B-11)

Amend as follows:

Projects in this group can generally be described as:

- *Interchanges – may be an existing at-grade intersection or an existing grade separated interchange*
- *grade separations –may be road/rail or road/road*
- *water crossings – generally a culvert or a bridge but in some circumstances may be a tunnel or a ferry; may include pedestrian, **cycling**, recreational, and agricultural water crossings*

Rationale: this amendment is required to ensure consistency with the proposed scheduling for activity no. 26.

SCHEDULE A+

MANDATORY PUBLIC CONTACT

Sample Letter to Adjacent Property Owners

Date

Name

Street

Town

Postal Code

RE: 2012 Capital Construction

Dear

The Town of South Falls is planning to ~~proceed with the reconstruction of~~reconstruct Frank Street from Lake Avenue West to Emily Street during the 2012 construction season. Reconstruction will includes sanitary sewer and watermain replacement (including services on private property, if required) from Lake Avenue West to John Street. Upgrades to the storm sewer, new road base and surface, curbs and sidewalks are also planned from Lake Avenue West to Emily Street.

The Town's current policy concerning newly constructed streets is that no road cuts will be permitted for a two year period after the placement of new pavement. This being the case, if homeowners are considering changing or upgrading services (i.e., natural gas conversion, underground bell, hydro or cable service), it is recommended that these agencies be contacted in order to coordinate necessary work.

There will be an Open House regarding the 2012 Construction Program on Wednesday, April 18th, 2012 in the Council Chambers of the South Falls Town Hall from 4:00 p.m. to 7:00 p.m. This Open House will provide residents with an opportunity to review construction plans and schedules and meet with Public Works staff to address questions and/or concerns relating to this project. Should you be unable to attend this meeting, you may contact the undersigned or John Smith, Public Works Inspector at xxx-xxx-xxxx.

We have attempted to notify all tenants of the planned construction and Open House. If you have tenants in the affected area please advise them of the planned construction so they may attend the Open House if they wish.

Yours truly

K.J. Brown, P. Eng. Town Engineer
Town of South Falls

NOTE: Alternatively notice could be provided with a notice posted at the site, a report to Council, listing the project on the municipality's web site, etc See section A.3.5.3 for more information.

SCHEDULE B

1ST MANDATORY PUBLIC CONTACT - PHASE 2

**TOWN OF SOUTH FALLS
CLASS ENVIRONMENTAL ASSESSMENT
BIOSOLIDS STORAGE FACILITIES
PUBLIC COMMENT INVITED
(OR NOTICE OF STUDY COMMENCEMENT)**

The Town of South Falls is carrying out a study to determine the preferred method of biosolid storage and disposal. Options include the establishment of temporary sewage biosolids storage facilities to allow land spreading of biosolids to continue on nearby lands.

Map (where applicable)	Map (where applicable)
------------------------	------------------------

The project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**.

For further information on the project, or on the planning process being followed consult www.southfalls.ca/Biosolidsstoragefacilities or contact Ms. Anne Lane, Environmental Technician, Town of South Falls, 1 South Falls Road, South Falls, Ontario, L0M 1NQ Telephone: (519) 222-3300 or at anne@southfalls.ca

Public input and comment are invited, for incorporation into the planning and design of this project, and will be received until 17th February, 2012. Subject to the identification of a preferred method of biosolids storage and disposal, comments received and the receipt of necessary approvals, the Town of South Falls intends to proceed with the planning, design and construction of this project, to be completed by late 2012.

This Notice issued 5th January, 2012.

**K.J. Brown, P. Eng.
Town Engineer,
Town of South Falls**

SCHEDULE B

2ND MANDATORY PUBLIC CONTACT - PHASE 2

TOWN OF SOUTH FALLS CLASS ENVIRONMENTAL ASSESSMENT BIOSOLIDS STORAGE LAGOONS - COOKS LAND LANDFILL NOTICE OF COMPLETION

To allow the spreading of sewage biosolids to continue on agricultural lands in the Township of Hadley, the Town of South Falls is proposing to establish temporary storage lagoons at the Town's landfill site, located on Cook's Lane. These works are planned to be completed by late 2012 at an estimated cost of \$75,000.

Map (where applicable)

The above project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**. Subject to comments received as a result of this Notice, and the receipt of necessary approvals, the Town of South Falls intends to proceed with the design and construction of this project.

The project plans and other information are available at www.southfalls.ca/Biosolidsstoragefacilities and at the following locations

Engineering Department
Town of South Falls
1 South Falls Road
South Falls, Ont. L0M 2K0
Mon - Fri: 9:00 am - 9:00 pm
Telephone: (519) 222-3300

County Library
500 Main Street
South Falls, Ont. L0M 2K0
Mon - Fri: 9:30 am - 4:30 pm
Saturday: 9:00 am - 5:00 pm
Sunday: 1:00 pm - 5:00 pm
Telephone: (519) 223-1234

Interested persons should provide written comment to the municipality on the proposal within 30 calendar days from the date of this Notice. Comment should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests may be made on a Part II Order Request Form which is available from the Proponent or at www.municipalclassea.ca/PartIIOrderRequestForm. Copies of the Request Form must be sent to:

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

-and-

Ministry of the Environment
Environmental Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Engineering Department
Town of South Falls
1 South Falls Road
South Falls, Ont. L0M 2K0
Mon - Fri:9:00 am - 9:00 pm
Telephone: (519) 222-3300

If there is no request received by May 28, 2012, the Town of South Falls will proceed to design and construction for the biosolids storage lagoons, as presented in the planning documentation.

Please note that ALL personal information included in a [Part II Order Request](#) submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public that will be available for viewing to the general public. The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 27th April, 2012.

K.J. Brown, P. Eng. Town Engineer, Town of South Falls

SCHEDULE C

1ST MANDATORY PUBLIC CONTACT - PHASE 2

TOWN OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SYSTEM AUGMENTATION PUBLIC COMMENT INVITED (OR NOTICE OF STUDY COMMENCEMENT)

Population growth and expansion of recreational areas in the south of the Township have placed the Township's water supply system under stress, resulting in water restrictions being imposed last summer. The Township is therefore considering alternative ways in which the water supply may be augmented and have authorized hydrogeological studies to be undertaken.

Map (where applicable)

In accordance with the requirements for **Schedule C** projects of the **Municipal Class Environmental Assessment**, the Township is making preliminary study material and plans available for public review. During the week of 8th to 12th October, 2012, between the hours of 4:00 p.m. and 8:00 p.m., the public is invited to attend at the Henry Lion Public School, Side Road 15. The Township's consultants will be available to discuss issues and concerns with members of the public. Thereafter, input and comment will be accepted by the consultants until 2nd November, 2012.

For further information on the project, or on the planning process being followed, consult www.dartfordt.ca/watersystemaugmentation or contact ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0, telephone (519)123-1567; attention Ms. Julie Appleby, B.Sc., Chief Hydrogeologist at jappleby@ABC.com.

This notice issued 21st September, 2012.

Reeve, John McKay
Township of Dartford
R.R. #1
Dartford, Ontario

SCHEDULE C

2ND MANDATORY PUBLIC CONTACT - PHASE 3

TOWN OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SYSTEM AUGMENTATION NOTICE OF PUBLIC CONSULTATION CENTRE

Recent hydrogeological studies undertaken to consider alternative methods in which the Township's water supply may be augmented to serve the growth in the south end of the Township have now been concluded. In order to overcome seasonal water shortages, the Township is considering the establishment of a recharge system to augment the water supply from the two 1st Concession wells, using the York River as the water source.

Map (where applicable)

This project is being planned as a **Schedule C** project under the **Municipal Class Environmental Assessment**. For further information on this project consult www.dartford.ca/watersystemaugmetation or contact ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0, telephone (519)123-1567; attention Ms. Julie Appleby, B.Sc., Chief Hydrogeologist at jappleby@ABC.com

Public Consultation Centre

Time:	Open House:	3:00pm to 6:30 pm
	Public Meeting	7:00 pm
	Date	Wednesday, 23 rd January, 2012
	Location	Henry Lion Public School, Sideroad 15 Township of Dartford

Following the public consultation centre, further comments are invited for incorporation into the planning and design of this project and will be received until 15th February, 2012. For further information, please consult:

Ms. Julie Appleby, Chief Hydrogeologist, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0 Telephone (519) 123-4567 e-mail jappleby@ABC.com

Subject to comments received as a result of this Notice, the Township plans to proceed with the completion of the Class EA for this project and an Environmental Study Report will be prepared and placed on the public record for a minimum 30 day review period.

This Notice issued 2nd January, 2012

Reeve John McKay
Township of Dartford
R.R. #1 Dartford, Ontario
e-mail: info@dartford.ca
Phone: (519) 234-5678

SCHEDULE C

3RD MANDATORY PUBLIC CONTACT - PHASE 4

**TOWN OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SYSTEM AUGMENTATION
FIRST CONCESSION RECHARGE SYSTEM
NOTICE OF COMPLETION OF ENVIRONMENTAL STUDY REPORT**

In order to augment the water supply in the south of the Township to serve population growth and expansion of tourism and recreational facilities, the Township is proposing to establish a recharge system to augment the aquifer which serves the 1st Concession wells. This project involves the establishment of a pumping station at Baileys Bluff on the York River, the construction of water supply lines along the 5th Sideroad and the 1st Line and the construction of a series of lagoons and trenches along the crest of Dartford Hill, in the 1st Concession.

Map (where applicable)

The Township has planned this project under **Schedule C** of the **Municipal Class Environmental Assessment**. The Environmental Study Report has been completed and by this Notice is being placed in the public record for review and comment. Subject to comments received as a result of this Notice and the receipt of necessary approvals, the Township intends to proceed with the construction of this project in the year of 2012. The estimated cost is \$225,000.

The Environmental Study Report is available for review at www.dartford.ca and at the following location(s):

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

Resource Centre, YM-YWCA
3rd Floor, 123 First Avenue
Dartford, Ontario

Mon-Fri: 8:30 a.m - 4:30 pm
Telephone: (519)765-4321

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist jappleby@ABC.com

Interested persons should provide written comments to the municipality on the proposal within 30 calendar days from the date of this Notice (INSERT DEADLINE FOR COMMENTS). Comments should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests should be made on a Part II Order Request Form which is available from the Proponent, the Ministry of the Environment or at www.municipalclassea.ca/PartIIOrderRequestForm

Copies of the Request Form must be sent to:

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

-and-

Ministry of the Environment
Environmental Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Township Office Resource Centre
Township of Dartford 3rd Floor
Township Road 20
Dartford, Ontario
Mon-Fri: 8:30 a.m - 4:30 pm

If there is no "request received by May 28, 2012", the Township will proceed to carry out design and construction of the recharge system as presented in the planning documentation.

Please note that ALL personal information included in a [Part II Order request](#) submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public record and will be available to the general public.- The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 1st May, 2012.

Reeve John McKay
Township of Dartford
R.R. #1, Dartford, Ontario

**REVISIONS AND ADDENDA TO
ENVIRONMENTAL STUDY REPORT
NOTICE OF FILING OF ADDENDUM**

**TOWNSHIP OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SUPPLY AUGMENTATION
FIRST CONCESSION RECHARGE SYSTEM
NOTICE OF FILING OF ADDENDUM**

Construction of the First Concession Recharge System commenced in the summer of 2012. The York River Pumping Station and the trunk water mains were completed in late September. Due to unexpected soil conditions at the southerly end of Dartford Hill however, construction of the lagoons and infiltration trenches was halted to allow a review of the design to be undertaken.

An Addendum has now been completed to the Environmental Study Report which was issued 1st June, 2012. The Addendum contains details of the revised recharge system and the amended construction schedule. Please note that only the changes proposed in the Addendum are open for review.

By this Notice, the Addendum is being placed on the public record for review in accordance with the requirements of the Municipal Class Environmental Assessment. Subject to comments received as a result of this Notice, the Township intends to proceed with the construction of this project in the summer of 2000. The estimated cost is \$225,000..

The addendum is available for review at www.dartford.ca and at the following location(s):

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

Resource Centre, YM-YWCA
3rd Floor, 123 First Avenue
Dartford, Ontario

Mon-Fri: 8:30 a.m - 4:30 pm
Telephone: (519)765-4321

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist jappleby@ABC.com

Interested persons should provide written comment to the municipality on the proposal within 30 calendar days from the date of this Notice. Comment should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment through an Individual Environmental Assessment process (referred to as a Part II Order). Requests must be received by the Minister within 30 calendar days of this Notice. Requests should be made on a Part II Order Request Form which is available from the Proponent, the Ministry of the Environment or at www.municipalclassea.ca/PartIIOrderRequestForm
Copies of the Request Form must be sent to:

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

Ministry of the Environment
Environmental Approval Branch
2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5

-and-

Township Office Resource Centre
Township of Dartford 3rd Floor
Township Road 20
Dartford, Ontario
Mon-Fri: 8:30 a.m - 4:30 pm

Please note that ALL personal information included in a Part II Order Request submission - such as name, address, telephone number, and property location - unless stated otherwise in the submission, will be collected and maintained by the Ministry of the Environment, under the authority of the *Environmental Assessment Act*, for consultative purposes AND for the purpose of creating a public that will be available for viewing to the general public. The collection, use and dissemination of this information are governed by the *Freedom of Information and Protection of Privacy Act*.

This Notice issued 1st August 2012

Reeve John McKay
Township of Dartford
R.R. #1, Dartford, Ont.

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT PART II ORDER REQUEST FORM

If concerns arise while a project is being planned under the Municipal Class Environmental Assessment, which cannot be resolved in discussions with the proponent/municipality, a person or party may request that the Minister of the Environment order a change in the project status and require a higher level of assessment referred to as a Part II Order.

Person/Party submitting Part II Order Request: _____

[Representative \(if applicable\):](#) _____

Address: _____

Phone: _____ Email: _____

I, _____, have concerns with the following proposed project.

Project Name/Location: _____

Proponent/Municipality: _____

Name of Municipal Contact: _____

Email of Municipal Contact: _____

Members of the public or parties having concerns about the potential environmental effects of a project or the planning process being followed, have a responsibility to bring their concerns to the attention of the proponent early in the planning process, when the proponent has greater flexibility to accommodate changes in the project development and the process.

Please explain how you have participated in the Environmental Assessment Process.

Please explain the concerns you have with the project as proposed and why you feel your concerns have not been addressed. Be sure to address the following issues for the Minister's consideration:

- environmental impacts of the project and their significance;
- the adequacy of the planning process;
- the availability of other alternatives to the project;
- the adequacy of the public consultation program and the opportunities for public participation;
- the involvement of the person or party in the planning of the project;
- the nature of the specific concerns which remain unresolved;
- details of any discussions held to resolve the specific concerns between the person or party and proponent;
- the benefits of requiring the proponent to undertake a higher level of assessment;
- any other important matters considered relevant.

Requests which are clearly made with the intent of delaying project planning and implementation, or, which do not contain a reasonable amount of information may be denied by the Minister or delegate on the basis of being unsubstantiated. Please outline below the specific concerns about the project that you have not been able to resolve through discussion with the proponent/municipality.

[\(add additional pages, as many be necessary\)](#)

I have not been able to resolve my concerns, identified above, with the proposed project through discussion with the municipality and I request that the Minister of the Environment order a change in the project status and require a higher level of assessment.

Signature

Date

Forward this form, along with any supporting documentation to:

Minister of the Environment 77 Wellesley Street West 11 th Floor, Ferguson Block Toronto, ON M7A 2T5	- and -	Ministry of the Environment Environmental Approval Branch 2 St. Clair Avenue West Floor 12A Toronto, ON M4V 1L5	- and -	Proponent/Municipality
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Form must be received by the Minister within 30 days of the published notice.

Freedom of Information and [Protection of Privacy of Protection Act](#)

Under the *Freedom of Information and Protection of Privacy Act* and the *Environmental Assessment Act*, unless otherwise stated in the submission, personal information such as name, address, telephone number and property location in a submission become part of the public record and will be released, if requested, to any person. Requests should also be sent to the proponent. If not already provided requests will be shared with the proponent for a response. The proponent's response to the issues raised

will also be considered as part of the decision on a Part II Order request.

Consequential Amendments to Appendix 1, Project Schedules: Municipal Road Projects

Amend the proposed “note to be included just prior to Table in Appendix 1” as follows:

*“Note: Phase in Provision - Any data gathered or consultation related to a cycling or multi-purpose **path** completed prior to approval of the amendment, including projects in the MCEA, can be used as part of the MCEA process provided the proponent has followed the requirements of the MCEA.”*

Rationale: the City of Mississauga requested that consistent terminology be used to describe multi-purpose paths, whereas the previous language proposed used multi-purpose paths and multi-use trails interchangeably.

Add the following note after paragraph 4, Page 1-4 as follows:

Note:

Municipal projects involving the construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing rights-of-way (see activity No. XXXX) are exempt under Ontario Regulation 334, made under the EA Act, from EA requirements if the estimated project cost is less than \$3.5 M. This value will not be adjusted as part of the MEA's annual adjustments to cost thresholds as there is no such adjustment made to the 3.5 M exemption under O Reg. 334. For clarity, the cost threshold to carry out a Schedule C process for municipal projects involving the construction or removal of sidewalks (multipurpose paths or cycling facilities including water crossings outside of existing rights-of-way will be adjusted on an annual basis.

Rationale: this note is to clarify that the 3.5 M cost threshold in the MCEA will remain consistent with the 3.5 M exemption in Ontario Regulation 334.

STATUS OF MUNICIPAL ROAD PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

Page 1-1

Amend fifth paragraph as follows:

*Take, for example, the redesignation of an existing general purpose lane as a High Occupancy Vehicle (HOV) lane. This could be accomplished with the installation of low cost traffic control devices and as such could be considered as a **Schedule A+** project. However, the potential changes to general traffic patterns could be significant and could have effects on adjacent businesses or communities and as such should perhaps be considered as a Schedule B or C project.*

Rationale: this amendment is required to ensure consistency with the proposed scheduling for activity no. 22.

Section B.2.3.1 Description of Projects (page B-11)

Amend as follows:

Projects in this group can generally be described as:

- *Interchanges – may be an existing at-grade intersection or an existing grade separated interchange*
- *grade separations –may be road/rail or road/road*
- *water crossings – generally a culvert or a bridge but in some circumstances may be a tunnel or a ferry; may include pedestrian, **cycling**, recreational, and agricultural water crossings*

Rationale: this amendment is required to ensure consistency with the proposed scheduling for activity no. 26.

A.2.10.6 The Clean Water Act

The purpose of the *Clean Water Act* (CWA) is to protect existing and future sources of drinking water. Under the CWA, **vulnerable areas** have been delineated around surface water intakes and wellheads for every existing and planned municipal residential drinking water system that is located in a Source Protection Area (SPA). These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) or surface water Intake Protection Zones (IPZs). Details regarding the location of vulnerable areas will be available in approved Source Protection Plans, municipal Official Plans, and from the local Risk Management Official or Conservation Authority/Source Protection Authority.

Source protection plans set out the local approach to protecting sources of drinking water. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how that activity is undertaken. Policies may prohibit certain activities, or they may use certain tools to manage these activities. Municipal Official Plans, planning decisions, and prescribed instruments (ie. Permits and Licenses) must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

Sidebar goes with paragraph above:

Refer to Ontario Regulation 287/07 for the full list of drinking water threats. For assistance in determining whether an activity associated with the construction or operation of projects covered by this Class EA are a drinking water threat proponents can contact the local Conservation Authority/Source Protection Authority or their local Risk Management Official.

Projects Located Within A Vulnerable Area:

Projects being proposed in a vulnerable area may pose a risk to drinking water and may be subject to policies in a source protection plan. When projects are proposed within a vulnerable area, the policies in source protection plans must be considered and the impact of the policies on those who may need to implement the policies or those who are otherwise impacted (eg land owners) should be given adequate consideration during the planning stage. **Proponents undertaking an MCEA project must identify early in their process whether a project is or could potentially be occurring within a vulnerable area; this would fall within Phase 2 of the MCEA process and must be clearly documented in the project file or ESR, as may be appropriate.**

Projects that create new or amended vulnerable areas:

For any proposed water projects that expand the use of existing or draw on a new source of drinking water (municipal well or surface water intake) vulnerable areas will have to be incorporated into updated source protection plans. When this happens, landowners within new or amended vulnerable areas (IPZs or WHPAs) will be subject to source protection plan policies. These policies may impact existing or proposed land uses and the activities carried out by landowners. To fully understand the impact of establishing a new or expanded drinking water systems, **it is recommended that the technical work required by the CWA to identify the vulnerable areas and potential drinking water threats be undertaken concurrently with the MCEA process.** This will facilitate the assessment of potential impacts and allow a more comprehensive consultation process with potentially affected stakeholders. Coordinating this work will also expedite source protection plan amendments to incorporate the new system or any changes to existing systems that may be required. It will also minimize the likelihood of MCEA proponents having to amend completed MCEA projects to reflect the technical work required by the CWA.

For further clarity, the proponent can contact the local Risk Management Official or Conservation Authority/Source Protection Authority.

Proposed Amendments to the Municipal Class Environmental Assessment

Part I – Section A.1.5.2 – Municipal Class EA Amending Procedure

Add new section A.1.5.2, as follows:

A.1.5.2 Municipal Class EA Amending Procedure

The purpose of this amending procedure is to allow for modifications to the Municipal Class EA. The reasons for such modifications may include:

- Clarifications about any ambiguous areas of the document, including its processes and procedures,
- Streamlining the planning process in areas where problems may have arisen;
- Extension of the application of the Class EA process to municipal projects or activities that were not previously included.

Minor amendments are considered to be those amendments that do not substantially change this Class EA. For example, extending the Class EA to projects or activities that were not included but are similar to the class of projects already covered, clarification of wording or streamlining redundant processes would be considered to be minor amendments.

Major amendments are those amendments that substantially change this Class EA. For example, reducing the amount of public consultation or introducing new process requirements would be considered to be major amendments. Including a new group of municipal projects or activities is also considered a major amendment but may be processed differently as outlined in section A.1.5.2 c.

Who Can Propose Amendments?

A party, which includes the proponents, or the MEA acting on behalf of the proponents, or the MOE may propose an amendment to this Class EA. In addition, members of the public, other government agencies and Aboriginal and Métis communities may request that the proponents, the MEA acting on behalf of the proponents or the MOE initiate an amendment to this Class EA.

When proposing an amendment to this Class EA, the party bringing forward the proposed amendment must describe the proposed changes and the rationale for the proposed changes. In addition, the party must have regard to the required contents of a Class EA as outlined in section 14 of the EA Act as may be applicable. Depending on the nature of the amendment contemplated, this information may already be contained in Parts B, C or D of the MCEA. If this information is not included, the proponent should describe, as appropriate, the information required under section 14 (2) and (3) of the EA Act.

The Amending Process

The amending process for each type of amendment described is provided herein.

a) Minor Amendments

The following process will be used to make minor amendments:

- 1) A party will bring the proposed amendment to the attention of the Director of MOE's EAB describing the amendment and a brief rationale for the amendment.
- 2) The Director will then discuss the proposed amendment with the proponents or the MEA acting on their behalf. If the Director finds the amendment necessary, the Director shall determine whether the amendment is minor and whether consultation about the proposed amendment should be carried out;
- 3) If the Director determines that consultation should be carried out, a Notice of Proposed Amendment shall be issued and at least thirty (30) days will be allowed for interested parties to comment.
- 4) Based on the proposal and any comments received, the Director may determine that there are no significant environmental concerns resulting from the proposal and approve the amendment.
If the Director believes that there are potential significant environmental concerns which cannot be resolved through conditions or negotiations between the MEA on behalf of the proponents and the concerned commenter, the Director may declare that the amendment can only be evaluated through the Major Amendment process.
- 5) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record and made available on the MEA website.

b) Major Amendments

The following process will be used to make major amendments:

- 1) A party will bring forward the proposed amendment to the attention of the MOE through the Director of EAB for review. A description of the amendment and a rationale for the amendment will be provided at that time.
- 2) The party may carry out consultation about the proposed amendments and the rationale for the amendment before bringing the proposed amendment to the attention of the MOE.
- 3) Prior to making a decision about the proposed amendment, the MOE may conduct a public consultation process including notification of the proposed amendment to the public and any potentially affected agency or municipality to request comments. A minimum review period of 30 days for comments will be allowed.
- 4) The proponents, or MEA acting on behalf of the proponents, will have an opportunity to respond to any issues raised after the review period. Where appropriate, the MOE will determine whether additional consultation is warranted (e.g. in addition to the minimum review period).
- 5) The MOE will review the proposed amendment including any comments received and the proponents responses to the issues raised and may require revisions to the proposed amendments to address the concerns raised.
- 6) If no consultation is required, the Minister, or his/her delegate, shall make a decision within 60 days of notification of the proposed amendment. If consultation is required, the Minister, or his/her delegate shall make a decision within 60 days after submission of the results of the consultation and the MOE's review of the amendment.
- 7) Based on the proposal and any comments received, the Minister, or his/her delegate, may determine that there are no significant environmental concerns resulting from the proposal and approve the amendment with or without conditions. The Minister may also reject the proposed amendments.

- 8) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record and made available on the MEA website. The proponent shall also update the Class EA to include the amendments as may be appropriate and make the revised Class EA document available on the MEA web site.

c) Procedures to Include a New Group of Municipal Projects or Activities to this Class EA

The inclusion of a new group of municipal projects or activities, requiring a separate description of the projects purpose, alternatives, environment and typical mitigating measures, is considered to be a major amendment.

Prior to proposing a major amendment to include a new group of municipal projects or activities in this Class EA to the Minister, the proponent, or the MEA acting on behalf of the proponent, will consult with the MOE to determine the requirements for amending this Class EA. When proposing to include a new group of projects or activities in this Class EA, the proponent shall have regard for section 14 of the EAA.

The party proposing the proposed new group of municipal projects or activities will be required to undertake pre-consultation with interested parties as may be appropriate prior to submission of the proposed amendment to the MOE. Should the MOE propose a new group of municipal projects or activities, the MOE will undertake pre-consultation with interested parties, as may be appropriate.

Once submitted, the proponents or the MEA on behalf of the proponents will be required to carry out consultation, as may be determined by the MOE, about the proposed amendments. Should the new group of projects or activities be proposed by the MOE, the MOE will be required to carry out consultation about the proposed amendments. In general, it will be necessary to follow the process for major amendments and a decision made by the Minister or his/her delegate.

The process for including a new group of projects or activities shall culminate in the preparation of an Amendment Report, which will describe the process followed, the amendments proposed, how the proposal is consistent with section 14 of the EA Act, and the results of the consultation carried out during the preparation of the Amendment Report.

Despite the foregoing, there may be circumstances where an amendment results in significant changes to the Class EA that are not consistent with the approved Terms of Reference for the MCEA or the Notice of Approval of Class EA given by the Minister of the Environment on October 4, 2000. If the MOE determines this to be the case, the party proposing the amendments would be required to follow the process under section 13 and 14 of the EAA and prepare a proposed Terms of Reference and the preparation of a new or amended Class EA.

A.1.6 Amendments to the Municipal Class EA

In 2000, the MCEA parent document, prepared by the MEA on behalf of the proponent municipalities, was approved under the EA Act. Under the Notice of Approval, the MEA is required to monitor the continued use and effectiveness of the MCEA. Specifically, the MEA is required to carry out review of the MCEA every five years from the date in which the MCEA parent document was approved. Annual monitoring reports are also required to be submitted to the MOE.

As part of the MEA's efforts to monitor the continued use of the MCEA, a number of amendments have been made to the MCEA. These amendments are listed in Appendix XXXX. For more recent amendments that may currently be proposed or that have been recently approved, the MEA's website (<http://www.municipalclassea.ca/>) should be consulted

Part II - Additional Amendment Items

~~1. Move A.1.6.1. Minor Amendment and Major Amendment – Part 1 to Appendix XXXX, as below~~

~~2. Move A.1.6.2 Major Amendment – Part 2 to Appendix XXXX, as below~~

~~— Add New APPENDIX XXXX – AMENDMENTS TO THE MCEA~~

~~3. —~~

Insert:

~~2007 Five Year Review~~

~~A.1.6.1. Minor Amendment and Major Amendment – Part 1~~

~~A.1.6.2 Major Amendment – Part 2~~

~~2010 Minor Amendments~~

~~2011 Major Amendments – Changes to A.2.9. and rescheduling of activities – Minister's Notice of Approval and letter to the MEA~~

~~2013 Five Year Review – Part 1~~

1. Amend A.1.6 as follows:

A.1.6. Amendments to the Municipal Class EA

In 2000, the Municipal Class Environmental Assessment (EA) parent document, prepared by the Municipal Engineers Association (MEA) on behalf of proponent municipalities, was approved under the Ontario Environmental Assessment (EA) Act. As part of the approval given by the Minister of the Environment, the MEA is required to undertake annual monitoring of the MCEA process to ensure the effectiveness in its continued use. In addition, the MEA is required to carry out a more comprehensive review of the MCEA process as part of the five-year reviews that are required by the Notice of Approval given for the MCEA.

Over the years, a number of minor and major amendments to the MCEA have been proposed and approved and the MCEA document updated accordingly. A comprehensive list of the amendments made to the MCEA process is available on the MEA's website (INSERT LINK) and proponents are encouraged to review this information to ensure that they have the most current information. The MEA will continue in its efforts to notify its stakeholders of any future changes to the MCEA.

2. Delete A.1.6.1 and A.1.6.2

4. Other Consequential Amendments Needed

- 1) Table of contents
- 2) Page numbers

3) Insert Amendment Appendix and related information

3)

A.2.10.6 The Clean Water Act

The purpose of the *Clean Water Act* (CWA) is to protect existing and future sources of drinking water. Under the CWA, **vulnerable areas** have been delineated around surface water intakes and wellheads for every existing and planned municipal residential drinking water system that is located in a Source Protection Area (SPA). These vulnerable areas are known as a Wellhead Protection Areas (WHPAs) or surface water Intake Protection Zones (IPZs). Details regarding the location of vulnerable areas will be available in approved Source Protection Plans, municipal Official Plans, and from the local Risk Management Official or Conservation Authority/Source Protection Authority.

Source protection plans set out the local approach to protecting sources of drinking water. Where an activity poses a risk to drinking water, policies in the local source protection plan may impact how that activity is undertaken. Policies may prohibit certain activities, or they may use certain tools to manage these activities. Municipal Official Plans, planning decisions, and prescribed instruments (ie. Permits and Licenses) must conform with policies that address significant risks to drinking water and must have regard for policies that address moderate or low risks.

Sidebar goes with paragraph above:

Refer to Ontario Regulation 287/07 for the full list of drinking water threats. For assistance in determining whether an activity associated with the construction or operation of projects covered by this Class EA are a drinking water threat proponents can contact the local Conservation Authority/Source Protection Authority or their local Risk Management Official.

Projects Located Within A Vulnerable Area:

Projects being proposed in a vulnerable area may pose a risk to drinking water and may be subject to policies in a source protection plan. When projects are proposed within a vulnerable area, the policies in source protection plans must be considered and the impact of the policies on those who may need to implement the policies or those who are otherwise impacted (eg land owners) should be given adequate consideration during the planning stage. **Proponents undertaking an MCEA project must identify early in their process whether a project is or could potentially be occurring within a vulnerable area; this would fall within Phase 2 of the MCEA process and must be clearly documented in the project file or ESR, as may be appropriate.**

Projects that create new or amended vulnerable areas:

For any proposed water projects that expand the use of existing or draw on a new source of drinking water (municipal well or surface water intake) vulnerable areas will have to be incorporated into updated source protection plans. When this happens, landowners within new or amended vulnerable areas (IPZs or WHPAs) will be subject to source protection plan policies. These policies may impact existing or proposed land uses and the activities carried out by landowners. To fully understand the impact of establishing a new or expanded drinking water systems, **it is recommended that the technical work required by the CWA to identify the vulnerable areas and potential drinking water threats be undertaken concurrently with the MCEA process.** This will facilitate the assessment of potential impacts and allow a more comprehensive consultation process with potentially affected stakeholders. Coordinating this work will also expedite source protection plan amendments to incorporate the new system or any changes to existing systems that may be required. It will also minimize the likelihood of MCEA proponents having to amend completed MCEA projects to reflect the technical work required by the CWA.

For further clarity, the proponent can contact the local Risk Management Official or Conservation Authority/Source Protection Authority.

Glossary of Terms

Linear Paved Facilities: *means facilities which utilize a linear paved surface including road lanes, or High Occupancy Vehicle lanes.*

(Current meaning)

Linear Paved Facilities: *Means facilities which utilize a linear paved **or gravel**^[jdea1] surface including road lanes, **bicycle lanes, multi-purpose trails** or High Occupancy Vehicle (HOV) lanes. **Linear paved facilities may be located within an existing right-of-way or in the case of bicycle lanes or multi-purpose trails be located outside an existing right-of-way.***

(Proposed meaning)

Operation: *means use, maintenance, repair and management of a municipal facility where the purpose, use, capacity and location remain the same.*

Same purpose, use capacity and location refers to the replacement or upgrading of a structure or facility or its performance, where the objective and application remain unchanged, and the volume, size and capability do not exceed the minimum municipal standard (defined above), or the existing rated capacity (defined above), and there is no substantial change in location.

Example a) a change from a rural to urban cross section for a roadway is considered to be for the "same purpose, use and capacity" if the reconstructed cross section has the same number of lanes and is essentially in the same location. Works carried out within an existing road allowance such that no land acquisition is required are considered to be in the same location.

(Current meaning)

Operation: *means use, maintenance, repair and management of a municipal facility where the purpose, use, capacity and location remain the same.*

Same purpose, use capacity and location refers to the replacement or upgrading of a structure or facility or its

*performance, where the objective and application remain unchanged, and the volume, size and capability do not exceed the minimum municipal standard (defined above), ~~or~~ the existing rated capacity (defined above), **or in the case of municipal roads, the number of motor vehicle lanes, or bicycle lanes,** and there is no substantial change in location.*

Example a) a change from a rural to urban cross section for a roadway is considered to be for the "same purpose, use and capacity" if the reconstructed cross section has the same number of lanes and is essentially in the same location. Works carried out within an existing road allowance such that no land acquisition is required are considered to be in the same location.

(Proposed meaning)

No.	Description of the Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)	Cost Limit for Project Approved Under Schedule				Rationale for Change
		Pre Approved		B	C	
		A	A+			
1.	Normal or emergency operation and maintenance of linear paved facilities, <u>cycling lanes/facilities & multi-purpose paths, sidewalks, parking lots</u> and related facilities located <u>within or outside existing rights-of-way</u> .	NL	-	-	-	All normal or emergency operations are Schedule A
3.	Construction or removal or operation of sidewalks or <u>multi-purpose bicycle paths or cycling</u> bikefacilities within existing or <u>protected</u> rights-of-way.	NL	-	-	-	Operation is covered above. The public should be advised any issues raised should be resolved locally with the municipality.
14.	Construction of new parking lots <u>not associated with a building</u> .	<9.5m	-	>9.5m	-	Parking lots that serve a building are covered by Planning Act Requirements.
19.	Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes, bicycle lanes/facilities or multi-purpose paths) will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (e.g. <u>addition or reduction of cycling lanes/facilities or parking lanes, provided</u> no change in the number of motor vehicle lanes).	-	NL	-	-	The public should be advised any issues raised should be resolved locally with the municipality.
20.	Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will not be for the same purpose, use, capacity or at the same location as the facility being reconstructed (e.g. additional <u>motor vehicle</u> lanes, continuous centre turn lane).	-	-	<2.4m	>2.4 m	Changes to motor vehicle capacity warrant a higher level of review.
22.	Redesignation of a <u>Linear Paved Facility, an existing General Purpose Lane (GPL) or High Occupancy Vehicle (HOV) lanes</u> through signage or pavement marking modifications (i.e. not requiring physical construction beyond localized operational improvements as described in activity No. 12 above): <ul style="list-style-type: none"> <u>addition or removal of new</u> parking or turning lane markings on an existing roadway; conversion of one-way or two-way streets; redesignation of existing <u>General Purpose Lane (GPL) or on-street parking to High Occupancy Vehicle (HOV), or cycling lanes/facilities; HOV to GPL or vice versa;</u> <u>addition or removal of cycling lanes/facilities</u> 	-	NL	-	-	The public should be advised any issues raised should be resolved locally with the municipality.
new	<u>Construction or removal of sidewalks, multi-purpose paths or cycling facilities including water crossings outside existing right-of-way.</u>	-	-	3.5 m – 9.5 m	>9.5 m	Maintain the existing exemption for smaller cycling projects. Larger projects follow a well accepted and proven process.
24.	Reconstruction of a water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to either hydraulic or road capacity <u>but does not include alterations to include or remove facilities for cycling, pedestrians or to support utilities.</u>) This includes ferry docks.	-	NL	-	-	The public should be advised any issues raised should be resolved locally with the municipality.
28.	Construction of underpasses or overpasses for pedestrian, <u>cycling</u> , recreational or agricultural use.	-	-	<2.4m	>2.4 m	Clarification to ensure cycling is included.

APPENDIX H

FUTURE AMENDMENTS TO THE

MCEA

**MUNICIPAL ENGINEERS ASSOCIATION CLASS ENVIRONMENTAL ASSESSMENT
2012 FIVE-YEAR REVIEW
MOE COMMENTS**

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
Table of Contents						
1.	EAB	Table of Contents	Update sections and numbering to reflect changes, including consolidation of transit glossary (see comment No. 13 below) with main glossary.		Administrative	Agree
Executive Summary						
2.	EAB	Introduction, Page 1	This section should be updated to reflect the current five year review and recent amendments to the MEA Class EA that were approved in 2010 and 2012.		Administrative	Agree
3.	EAB	Overview of the Municipal Class EA (2000), pages 4 - 5	This section needs to be updated to reflect the results of the current five year review and recent amendments to the MEA Class EA that were approved in 2010 and 2011.		Administrative	Agree
Glossary						
4.	EAB	Glossary of Terms list of terms, page G-1	Reference to Ministry of Culture should be amended to Ministry of Tourism Culture and Sports (MTCS)		Administrative	Agree
5.	EAB	Glossary of Terms	Incorporate definitions from the Ministry of the Environment's <i>Code of Practice: Preparing and Reviewing Class Environmental Assessments</i> per section 3.12 of the 2009 Annual Monitoring Report		Administrative	Agree
6.	EAB	Commencement of Construction	This terminology is referred to in the lapsing provisions of the MEA Class EA, but is not in the glossary. Commencement of Construction should be defined per Ontario Regulation 334.	Start of Construction means: a) where contracts are to be awarded for carrying out part or all of the construction involved in the undertaking, the date on which the first such contract is awarded; and b) where no such contract is to be awarded, the date on which construction starts. Also, suggest clarifying that under sub (b) what construction is meant to include (e.g. clearing and grubbing / site preparation work or substantial construction).	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
7.	EAB	Construction	This term should be defined in the glossary. Need to consider the use of construction / reconstruction in the context of road activity nos. 19 & 20, where construction can involve limited works (e.g. re-striping the cross section of a road to add bike lanes / remove travel lanes).		Clarification	See cycling recommendations
8.		Sewage Lift Station	Suggest that this term be defined to draw a distinction between smaller pumping stations, which may have minimal potential environmental effects and pumping stations that accommodate more significant discharge rates that may require a higher level of scrutiny.	<p>“Sewage Lift Station” is a facility comprising mechanical devices for the collection, transmission and discharge of sewage into another sewage works or part thereof, up to a rate of 10,000 litres per day.</p> <p>NOTE: any upgrades to a sewage lift station that increases the discharge rate above 10,000 litres per day changes the status of the said station to that of a “Sewage Pumping Station”</p>		????
9.	EAB	Linear Paved Facility	<p>Defined in the glossary as: “Means facilities which utilize a linear paved surface including road lanes or High Occupancy Vehicle (HOV) lanes.”</p> <p>Does this also include driveways serving municipal buildings?</p> <p>Do cycling facilities fall within the meaning of ‘other linear paved facilities’? (Road activity, item 21)</p> <p>Do off-site multi-use trails fall within the meaning of other linear paved facilities?</p>			See cycling recommendations
10.		Pumping Station	Suggest that this term be defined.	<p>“Sewage pumping station” is a facility comprising mechanical devices for the collection, transmissions and discharge of sewage into another sewage works or part thereof, at a rate in excess of 10,000 litres per day.</p>		????
11.	EAB	Utility Corridor	Update this definition to incorporate working from recent clarification about the meaning of utility corridor.		Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
12.	EAB	Reconstruction	Reconstruction should be defined in the glossary. This definition should clarify that 'reconstruction' under road activities 19 and 20 does not necessarily involve physical reconstruction (e.g. adjustments to the curbs or a full reconstruction of the road surface) and may be limited to a change in the number of traffic lanes by way of painted lines only.		Clarification	See cycling recommendations
13.	EAB	Sewage Collection System	Defined as: Means service branches, trunk and local sewers, pumping stations , and appurtenances which include catch basins, inlet control devices, leads, manholes and outfalls, all for purposes of conveying sewage, but does not include sewage treatment facilities, sewage retention/detention tanks/ponds or their respective outfalls. For further description of sanitary sewage projects, see Section C.2.2, for further description of storm sewage and stormwater management projects, see section C.2.3.	Suggest redefining sewage collection system as follows: "Sewage Collection System" means service branches, trunk and local sewers, lift stations and appurtenances which include catchbasins , inlet control devices, leads, maintenance holes and outfalls, all for the purposes of conveying sewage, but does not include sewage treatment facilities, pumping stations , sewage retention / detention. tanks/ponds or their respective outfalls. For further description of sanitary sewage projects, see Section C.2.2, for further description of storm sewage and stormwater management projects, see Section C.2.3.	Clarification	????
14.	REAC	Glossary	Definition of "temporary work" or a time frame for temporary installations. It would also help if the addresses potential requirements for temporary works (i.e., temporary swim ponds, temporary access roads, etc) or whether these activities are considered 'construction activities' and not a component of the undertaking.		Clarification	See City of Toronto comments.
15.		Glossary	Also need to revisit the following definitions: <ul style="list-style-type: none"> - proponency - start of construction - operation - drinking water amendment - Water definitions 		Clarification	Agreed
16.	EAB	Glossary	Incorporate transit chapter definitions (e.g. section D.1.3.) with the main glossary.		Administrative	Agreed

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
Part A						
17.	EAB	A.1.2.2. - Project Schedules, page A-4	The following references should be reviewed for consistency with section 16 of the Environment Assessment Act: (a) There, however, would be no ability for the public to request a Part II Order; (b) Given that these projects are pre-approved, there is no appeal to the MOE on these projects. (c) (For Schedule A and A+, Section A.1.3 explains the differences between municipalities who are proponents of the Municipal Class EA and those who are not but use it, with regard to unconditional approval of Schedule A and A+ projects.)		Clarification	MEA will work with MOE to develop new Ont. Reg. and then amend MCEA accordingly.
18.	EAB	A.1.2.2. - Project Schedules, page A-5	A PICO request is not an appeal mechanism. Rather, it is a request for a higher level of review and should only be considered where there is a significant potential environmental effects. The following statement should be rephrased: "There is also an appeal mechanism for Schedule B and C projects which is discussed in Section A.2.8."	Suggest rephrasing as: "There is also an opportunity to request a higher level of review through a Part II Order request to the Minister of the Environment. A Part II Order request should only be considered where there is significant potential for environmental effects.	Clarification	Agree
19.	EAB	A.1.2.2. - Project Schedules, page A-5	In the last paragraph of these section, suggest adding a statement about master planning and that clarification be made that the projects identified in the master plan can be the subject of a PICO request, but not the master plan itself.		Clarification	Agree
20.	EAB	A.1.2.3. - Responsibility for Compliance with the EA Act	The following statement does not reflect the Minister's decision making powers under section 16 of the Environmental Assessment Act: 'the Minister of the Environment (the Minister) issuing a Part II Order thereby requiring the proponent to carry out an individual environmental assessment for those projects which previously had been subject to the Class EA process.'	Suggest clarifying 'the Mister of the Environment (the Minister) issuing a Part II Order thereby requiring the proponent to carry out additional works or studies or and individual environmental assessment for those projects which previously had been subject to the Class EA process.	Clarification	Agree
21.	EAB	Table A.1, page A-9	This table should be reviewed for consistency with recent changes to section A.2.9 (Integration Provisions). Particular attention should be paid to references to appeal provisions and appeal provisions for integrated projects. Given that this table reflects concerns raised over 15 years ago, consideration should also be given to removing the table altogether.	Suggest removing Table A-1.	Clarification	Agree
22.	EAB	A.1.3. Proponency, page A-12	Reference at top of the page should be updated to reflect current five year review.		Administrative	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
23.	EAB	A.1.3. - Proponency, page A-12	<p>Review the following statements for consistency with section 16 of the EAA:</p> <p>(a) For these municipalities, Schedule A and Schedule A+ projects are unconditionally approved and cannot be subject to a request for a Part II Order while Schedule B and C projects are approved subject to the provisions of the Class EA process, including the provisions for a request for a Part II Order as outlined in section A.2.8.</p> <p>(b) One small difference between the proponent and non-proponent municipalities is that in the case of non-proponent municipalities, Schedule A projects could be designated under the EA Act. Schedule A projects have insignificant impacts and it is not anticipated that a designation would be made, except in very unusual circumstances.</p>			MEA will work with MOE to develop new Ont. Reg. and then amend MCEA accordingly.
24.	EAB	A.1.3. - Proponency, page A-12	Last paragraph refers to the ORC Class EA. This has been renamed the Ministry of Energy and Infrastructure Class EA. As the MEI no longer exists, it is anticipated that this Class EA will be renamed the Ministry of Infrastructure Class EA. The reference should be updated accordingly.		Administrative	Agree
25.	EAB	A.1.3. - Proponency, page A-12		<p>Suggest rephrasing:</p> <p>Should this occur, municipal proponents should consult with the other proponents to determine how to coordinate EA requirements of each proponent and to determine if the process and documentation under the MCEA can be used to help meet the requirements of the other proponent's Class EA process or vice-versa.</p>	Clarification	Agree
26.	EAB	A.1.3. - Proponency, page A-12	Suggest adding a section to discuss co-proponency (wording developed during the amendments to section A.2.9).	<p><i>Co-proponency</i> - Two or more parties may have responsibilities under the Class EA process for the same project (either different municipalities or private sector developers or a combination of two or more). Where two or more proponents undertake a project for their mutual benefit, as co-proponents, all terms and conditions of this Class EA shall apply equally to each of the co-proponents. In a co-proponency that involves a private sector developer and a municipality, Class EA requirements shall be those of the municipality. In cases where components of a single project fall within more than one schedule, the more rigorous schedule shall apply.</p>		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
27.	EAB	A.1.3. - Proponency, page A-12	<p>Under Appendix 1 (i) (page 1-3), projects which take place partly outside the proponents municipal boundary shall be planned under Schedule B, other than normal or emergency operational activities which shall be Schedule A. It is unclear whether the same rationale should be applied to Schedule B road projects or water, wastewater and transit projects. Clarification should be provided.</p> <p>In any event, a subsection should be added to address projects involving multiple jurisdictions where a co-proponency is not proposed.</p>	<i>Projects Involving Multiple Jurisdictions</i> - Some projects may extend beyond the boundaries of a particular municipality. For those projects, and where a co-proponency (discussed above), is not proposed, proponents should ensure that the authorizations (e.g. consent from the municipality or municipal Council, as may be appropriate) necessary to implement beyond the boundaries of the municipal proponent are obtained.		Agreed
28.	EAB	A.1.3. - Proponency, page A-12	Suggest adding a subsection to discuss "Change in Proponency" (wording developed during the amendments to Section A.2.9).	<i>Change in Proponency</i> - Proponents may also change during the planning and implementation of a project. Initial Class EA Phases may be completed by one proponent and following Phases may be completed by another. For example, a municipality may use a Master Plan to complete Phases 1 and 2 of this Class EA process, while a private sector proponent, building upon the work completed by the municipality, completes Phases 3 and 4 of this Class EA process through the standard Class EA process or through the use of the integrated approach. If a proponent is relying on work completed by another proponent to fulfill their requirements under this Class EA, the proponent needs to ensure that the work that is being relied upon meets the requirements of this Class EA and that they are able to make use of the work completed by the other proponent. There may be restrictions on the sue of previous work by others (e.g., reliance or copy right).		Agree
29.	EAB	A.1.3. - Private Sector Development, page A-13	Suggest reviewing this section to provide additional clarity. In particular, suggest moving the specific requirements triggered under 345/93 to the beginning of this section. Section A.2.9 (proponency subsection) and the Proponency training module should be reviewed for any additional information that may assist in the explanation of EA requirements for private sector developers.		Clarification	Agree
30.	EAB	A.1.4 - Phase in provisions, A-13 - A-14	Update to reflect current five year review		administrative	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
31.	EAB	A.1.5.1. - Monitoring of the Municipal Class EA, page A-14	<p>Update references to EAAB (EAB)</p> <p>Include information about submitting the Notices of Completion for Schedule B and C projects by e-mail to the following e-mail address: MEA.Notices.Director.EAAB@ontario.ca</p> <p>Suggest adding the following clarification as well:</p> <p>Notices of public information sessions and copies of Environmental Study Reports do not need to be sent to this email address. Project documentation and meeting notices should continue to be sent to the appropriate Regional EA Coordinator at the appropriate MOE Regional Office.</p>		Clarification	Agree
32.	EAB	A.1.5.2 - Municipal Class EA Amending Procedures	Update references of EAAB to EAB		Administrative	Agree
33.	EAB	A.1.6. - Amendments to the Municipal Class EA (2007) page A-16	Update to reflect current five year review.		Administrative	Agree
34.	EAB	A.1.7. - MOE Codes of Practice (2007), page A-18	Note: All of the Codes of Practice referenced in this section are now approved. The second paragraph should be updated accordingly. Also suggest that a statement be added to this section indicating that these documents will be modified from time to time.		Clarification	Agree
35.	EAB	A.2. - Planning and Design Process, A-20	The paragraph about master plans is confusing and should be clarified. In particular, it appears that this paragraph suggests that by following a master plan process, "relief" from EA requirements can be found. Suggest that it be pointed out that work carried out under a Master Planning process may be used to meet current or future requirements under the Class EA.		Clarification	Agree
36.	EAB	A.2 - Planning and Design Process - A-20	<p>Recommend that the following phrase be clarified:</p> <p>Regardless of the approach taken for any undertaking subject to this Class EA, the proponent is responsible for ensuring that the requirements of this Class EA and principles of its application are met.</p>	<p>Suggest rephrasing the last sentence in the last paragraph as follows:</p> <p>Regardless of the approach taken for any undertaking subject to this Class EA, the proponent is responsible for ensuring that the requirements of this Class EA are met.</p>		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
37.	EAB	A.2.2. - Phase 1 - Problem or Opportunity, page A		Suggest rephrasing the second paragraph as follows: From the problem statement, a project will be developed. In assessing the magnitude and extent of a problem (e.g. the scope of the project), it is important that projects not be broken down or piecemealed into component parts or phases with each part being addressed as a separate project and under a separate Class EA. If the component parts are dependent on each other, then all of the components must be combined and dealt with as a single project. In cases, where components of a single project fall within more than one Schedule, the more rigorous schedule shall apply to all components of the project.	Clarification	Agree
38.	EAB	A.2.3. - Phase 2 Alternative Solutions, A-28	Need to consider whether this statement is appropriate: If no request for an Order is received by the Minister within the review period, the proponent may develop the project, based on the preferred solution, and may proceed with detailed design and the preparation of contract drawings and documents.			Statement is okay.
39.	EAB	A.2.4. - Phase 3 - Alternative Design Concepts for the Preferred Solution, A-29	The last sentence in Step 2 appears to be missing words. However, the need only be carried out to the extent necessary to select a preferred design.	Suggest rephrasing: However, this should only be carried out to the extent that is necessary to select a preferred design.	Administrative	Agree
40.	EAB	A.2.5. - Phase 4 - Environmental Study Report, A-31	Need to consider whether this statement is appropriate: If no request for an Order is received by the Minister within the review period, the proponent may proceed to Phase 5 and implementation of the project.			Statement is okay.
41.	EAB	A.2.7. - Master Plans, A-33	Suggest incorporating Appendix 4 into this section of the MEA Class EA	Suggest that the last paragraph of section A.2.7.1. be deleted and the appendix 4 materials, beginning with section 4.3 be inserted.		Agree
42.	EAB	A.2.7.2. - Monitoring	Suggest clarifying that summaries can be forwarded to the EA Branch by e-mail.	This information can be sent by e-mail to MEA.Notives.EAAB@ontario.ca		Agree
43.	EAB	A.2.8. - Changing the Project Status - Appeal process	Suggest renaming section A.2.8. - Request for a Higher Level of Environmental Review. A Part II Order request is not an appeal provision.			Review sections and ensure consistency with EA Act and with new proposed Regulation.

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
44.	EAB	A.2.8.1. - Part II Order Process	Under section 16 of the Environmental Assessment Act, the Minister of the Environment may also Order a proponent to carry out additional studies, following a higher schedule under the MEA Class EA or carry out an individual EA. The Minister may make this order under his/her own volition or following the review of a Part II Order request. Additional clarity should be provided in this section.			Review sections and ensure consistency with EA Act and with new proposed Regulation.
45.	EAB	A.2.8.1. - A.2.8.4	These sections should be reviewed for consistency with section 16 of the Environmental Assessment Act.			Review sections and ensure consistency with EA Act and with new proposed Regulation.
46.	EAB	A.2.8.3. - Responsibility of the public, A-38	This section should be reviewed for consistency with section 16 of the Environmental Assessment Act.		Clarification	Review sections and ensure consistency with EA Act and with new proposed Regulation. Develop standard form for Part II Order Requests.
47.	EAB	A.2.8.4.	Suggest clarifying the last sentence of the Minister's options to deny a Part II Order request. Under the last sentence of 'Decision 1 - Deny ii,' it should be made clear that conditions may need to be otherwise fulfilled (e.g. before an application for an Environmental Compliance Approval is made); not necessarily just when implementing the project.	The proponent must fulfill the conditions when implementing the project or at time which may otherwise be required by the Minister.	Clarification	Review sections and ensure consistency with EA Act and with new proposed Regulation.
48.	EAB	A.2.9.	Update to incorporate amended Section A.2.9., as approved in August of 2011.		Administrative	Agree
49.	EAB	A.2.10.	Review other key legislation to ensure that the listed items are still current.	At a minimum suggest adding: <ul style="list-style-type: none"> • Growth Plan for the Greater Golden Horseshoe • Endangered Species Act • Lake Simcoe Protection Plan (includes requirements about the timing of Class EAs) • Ontario Regulation 101/07 - the Waste Reg (some overlap with wastewater activities, treatment of biosolids, etc.....) • Clean Water Act (the legislative framework for Source Water Protection Planning) • Water Opportunities Act 	Administrative	Agree
50.	EAB	A.2.10.1. - Municipal Act, A-46	Suggest that this subsection be renamed 'Municipal Act / City of Toronto Act' and that the section clarify that the City of Toronto Act applies to the City of Toronto instead of the Municipal Act.		Administrative	Agree
51.	EAB	A.2.10.2 - Ontario Water Resources Act / Environmental Protection Act; A-46	This section should be updated to refer to ECAs instead of Certificates of Approval		Administrative	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
52.	REAC	A.2.10.2 - Ontario Water Resources Act / Environmental Protection Act:	<p>The last paragraph encourages technical consultation with MOE. It is recommended that the proponent is directed to contact the Regional Class EA Coordinator as a one window contact for inquiries and future approvals from the MOE.</p> <p>In this section please also consider discussing the Permit to Take Water process in a paragraph or two; mainly that any Class EA requirements must be met before a permit is issued; and also that if the proponent foresees a PTTW will be required; they may consider incorporating some of the investigations necessary for the application of the EA stage (please call me if you want more info on this).</p>			It should be clear that all that is really required for the EA process is enough detail to select the preferred option. The proponent is free to decide how detail is determined at the EA stage. There should be no relation between this EA process and the Permit to Take Water process.
53.	EAB	A.2.10.2 - Ontario Water Resources Act / Environmental Protection Act	The subsection of Hearings should be reviewed for legal accuracy.		Clarification	MOE to supply any detailed comments and proposed wording.
54.	EAB	A.2.10.3 - Consolidated Hearings Act, A-48	Review for legal accuracy		Clarification	MOE to supply any detailed comments and proposed wording
55.	EAB	A.2.10.. - Ontario Regulation 586/06, A-48	<p>This section and the activities related to it (e.g. road activity No. 35; wastewater activity No. A15 and water activity No. A10) should be removed from the MEA Class EA. Concerns about the apparent exemption that proponents of local road, water and wastewater facilities that are funding the construction of these facilities through Ontario Regulation (O. Reg.) 586/06 (formerly the Local Improvement Act) are provided have been raised previously. Specifically, projects planned and approved under O. Reg. 586/06 are considered pre-approved under the Class EA. As discussed at the 2009 Annual MOE-MEA meeting, O. Reg. 586/06 is a regulatory method that enables local improvements to be cost-shared by local landowners, but does not require any environmental considerations or studies to be otherwise completed.</p> <p>The MOE does not support the continued use of Section A.2.10.4.</p>		Minor	Agree
56.	EAB	A.2.11 - Canadian Environmental Assessment Act (CEA Act), A-48	This section should be updated to reflect recent changes made to the CEA Act. Input from the Canadian Environmental Assessment Agency has been requested accordingly.		Clarification	Agree
57.	EAB	A2.11.3 - Species at Risk Act (SARA), A-52	This section needs to be updated to reflect recent changes to the SARA and the CEA Act.		Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
58.	EAB	A.3.1. - General	<p>The first paragraph, fourth sentence - outlines key stakeholders that should be consulted during an EA process. The list omits First Nations and should be amended accordingly.</p> <p>The last sentence of the first paragraph includes incorrect statements about Part II Order Requests (e.g. it insinuates that a Part II Order can only result in an individual EA, which is not the case). Suggest clarifying.</p> <p>Consultation early in and throughout the process is a key feature of environmental assessment planning. Consultation is a two-way communications process between the proponent and affected or interested stakeholders that provides opportunities for information exchange and for those consulted to influence decision-making. The degree to which decision-making can be influenced will depend on the nature of the problem or opportunity being addressed, the alternative and their environmental effects, the nature of any concerns which are identified, and the responsibilities of the proponent. Through an effective consultation program, the proponent can generate meaningful dialogue between the project planners and stakeholders including the general public, property owners, community representatives, interest groups, review agencies and other municipalities. This allows an exchange of ideas and the broadening of the information base leading to better decision making. One of the principal aims of consultation, therefore, is to achieve resolution of differences of points of view, thus reducing or avoiding controversy and, ultimately, avoiding the use of the provision to require a project to comply with Part II of the EA Act which addressed individual environmental assessments. Furthermore, contact with review agencies will ensure compliance with all public policy and regulatory requirements.</p>	<p>Suggest rephrasing A.3.1. as follows:</p> <p>Consultation early in and throughout the process is a key feature of environmental assessment planning. Consultation is a two-way communications process between the proponent and affected or interested stakeholders that provides opportunities for information exchange and for those consulted to influence decision making. The degree to which decision-making can be influenced will depend on the nature of the problem or opportunity being addressed, the alternatives and their environmental effects, the nature of any concerns which are identified, and the responsibilities of the proponent. Through an effective consultation program, the proponent can general meaningful dialogue between the project planners and stakeholders including the general public, property owners, community representatives, Aboriginal communities and organizations, interest groups, review agencies and other municipalities. This allows an exchange of ideas and the broadening of the information base leading to better decision making. One of the principal aims of consultation, therefore, is to achieve resolution of differences of points of view, thus reducing or avoiding controversy, and, ultimately, avoiding the use of the provision to require a project to comply with Part II of the EA Act which addresses individual assessments. Furthermore, contact with review agencies will ensure that proponents are made aware of government agency requirements that need to be addressed as part of the Class EA planning process or through the issuance of permits or approvals following the completion of a Class EA.</p>	Clarification	Agree
59.	EAB	A.3.3. - Main Stakeholders (Sidebar)	<p>Main stakeholders are identified as:</p> <ul style="list-style-type: none"> • Public • Review Agencies • Other Municipalities <p>Aboriginal communities and organizations should be added to the list.</p>	<p>Suggest amending as follows:</p> <p>Main stakeholders are identified as:</p> <ul style="list-style-type: none"> • Public • Review Agencies • Aboriginal communities and organizations • Other Municipalities 	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
60.	EAB	A.3.4.1 - Mandatory Points of Contact	First Paragraph states that Schedule A projects may proceed without formal contact with the public while, Schedule A+ projects require that the public be advised (see Section A.1.2.2.). Suggest specifying in this sentence that it is the public, government agencies and other stakeholders.	Schedule A projects may proceed without formal contact with stakeholders while, Schedule A+ projects require that stakeholders, including the public, government agencies and Aboriginal communities be advised (see Section A.1.2.2).	Clarification	Only appropriate stakeholders should be notified for Schedule A+ projects. For example resurfacing an urban road - notify adjacent owners only.
61.	EAB	A.3.4.1. - Mandatory Points of Contact	Second Mandatory Point of Contact - Schedule B Projects: on page A-56, it is suggested that when issuing a Notice of Completion that proponents state the review period and the date by which submissions or requests for an order are to be received. These statements should be reviewed for consistency with section 16 of the EAA.		Clarification	MOE to supply any detailed comments and proposed wording.
62.	EAB	A.3.4.1. - Mandatory Points of Contact	Second Mandatory Point of Contact - Schedule B Projects: on page A-56, A-57 - last sentence on A-56 is cut off too early		Administrative	MOE to supply any detailed comments and proposed wording
63.	EAB	A.3.4.2. - Discretionary Points of Contact	<ul style="list-style-type: none"> Between Phase 3 and Phase 4 - To review the preferred design prior to finalization of the ESR: 	<ul style="list-style-type: none"> Between Phase 3 and Phase 4 - To review the preferred design prior to finalization of the ESR (for Schedule C Projects Only): 	Administrative	Agree
64.	EAB	A.3.4.2. - Discretionary Points of Contact	<p>The last sentence of this subsection gives the impression that a Part II Order request may be used for purposes that is not intended (e.g. threaten proponents into making changes to a project):</p> <p>It is preferable to modify a project at this stage, if appropriate, than to negotiate changes to the ESR in a confrontational atmosphere, under the possible threat of a request for a Part II Order.</p>	<p>Suggested rephrasing:</p> <p>Modifying a project to address the concerns of the public, government agencies or Aboriginal communities before the Notice of Completion is issued and the ESR made available for comment minimizes the likelihood of a proponent repeating these steps and any associated delays. Consulting with the public, government agencies and Aboriginal communities and ensuring that any concerns raised are satisfactorily addressed will minimize the likelihood of a request for a Part II Order.</p>	Clarification	Agree
65.	EAB	A.3.4.2. Discretionary Points of Contact	This subsection does not make any mention of Notices of Commencement, which generally speaking, have become an industry practice that is used for all Schedule B and C projects. Suggest adding some information about the discretionary use of Notices of Commencement in this subsection.		For Discussion	Agree
66.	EAB	A.3.5.1. - Development of a Public Consultation Plan	The title of this subsection should be modified to remove the word public. As part of a Class EA project, a Consultation Plan should be developed for all potential stakeholders, not just members of the public. This section should also explicitly lay out the need to develop consultation plans for review agencies, the public, Aboriginal communities and other stakeholders, as may be appropriate.	<p>Suggest rephrasing the subtitle as follows: A3.5.1.- Development of a Consultation Plan</p> <p>Suggest adding additional text advising that consultation plans should not be limited to the public, but should broadly encompass how government agencies, Aboriginal communities and interested persons will be engaged as part of the Class EA planning process.</p>	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
67.	EAB	A.3.5.3. - Public Notices	Is the meaning of published notice (e.g. a published notice shall mean a notice published in a local newspaper having general circulation in the area of the project) still appropriate? Is it still necessary to publish two notices appearing in separate issues of the same newspaper?		For Discussion	Section currently allows flexibility but should be updated.
68.	EAB	A.3.5.3. - Public Notices, page A-60	Second paragraph states: Proponents are encouraged to establish a procedure to coordinate the public notices for Schedule B and C projects with other municipal notice procedures. For example, notices for Schedule B and C projects, which are associated with a Planning Act application, should be coordinated with the notice required by the Planning Act. Municipalities should establish notice procedures for other Schedule B and C projects in a similar fashion to the notice procedures which they have adopted as required by the Municipal Act.	Suggest rephrasing: Proponents are encouraged to establish a procedure to coordinate with the public notices for Schedule A+, B and C projects with other municipal notice procedures. For example, notices for Schedule A+, B and C projects, which are being integrated with the requirements of the Planning Act through section A.2.9 of the Class EA-associated with a Planning Act application , should be coordinated with the notices required by under the Planning Act. Municipalities should establish notice procedures for other Schedule A+, B and C projects in a similar fashion to the notice procedures which they have adopted as required by the Municipal Act.	Clarification	Agree. Notices should be coordinated even if process is not integrated.
69.	EAB	A.3.5.3. - Public Notices, page A-60	Minimum mandatory content requirements for a notice. This list should be reviewed for consistency with section 16 of the EAA			MOE to supply any detailed comments and proposed wording
70.	EAB	A.3.5.4. - Information about the Municipal Class EA	Suggest adding additional information to this subsection - beginning at the last sentence of the first paragraph.	The proponent should consider providing resources to the public including: <ul style="list-style-type: none"> Website links to the Ministry of the Environment's Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario; Website links to the Ministry of the Environment's Code of Practice: Consultation in Ontario's Environmental Assessment Process Website links to relevant legislation (for example, the Environmental Assessment Act, Ontario Regulation 345/93; the Environmental Protection Act, the Ontario Water Resources Act, etc...), the Municipal Engineers Association website; Website links to a copy of the Municipal Engineers Association Class EA. 		

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70, Cont'd				For large and complex projects in large urban centres, it may also be appropriate to create a project website or provide project materials on an existing municipal website where members of the public can access information about the project and resources that support their participation in the Class EA process		Agree. Also website links to MEA's training module targeted for the public.
71.	EAB	A.3.6. - Review Agencies, page A-62, 63	<p>The list of review agencies should be updated to reflect agencies that have been renamed or recently created.</p> <p>In addition, it should be noted that the Ministry of Aboriginal Affairs and Aboriginal Affairs and Northern Development Canada (AANFC formerly known as INAC) do not need to be sent any project materials, including notices of commencement, notices of public meetings, notices of completion, etc... The MAA and AANDC should only be contacted by proponents when seeking assistance in identifying Aboriginal communities that may have an interest in a specific Class EA project. An advisory note to this effect should be included:</p>	<p>Additions should include:</p> <ul style="list-style-type: none"> • Metrolinx • Ministry of Energy • Ministry of Tourism, Culture and Sports • Ministry of Infrastructure <p>Deletions should include:</p> <ul style="list-style-type: none"> • Ministry of Aboriginal Affairs • Indian and Northern Affairs Canada (Aboriginal Affairs and Northern Development Canada) • Ministry of Culture • Ministry of Tourism • Ministry of Public Infrastructure and Renewal • Ontario Realty Corporation • Ministry of the Attorney General (not a review Agency) <p>Advisory Note: it should be noted that the Ministry of Aboriginal Affairs and Aboriginal Affairs and Northern Development Canada (AANDC, formerly known as INAC) do not need to be sent any project notices of public meetings, notices of completions, etc... The MAA and AANDC should only be contacted by proponents when seeking assistance in identifying Aboriginal communities that may have an interest in a specific Class EA project.</p>	Clarification	Agree
72.	EAB	A.3.6. - Review Agencies, page A-64	First paragraph regarding federal EA requirements should be reviewed for consistency with CEAA 2012.			Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
73.	REAC	A.3.6. - Review Agencies, page A-64	A number of municipalities have stopped providing the Regional EA Coordinator with a copy (in any format) of the final EA document at the time that the Notice of Completion has been sent out. There does not appear to be any requirement in the MEA Class EA that would indicate that provision of a copy of the actual document to MOE is part of the documentation requirements. Municipalities that have stopped routinely providing Regional Ea Coordinators with copies of the final documents have indicated that this is due to the escalating costs of reproducing EA documents. While this is not disputed, copies of the documentation on C D could be provided as a less expensive and green alternative. Some clarification on this matter would be helpful to indicate that a copy of the final report, in either hard copy or other easy to copy format is required to be circulated to the Regional Coordinator as part of the Notice of Completion.	Suggest that the following be added to the second paragraph on page A-64 and/or that an advisory note in the sidebar be added: As a matter of good practice, proponents should provide government review agencies that have expressed an interest in the project with an electronic copy of project information and/or the ESR. Proponents should also be advised to contact the review agencies directly to determine whether additional information in hard copy format is also needed.		Regional EA Coordinators should be circulated with information the same as any other stakeholder. A best practice would be to include a web link to where the ESR is posted so it can be viewed by anyone with an interest.
74.	REAC	A.3.6. - Review Agencies	Suggest that the role of the Regional EA Coordinator be described in a sentence or two (the document only says to contact in all instances but does not say why) so that proponents know that the REAC is the one-window coordinator for Class EA projects, including approvals under the EPA or OWRA. REAC's can also be contacted to discuss any concerns/questions with the Class EA process.			Agree
75.	EAB	A.3.7. - First Nations and Aboriginal Peoples	This section states: First Nations and Aboriginal Peoples are an important stakeholder group for municipal consultation. Municipalities are directed to contact the Ontario Ministry of the Environment, the Ontario Ministry of Municipal Aboriginal Affairs and the Department of Indian and Northern Affairs for direction on consultation with First Nations.	Text should be developed to replace the current section.		MOE to supply any detailed comments and proposed wording.
76.	REAC	A.3.8. - Review or the ESR	It is recommended that this section change to be entitled "Review of the Environmental Study or Project File": <ul style="list-style-type: none"> After the first sentence please add "it is advisable to provide the review agencies with approximately 1 month to review the draft ESR or Project File: Before the last paragraph you may also want to add that certain time of year are less optimal for public review (ex. summer holidays, end of December) and that the proponent should consider the timing of projects. This section would also benefit by encouraging the proponent to post a copy of the project file on the municipal / proponent website if the municipality has the resources to do this. 			It is necessary for proponents to work closely with review agencies and address their technical requirements during the EA process. However, MEA intends to delete the first sentence of A.3.8 as this suggests some role for endorsement of an ESR prior to posting the completed document. A best practice would be to include a web link to where the ESR is posted to it can be viewed by anyone with an interest.

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77.	EAB	A.4.1.1. - Revisions to Schedule B Projects, A-67	The third paragraph of this section needs to be reviewed for consistency with section of the EAA.			MOE to supply any detailed comments and proposed wording.
78.	EAB	A.4.1.1. - Revisions to Schedule B Project , A-67	Section A.4.1.1 was the subject of a minor amendment that was approved by the Director of Environmental Assessment and Approvals Branch in 2010. The second paragraph should be updated to reflect the approved wording.	Updated working in document to reflect minor amendment approved in 2010. Similarly, if the period of time from (i) filing of the Notice of Completion of ESR in the public record or (ii) the MOE's denial of a Part II Order request(s), to the commencement of construction for the project exceeds ten (10) years, the proponent shall review the planning and design to ensure that the project and the mitigating measures are still valid given the current planning context. The ten (10) year review will begin from the date of the Minister's or delegate's decision of any Part II Order requests, or at the end of the public review period following the posting of the Notice of Completion where there is no Part II Order request.		Agree
79.	EAB	A.4.2.	<p>Suggest a reorganization of the text in this section. The existing text states: An Environmental Study Report (ESR) will be prepared for each project which proceeds through the Schedule C planning process described in this Class EA. The ESR will be prepared when the preferred design has been selected and design work has progressed to the point where the details of any environmental protective measures to be incorporated in the construction package have been finalized.</p> <p>The ESR will be placed on the public record for a period of at least 30 calendar days and will be available for inspection by the public or by other interested parties. In the case where a request for a Part II Order has been submitted to the Minister, the ESR shall be submitted to the MOE Regional EA Coordinator and to the EAA Branch immediately upon the proponent becoming aware of the request.</p> <p>A notice indicating completion of the ESR and its filing on the public record will be issued to the public and to all parties who have been previously contacted and who have indicated the desire to stay involved in the planning of the undertaking. The notice will indicate that the project may proceed to construction after the 30 calendar day review period following the placing of the ESR on the public record, provided no request for a Part II Order has been made to the Minister.</p>	<p>Minor edits suggested. Also, suggest rephrasing so that the text is organized in the chronological order that the steps would be carried out:</p> <p>An Environmental Study Report (ESR) will be prepared for each project which proceeds through the Schedule C planning process described in this Class EA. The ESR will be prepared when the preferred design has been selected and design work has progressed to the point where the details of any environmental protective measures to be incorporated in the construction package have been finalized.</p> <p>A notice indicating completion of the ESR and its filing on the public record will be issued to the public and to all parties who have been previously contacted and who have indicated the desire to stay involved in the planning of the undertaking. The notice will indicate that the project may proceed to construction MOE to supply any detailed comments and proposed wording. implementation after the 30 calendar review period following the placing of the ESR on the public record, provided no request for a Part II Order has been made to the Minister</p>		

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
79. Cont'd				The ESR will be placed on the public record for a period of at least 30 calendar days and will be available for inspection by the public or by other interested parties. In the case where a request for a Part II Order has been submitted to the Minister, the ESR shall be submitted to the MOE Regional EA Coordinator and to the EAA EA Branch immediately upon the proponent becoming aware of the request.	Clarification	Agree
80.	EAB	A.4.2.1 - Format and Content	<p>The suggest content for an ESR is described in this section and includes the following:</p> <ol style="list-style-type: none"> 1. Executive Summary 2. Problem Statement 3. Alternative Solutions 4. Alternative Designs 5. Project Description 6. Monitoring 7. Appendices 	<p>Suggest the following changes:</p> <ol style="list-style-type: none"> 1. Executive Summary 2. Problem/Opportunity statement 3. Existing Conditions 4. Alternative Solutions 5. Alternative Designs 6. Project Description 7. Consultation Summary 8. Monitoring and Commitments 9. Appendices <p>The additions suggested above are consistent with the contents of most environmental assessments and allow government review agencies an opportunity to quickly find the information that is of interest to their mandate.</p> <p>A separate consultation summary is strongly recommended so that proponents of Class EAs have a dedicated section where their interactions with the public, government agencies and Aboriginal communities can be documented.</p> <p>A corresponding subsection in section A.4.2.1 should be added to discuss the typical contents of the consultation summary and expectation that this summary will include information about how Aboriginal communities that may have an interest in the project were identified; what efforts were undertaken by the proponent to confirm an interest in the project; how the Aboriginal communities, that had an interest in the project, were engaged and consulted; what issues, if any, were raised; how issues were addressed.</p>	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
81.	EAB	A.4.3. - Revisions and Addenda to Environmental Study Report	This section needs to be reviewed for consistency with section 16 of the EAA			MOE to supply any detailed comments and proposed wording
82.	EAB	A.4.3. - Revision and Addenda to Environmental Study Report Second Paragraph	<p>The following statement does not address the potential impact of a Part II Order request:</p> <p>Furthermore, where implementation of a project has already commenced, those portions of the project which are the subject of the addendum, or have the potential to be directly affected by the proposed change, shall cease and shall not be reactivated until the termination of the review period..</p>	<p>Suggest that the paragraph be rephrased as follows:</p> <p>Furthermore, where implementation of a project has already commenced, those portions of the project where are the subject of the addendum, or have the potential to be directly affected by the proposed change, shall cease and shall not be reactivated until the review period for the addendum has been completed and/or the Minister's or delegate's decision of any Part II Order requests.</p>	Clarification	Agree
Part B						
83.	EAB	B.1.1 - Key Considerations, Land Use Planning Objectives, second paragraph	<p>The first sentence of the second paragraph includes what appears to be a quote from the Planning Act;</p> <p>The Ontario Planning Act requires that municipal Official Plans contain "goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment."</p> <p>This reference should be reviewed for accuracy as the Planning Act has been amended.</p>			MOE to supply any detailed comments and proposed wording.
84.	EAB		<p>Suggest that the reference to the Official Plans being a legal document be removed. This is not accurate.</p> <p>"Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered..."</p>	<p>Suggest rephrasing:</p> <p>Once in place, Official Plans provide the specific municipal policies and objectives that need to be considered...</p>		Agree
85.	EAB	B.1.1. - Key Considerations, Natural Heritage Features	<p>The Natural Environment consists of the following typical elements:</p> <ul style="list-style-type: none"> • Landforms (including valleylands); • Groundwater; • Surface water and fisheries; • Terrestrial vegetation and wetlands; • Wildlife and habitat; and • Connections provided by, or between these, resources <p>Atmosphere should be added to this list</p>	<p>Suggest rephrasing</p> <ul style="list-style-type: none"> • Landforms (including valleylands); • Atmosphere • Groundwater; • Surface water and fisheries; • Terrestrial vegetation and wetlands; • Wildlife and habitat; and • Connections provided by, or between these, resources 		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
86.	EAB	B.1.1. - Key Considerations, Cultural Environment	<p>The following terms are defined:</p> <ul style="list-style-type: none"> • Archaeological resources • Area of archaeological potential • Built heritage resources • Cultural heritage landscape • Cultural heritage resources <ul style="list-style-type: none"> • These terms should be reviewed in consultation with the Ministry of Tourism, Culture and Sports to ensure that current meanings of these terms is being used. <ul style="list-style-type: none"> • Should these terms be included in the glossary or their location referenced in the glossary? 			It is necessary for proponents to work closely with review agencies and address their technical requirements during the EA process. However, MEA intends to delete the first sentence of A.3.8 as this suggests some role for endorsement of an ESR prior to posting the completed document. A best practice would be to include a web link to where the ESR is posted so it can be viewed by anyone with an interest.
87.	EAB	B.1.1 - Key Considerations, First Nations/Aboriginal Peoples	<p>Key considerations, include but are not limited to:</p> <ul style="list-style-type: none"> • First Nations lands • Aboriginal Peoples' Treaty Rights or use of land and resources for traditional purposes • Aboriginal Peoples' industry • Pre-historic and historic Aboriginal Peoples' archaeological uses • Aboriginal Peoples rights claims 			MOE to supply any detailed comments and proposed wording.
88.	EAB	B.1.2. - Transportation Master Plans, second paragraph	Suggest that the reference to municipal Official Plans being a legal document be removed.	<p>Suggest rephrasing:</p> <p>Once in place, Official Plans provide the specific municipal policies and objectives that need to be considered...</p>		Agree
89.	EAB	B.1.2. - Transportation Master Plans, second paragraph	<p>The first sentence of the second paragraph includes what appears to be a quote from the Planning Act:</p> <p>The Ontario Planning Act requires that municipal Official Plans contain “goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment.”</p> <p>This reference should be reviewed for accuracy as the Planning Act has been amended.</p>			MOE to supply any detailed comments and proposed wording
90.	EAB	B.1.2. - Transportation Master Plans, third paragraph	This paragraph requires clarification and in general, the master planning concept, which is outline in numerous different sections (A.2.7., A.2.7.1., b.1.2., c.1.2., Appendix 4) of the Class EA would benefit from a comprehensive review and re-write.			MOE to supply any detailed comments and proposed wording

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
91.	EAB	B.1.3. - Integration with the Planning Act	<p>The Municipal Class EA also provides the opportunity to integrate the requirements of the Ontario EA Act with the Ontario Planning Act as discussed in Section A.2.9. The key is that the requirements of both Acts must be met.</p> <p>This statement is not accurate. A.2.9. describes the manner in which requirements under the MEA Class EA can be coordinated with Planning Act requirements. Requirements of the EAA cannot be integrated with the requirements of the Planning Act.</p>	<p>Suggest that this paragraph be rephrased as follows:</p> <p>As discussed in Section A.2.9., the Municipal Class EA also provides the opportunity to coordinate the requirements of the Planning Act with requirements under the Municipal Class EA. Although there are opportunities to streamline the requirements of both the Municipal Class EA and the Planning Act, it is important to note that the requirements of both must still be met.</p>	Clarification	Agree
92.	EAB	B.2 - Description of the Projects, Purpose and Alternatives, 2. The "Do Nothing" Alternative	<p>Suggest specifying that one of the benefits of considering a "Do Nothing" alternative is that this alternative offers project proponents the opportunity to compare project alternatives to the baseline conditions.</p>	<p>Suggest rephrasing the second paragraph as follows:</p> <p>The "Do Nothing" alternative will be documented along with any other alternatives to the project which were examined and will allow project proponents to compare those alternatives with baseline conditions.</p>	Clarification	Agree
93.	EAB	B.3.1. - Description of the Environment, page B-14	<p>List of components of the existing environment to be considered as part of a road project includes, among other things:</p> <p>Natural Environment/Natural Heritage Features</p> <p>Atmosphere should be added to the list of items as air quality impacts, including noise, odour and other emissions can have an impact that falls outside of the social environment</p>			Agree ???
94.	EAB	B.3.1 - Description of the Environment, page B-14	<p>List of components of the existing environment to be considered as part of a road project, includes, among other things:</p> <p>First Nations/Aboriginal Peoples</p> <ul style="list-style-type: none"> • Lands • Treaty Rights • Archaeological sites • Land Claims <p>This list should be updated to reflect the content of the Aboriginal Community consultation section (Appendix A to this table)</p>			MOE to supply any detailed comments and proposed wording
95.	EAB	B.3.3.1. - Design, second paragraph, last sentence	<p>The use of the term 'adverse effects' may be confusing to some when considered within the context of the meaning under the Environmental Protection Act and the intent of the Class EA to deal with routine projects that have readily mitigable environmental effects.</p>	<p>Suggest replacing the word adverse with potential environmental.</p>	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
96.	EAB	B.3.3.2. - Construction, page B-16, first paragraph	Suggest specifying that commitments made during the Class EA process should be incorporated into the contracts awarded for detailed design and construction.	Some of these operations have potential for environmental impact, and where these can be anticipated during the preliminary design stage, 'special provisions,' which may include commitments made by the proponent during the Class EA process , shall be written into the construction package.	Clarification	Agree
97.	EAB	B.3.3.3. - Policy and Guidelines	Suggest that the Clean Water Act, Lake Simcoe Protection Act and Oak Ridges Moraine Conservation Act be added as key provincial policies that should be considered when implementing projects.		Clarification	Agree
98.	EAB		Suggest that Source Water Protection Plans, made under the Clean Water Act, the Oak Ridges Moraine Conservation Plan and the Lake Simcoe Protection Plan be added as key provincial plans that should be considered when implementing projects.		Clarification	Agree
99.	EAB		Update reference to the Canadian Environmental Assessment Act to CEAA, 2012.			Agree
Part C						
100.	EAB	C.1.1. - Key Considerations, Land Use Planning Objectives, second paragraph	<p>The first sentence of the second paragraph includes what appears to be a quote from the Planning Act.</p> <p>The Ontario Planning Act requires that municipal Official Plans contain "goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment."</p> <p>This reference should be reviewed for accuracy as the Planning Act has been amended.</p>			MOE to supply any detailed comments and proposed wording
101.	EAB		<p>Suggest that the reference to municipal Official Plan being a legal document be removed. This is not accurate.</p> <p>"Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered..."</p>	<p>Suggest rephrasing:</p> <p>Once in place, Official Plans provide the specific municipal policies and objectives that need to be considered.....</p>		Agree
102.	EAB	C.1.1. - Key Considerations, Natural Heritage Features	<p>The Natural Environment consists of the following typical elements:</p> <ul style="list-style-type: none"> • Landforms (including valleylands; • Groundwater; • Surface water and fisheries; • Terrestrial vegetation and wetlands; • Wildlife and habitat; and • Connections provided by, or between these, resources. 	Atmosphere should be added to this.		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
103.105.	EAB	C.1.1. - Key Considerations, Cultural Environment	<p>The following terms are defined:</p> <ul style="list-style-type: none"> • Archaeological resources; • Area of archaeological potential; • Built heritage resources; • Cultural heritage landscape; • Cultural heritage resources. <p>These terms should be reviewed in consultation with the Ministry of Tourism, Culture and Sports to ensure that current meanings to these terms is being used.</p> <p>Should these terms be included in the glossary or their location referenced in the glossary?</p>			Review terms with MTC and include in glossary.
104.	EAB	C.1.1. - Description of the Environment, page C-3	<p>List of components of the existing environment to be considered as part of a road project, includes, among other things:</p> <p>First Nations/Aboriginal Peoples</p> <ul style="list-style-type: none"> • Lands • Treaty Rights • Archaeological sites; • Land Claims <ul style="list-style-type: none"> • This list should be updated to reflect the content of the Aboriginal Community consultation section (Appendix A to this table) 			MOE to supply any detailed comments and proposed wording
105.	EAB	C.1.2. Transportation, Master Plans, third paragraph	<p>This paragraph requires clarification and in general, the master planning concept, which is outlined in numerous different sections (A.2.7., A.2.7.1., B.1.2., C.1.2., Appendix 4) of the Class EA would benefit from a comprehensive review and re-write.</p>			MOE to supply any detailed comments and proposed wording
106.	EAB	C.1.3. - Integration with the Planning Act	<p>The Municipal Class EA also provides the opportunity to integrate the requirements of the Ontario EA Act with the Ontario Planning Act as discussed in Section A.2.9. The Key is that the requirements of both Acts must be met.</p> <p>This statement is not accurate. A.2.9. describes the matter in which requirements under the MEA Class EA can be coordinated with Planning Act requirements. Requirements of the EAA cannot be integrated with the requirements of the Planning Act.</p>	<p>Suggest that this paragraph be replaced as follows:</p> <p>As discussed in Section A.2.9., the Municipal Class EA also provides the opportunity to coordinate the requirements of that Planning Act with requirements under the Municipal Class EA. Although there are opportunities to streamline the requirements of both the Municipal Class EA and the Planning Act, it is important to note that the requirements of both must still be met.</p>	Clarification	Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
107.	EAB	C.2.3.3. - Alternative Solutions	For the alternative stormwater management solutions identified. suggest that low impact development measures be identified as an alternative that municipalities could apply through the development of Official Plan policies or on a site specific development basis.			Agree
108.	EAB	C.3.1. - Description of the Environment, page C-26	List of components of the existing environment to be considered as part of a road project, includes, among other things: Natural Environment/Natural Heritage Features Atmosphere should be added to the list of items as air quality impacts, including, noise, odour and other emissions can have an impact that falls outside of the social environment.			Agree!!!
109.	EAB	C.3.3.1. - Design, second paragraph, last sentence	The use of the term 'adverse effects' may be confusing to some when considered within the context of the meaning under the Environmental Protection Act and the intent of the Class EA to deal with routine projects that have readily mitigable environmental effects.	Suggest replacing the word adverse with potential environment.	Clarification	Agree
110.	EAB	C.3.3.2. - Construction, page C-27, first paragraph	Suggest specifying that commitments made during the Class EA process should be incorporated into the contracts awarded for detailed design and construction.	Some of these operations have potential for environmental impact, and where these can be anticipated during the preliminary design state , ' special provisions ', which may include commitments made by the proponent during the Class EA process , shall be written into the construction package.	Clarification	Agree
111.	EAB	C.3.3.3. - Policy and Guidelines	Suggest that the Clean Water Act, Lake Simcoe Protection Act and Oak Ridges Moraine Conservation Act be added as key provincial policies that should be considered when implementing projects.		Clarification	Agree
112.	EAB		Suggest that Source Water Protection Plans, made under the Clean Water Act, the Oak Ridges Moraine Conservation Plan and the Lake Simcoe Protection Plan be added as key provincial plans that should be considered when implementing projects.			Agree
113.	EAB		Update reference to the Canadian Environmental Assessment Act to CEAA. 2012.			Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
Part D						
114.	EAB	D.1.1. Implementation and Transition Provisions	This section should be updated to reflect the impact of O. Reg 231/08 - e.g. that transit projects were all exempted from requirements under the EAA and that a list of transit projects was designated subject to the requirements of O. Reg. 231/08. Additional information about proponents being able to electively carry out a Class EA process should also be included.			Agree
115.	EAB	Part D, Transit Chapter	<p>Include the obligation under Section 3.2 of the O. Reg. 231/08 to inform the MOE when GO Transit will not rely on the exemption from the EA Act for transit projects.</p> <p>Appendix B of the MOE <i>Guide: Ontario's Transit Project Assessment Process</i> (2012) provides the suggested notice to inform MOE that proponents of municipal transit projects will be declining the exemption from Part II of the <i>EA Act</i>. This sample notice should either be included as an appendix to the MEA Class EA or a reference made to the Guide included in the changes to the transit chapter.</p>	<p>The following wording should be incorporated:</p> <p><i>"Ontario Regulation 231/08: Transit Projects and Greater Toronto Transportation Authority Undertakings"</i> (Regulation) enacted under the EAA, applies to all public transit projects in Ontario. As such, projects defined under Schedule 1 of the EAA conditional on the project being planned in accordance with the transit project assessment process (TPAP) under the Regulation. Projects not listed in Schedule 1 are exempt from the EAA and have no EAA requirements.</p> <p>Part II of the EAA identifies two other types of environmental assessment planning and approval processes which could be followed: specifically, the GO Transit Class EA and the MCEA. However, if a municipal proponent wishes to use either of these processes instead of using the exemption provided by the Regulation, it must inform the Director of the EAAB and the appropriate regional director of the MOE in writing that it is using one of these processes instead of the Regulation's exemption.</p>		Agree
116.	EAB	D.1.1.1. - Individual Environmental Assessments	This section should be reviewed further as it is likely redundant.			MOE to supply any detailed comments and proposed wording
117.	EAB	D.1.1.2. - Transit Projects Exempt under O. Reg 334	This section should be reviewed further as it is likely redundant.			MOE to supply any detailed comments and proposed wording
118.	EAB	D.1.5. - Key Considerations; Land-Use Planning Objectives, first paragraph	Suggest adding Metrolinx's regional transportation plan: The Bid MOVED: Transforming Transportation in the Greater Toronto and Hamilton Areas as a key provincial policy/plan that should be considered.			MOE to supply any detailed comments and proposed wording

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
119.	EAB		<p>The first sentence of the second paragraph includes what appears to be a quote from the Planning Act.</p> <p>The Ontario Planning Act requires that municipal Official Plans contain “goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment.”</p> <p>This reference should be reviewed for accuracy as the Planning Act has been amended.</p>			MOE to supply any detailed comments and proposed wording
120.	EAB		<p>Suggest the reference to the municipal Official Plan being a legal document be removed. This is not accurate.</p> <p>“Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered...”</p>	<p>Suggest rephrasing:</p> <p>Once in place, Official Plans provide the specific municipal policies and objectives that need to be considered...</p>		Agree
121.	EAB	D.1.5. - Key Considerations, Natural Heritage Features	<p>The Natural Environment consists of the following elements:</p> <ul style="list-style-type: none"> • Landforms (including valleylands); • Groundwater; • Surface water and fisheries; • Terrestrial vegetation and wetlands; • Wildlife and habitat; and • Connections provided by, or between these, resources. 	Atmosphere should be added to this list		Agree
122.	EAB	D.1.5. - Key Considerations, Social Environment	The use of the term ‘adverse effects’ may be confusing to some when considered within the context of the meaning under the Environmental Protection Act and the intent of the Class EA to deal with routine projects that have readily mitigable environmental effects.	Suggest replacing the word adverse with potential environmental	Clarification	Agree
123.	EAB	D.1.5. - Key Considerations, Cultural Environment	<p>The following items are defined:</p> <ul style="list-style-type: none"> • Archaeological resources; • Area of archaeological potential; • Built heritage resources; • Cultural heritage landscape; • Cultural heritage resources. <p>These terms should be reviewed in consultation with the Ministry of Tourism, Culture and Sports to ensure that current meanings of these terms is being used.</p> <p>Should these terms be included in the glossary or their location referenced in the glossary?</p>			Review with MTC and include in glossary

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
124.	EAB	D.1.5.- Description of the Environment, page B-14	<p>List of components of the existing environment to be considered as part of a transit project, includes among other things:</p> <p>First Nations/Aboriginal Peoples</p> <ul style="list-style-type: none"> • First Nations lands; • Aboriginal Peoples' Treaty Rights or use of lands and resources for traditional purposes; • Aboriginal Peoples industry; • Pre-historic and historic Aboriginal Peoples' archaeological sites; and • Aboriginal Peoples' rights claims. <p>This list should be update to reflect the content of the Aboriginal Community consultation section (Appendix A to this table) and be made consistent with Parts B and C.</p>			MOE to supply any detailed comments and proposed wording
125.	EAB	D.1.5. - Integration with the Planning Act	<p>The Municipal Class EA also provides the opportunity to integrate the requirements of the Ontario EA Act with the Ontario Planning Act as discussed in Section A.2.9. The key is that the requirements of both Acts must be met.</p> <p>This statement is not accurate. A.2.9. describes the manner in which requirements under the MEA Class EA can be coordinated with Planning Act requirements. Requirements of the EAA cannot be integrated with the requirements of the Planning Act.</p>	<p>Suggest that this paragraph be rephrased as follows:</p> <p>As discussed in Section A.2.9., the Municipal Class EA also provides the opportunity to coordinate the requirements of the Planning Act with requirements under the Municipal Class EA. Although there are opportunities to streamline the requirements of both the Municipal Class EA and the Planning Act, it is important to note that the requirements of both must still be met.</p>		Agree
126.	EAB	D.1.6. - Transportation Master Plans, third paragraph	<p>This paragraph requires clarification and in general, the mater planning concept, which is outline in numerous different sections (A.2.7., A.2.7.1., B.1.2., C.1.2., C.1.6., Appendix 4) of the Class EA would benefit from a comprehensive review and re-write.</p> <p>Reference to an Official Plan being legal document should be removed.</p>			MOE to supply any detailed comments and proposed wording
127.	EAB	D.3.1. - Description of the Environment, page D-13	<p>List of components of the existing environment to be considered as part of a road project, includes, among other things:</p> <p>Natural Environment/Natural Heritage Features.</p> <p>Atmosphere should be added to the list of items as air quality impacts, including, noise, odour and other emissions can have an impact that falls outside of the social environment.</p>			MOE to supply any detailed comments and proposed wording

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
128.	EAB	D.3.3.2. - Construction, page D-15, first paragraph	Suggest specifying that commitments made during the Class EA process should be incorporated into the contracts awarded for detailed design and construction.	Some of these operations have potential for environmental impact, and where these can be anticipated during the preliminary design state, 'special provisions,' which may include commitments made by the proponent during the Class EA process, shall be written into the construction package.	Clarification	Agree
130.	EAB	Attachment 1 - Intermediate Capacity Transit System	Is this attachment still current?			????
Appendix 1 - Project Schedules						
i) Municipal Road Projects						
131.	EAB	Title Page	Suggest amending the title of the municipal road project schedule to include cycling and pedestrian facilities.	Municipal Road, Cycling and Pedestrian Infrastructure Projects		Agree
132.	EAB	Pare 1-2	The following statement should be reviewed for consistency with section 16 of the EAA: The decision to proceed under one set of schedules rather than another, shall not be open for challenge nor be grounds for a request for a Part II Order.			Statement is accurate.
133.	EAB	Page 1-2	The statement about background studies being exempt from the Class EA process is vague and should be clarified.			Statement is clear
134.	EAB	Page 1-4	Need to update the references to cost thresholds to reflect current values and to state that these values will be adjusted on an annual basis. In addition, given the difficulties in determining the annual index for the proceeding year (e.g. data based on 2011 needed to determine a value on January 1, 2012, it is recommended that the cost thresholds be set based on value from two years prior (e.g. 2012 values based on 2010 data).	Suggest adding an explanatory note in the road schedule: To account for changes in construction costs, the identified cost limits will be adjusted on an annual basis in accordance with the Ministry of Transportation's tender price index. The MEA Monitoring Committee will calculate the new cost thresholds on an annual basis and will notify interested persons of the new cost thresholds. Cost thresholds will be in effect from January 1 to December 31 of each year. The cost threshold in place at the time a project is initiated shall be the cost threshold used to determine the applicable process to be followed throughout the completion of the Class EA project.		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
134 Cont'd				<p>Note: the cost thresholds will be calculated using the tender price index from 2 years beforehand. For example, the MTO's tender price index for 2010 will be used to calculate the cost threshold for the period between January 1, 2012 and December 31, 2012.</p>		
135	EAB	Page 1-4 - 1-6	<p>Need to consider how the following preliminary list of cycling and pedestrian facilities can be incorporated into this schedule:</p> <ol style="list-style-type: none"> 1. Installation or removal of bike lanes within an existing road allowance through the use of pavement markings only where there is no change to the purpose or capacity of the roadway; 2. Installation or removal of bike lanes within an existing road allowance through pavement markings only where there is a change to the purpose or capacity of the roadway; 3. Construction of new bike lanes within an existing road allowance, but not within the existing road pavement width; 4. Construction or extension of new bike lanes across an existing vehicular bridge structure where a physical widening of the bridge structure is required; 5. Construction of new bike lanes or multi-use trails/walkways not located within an existing road allowance (e.g. within parkland, hydro corridors, etc...); 6. Construction of new bridge crossings for new bike lanes, multi-use trails/walkways not located within an existing road allowance (e.g. within parklands, hydro corridors, etc...); 7. Other activities involving, pedestrian, cycling or multi-use trails not located within an existing road allowance. <p>Over 2.3M - Schedule B; Over 9.2M - Schedule C</p>			MEA will develop proposed revisions to the Schedules.

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
136.	REAC	Road Activities	Need to consider how new activities related to shared road space are covered under the MEA Class EA. For example, the City of Toronto is contemplating a conversion of existing streets to pedestrian or shared streets - i.e. John Street: Gould. What activity would this fall under?			MEA will develop proposed revisions to the Schedules.
137.	EAB	Roads Activity Nos. 11, 12, 16, 18, 37 & 38	Update wording to reflect amendments approved in August 2011 - see Appendix B.			Agree
138.	EAB	Road Activity No. 30	Delete road activity No. 30 and replace with two new bridge structure activities to reflect amendments approved in August 2011. Text of approved August 2011 amendments should be adjusted to refer to the Ministry of Tourism, Culture and Sports (MTCS)	<p><u>New Activity No. 1</u></p> <p>Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, <i>which after appropriate evaluation is found to have cultural heritage value*</i>.</p> <p><i>*Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism, Culture and Sports (MTCS) and posted on the MEA website.</i></p> <p><u>New Activity No. 2</u></p> <p>Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old <i>which after appropriate evaluation is found not to have cultural heritage value.*</i></p> <p><i>*Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism, Culture and Sports (MTCS) and posted on the MEA website.</i></p>		Amend to be consistent with screening checklist.
139.	EAB	Road Activity No. 35	As discussed above, this activity should be removed.			Agree
140	EAB	Road Activity No 42	Remove this activity per approved amendments in August 2011 and add reference to section A.2.9.	<p>Approved text to be included in the preface to the tables/listing.</p> <p><i>Proponents are encouraged to review section A.2.9. for opportunities to integrate Class EA projects with the Planning Act.</i></p>		Amend to be consistent with new regulation.

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
Appendix 1 - Project Schedules						
ii) Municipal Water and Wastewater Projects						
141.	EAB	Page 1-8	The following statement should be reviewed for consistency with section 16 of the EAA: The decision to proceed under one set of schedules rather than another, shall not be open for challenge nor be grounds for a request for a Part II Order.			Statement is correct.
142.	EAB	Page 1-8	The statement about background studies being exempt from the Class EA process is vague and should be clarified.			Statement is clear.
143.	EAB	Water & Wastewater Activities listed in Appendix B	Update scheduling of activities per approved amendments in August 2011 - See Appendix B			Agree
144.	EAB	Wastewater Activity A15	As discussed above, this activity should be removed.			Agree
145.	EAB	Wastewater Activity A18	Remove this activity per approved amendments in August 2011 and add reference to section A.2.9,	Approved text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9. for opportunities to integrate Class EA projects with the Planning Act.</i>		Amend to be consistent with new regulation.
146.	EAB	Water A10	As discussed above, this activity should be removed.			Agree
147.	EAB	Water A11	Remove this activity per approved amendments in August 2011 and add reference to section A.2.9.			Amend to be consistent with new regulation.
148.	EAB	Wastewater Activity B11	The scale of this activity should be reviewed. This activity has been used to plan communal sewage works with subsurface disposal is increasingly being used to service large-scale private sector development. These systems have the potential to significantly impact groundwater resources and should be made subject to the MCEA process.	Suggest that this activity be replaced with the two new activities as follows: Schedule B - Communal sewage works (new or expanded) with subsurface effluent disposal with a capacity of 10,000 litres - 49,999 litres per day. Schedule C - Communal sewage works (new or expanded) with subsurface effluent disposal with a capacity of 50,000 litres or greater per day		Agree
149.	EAB	Wastewater Activity C5	This activity is covered by the Waste Reduction - O. Reg. 101/07 and should be removed from the Class EA.			Agree
150.	EAB	Water Activity C1	Suggest specifying that this activity applies to water systems that service greater than 6 units and which are subject to a permit under the Safe Drinking Water Act.	Suggest rephrasing: Construct a new water system servicing 6 or more units, including a new well and water distribution system.		Clarification

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
Appendix 1 - Project Schedules						
iii) Transit Projects						
151	EAB	Page I-22	The following statement should be reviewed for consistency with section 16 of the EAA: The decision to proceed under one set of schedules rather than another, shall not be open for challenge nor be grounds for a request for a Part II Order..			Statement is correct
152.	EAB	Page I-22	The statement about background studies being exempt from the Class EA process is vague and should be clarified.			Statement is clear
153.	EAB	Transit Activities listed in Appendix B	Update scheduling of activities per approved amendments in August 2011 - see Appendix B			Agree
154.	EAB	Transit Activity No. 39	Remove this activity per approved amendments in August 2011 and add reference to section A.2.9.	Approved text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>		Amend to be consistent with new regulation
Appendix 3 - Screening Criteria						
155.	EAB	Page 3-1	Update reference to the Ministry of Culture (MCL) to reflect new name of ministry - the Ministry of Tourism, Culture and Sports (MTCS)		Administrative	Agree
Appendix 4 - Master Plans						
156.	EAB	General	The master planning appendix should be incorporated into section 4.1 of the document	Suggest that the last paragraph of section A.2.7.1. be deleted and the appendix 4 materials, beginning with section 4.3 be inserted.		Why? Leave in Appendix
157.	EAB	Approach #4	The last sentence of Approach #4 should be reviewed for consistency with the updates to section A.2.9. To fulfill the requirements under the Planning Act, the requirements in section A.2.9. of this document apply.	Suggest rephrasing the last sentence of Approach #4 as follows: For further information about how to coordinate the preparation of a Master Plan under the Municipal Class EA with requirements of the Planning Act, section A.2.9. of this Class EA should be referenced.		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
158.	EAB		<p>Master Plan Reviews</p> <p>Consideration should be given to amending the review period from 5 years to 10 years. This is consistent with the lapsing provisions in the MEA Class EA.</p> <p>Consideration should be given to incorporating lapsing provisions into the master plans. The provisions could be a great practice that encourage municipal proponents to carry out a review of the master plan if a 10 year period has transpired since its completion. These lapsing provisions would need to consider that for approach no. 4, there are no lapsing provisions for integrated projects.</p>			Agree
159.	EAB	Page 4-4	Suggest that the master planning sample notices be consolidated with the other sample notices in Appendix 6.			Leave in Appendix 4.
Appendix 5 - Consultation						
160.	EAB	5.1 - Consultation, fifth bullet	The contents of the consulting plan refer to public input only.	Suggest specifying - how input from the public, government agencies and Aboriginal communities will be integrated in the study and decision-making.		Agree
161.	EAB	5.2 - Methods of Calculation	Suggest modifying the notification methods to include website postings, e-mail notices, etc...			Agree
162.	EAB	5.2 - Methods of Calculation	Suggest modifying the list of information collection/exchange measures to include the use of project e-mails addresses or the submission of comments through a project website.			Agree
163.	EAB	Sample Public Handout	Page 2 of the sample handout refers appeal provisions	Suggest rephrasing to: Request for a Change in Project Status and removing or rephrasing the statement about 'additional information about the appeal process can be obtained from the Town of North Falls'.		Agree
Appendix 6 - Sample Notices						
164.	EAB	Page 6-1	Sample notice for Schedule A+ is not included in the appendix. A sample notice should be provided in Appendix 6 and Page 6-1 modified to refer to this notice accordingly.			Agree
165.	EAB	Page 6-1	Note at the bottom of the page refers to a sample covering memo to MOE EAA Branch to accompany copies of Notices of Completion.	<p>Suggest rephrasing to state:</p> <p>This Appendix also includes a sample covering e-mail to MOE - EAB, to accompany copies of Notices or Completion for Schedule B and C projects (see discussion in Section A.1.15.1), which should be sent copies of the Notices to: MEA.Notices.EAAB@ontario.ca</p>		Agree

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
166.	EAB	Pages 6-3, 6-6, 6-7 & 6-8	Review sample notices for consistency with section 16 of the EAA			MOE to supply any detailed comments and proposed wording.
167.	EAB	Page 6-3 & 6-6	The address to which Part II Order requests to the Minister of the Environment should be sent is out of date.	Part II Order requests should now be sent to: Minister of the Environment 77 Wellesley Street West 11 th Floor, Ferguson Block Toronto, ON M7A 2T5 E-mail: minister.moe@ontario.ca		Agree - Standard form to be developed
168.	EAB	Page 6-9	Sample covering memo to MOE-EAA Branch should be replaced with a sample e-mail to be sent to MEA.Notices.EAAB@ontario.ca			Agree
169.	EAB		Incorporate sample notices approved with 2011 amendments regarding coordinated notices under section A.2.9.			Agree
170.	EAB	Page 7-1	This table should be reviewed for consistency with the new CEAA 2012.			Agree
171.	EAB		Canada-Ontario Agreement on Environmental Assessment Cooperation is out of date and should be removed.			Agree
172.	EAB		Review Q's & A's from 2011 Annual Monitoring Report for any items that may trigger the need to consider changes to the MCEA.			Agree
173.	EAB		Review comments and responses to comments that were submitted through the Environmental Bill of Rights Environmental Registry during the review of the amendments to section A.2.9. and other minor amendments. A number of comments were held pending the five year review.			Agree
174.	EAB		Certificates of Approval are now referred to as Environmental Compliance Approvals (ECA). A-46, A-47			Agree
175.	EAB		The Environmental Assessment and Approvals Branch has been reorganized and renamed the Environmental Approvals Branch (EAB). References to EAAB should be updated to reflect the new name of the Branch.			Agree