



**Municipal
Engineers
Association**

**MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT**

October 2021

Recognizing Over 30 Years of Application

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

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PART 1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The “parent” Municipal Class Environmental Assessment (EA) enables the planning of municipal infrastructure to be undertaken in accordance with an approved procedure designed to protect the environment. The Class EA approach to addressing with municipal infrastructure projects has demonstrated to be an effective way of complying with the Ontario Environmental Assessment Act (EA Act). The year 2017 marked 30 years of its application in the planning of municipal infrastructure in Ontario. It provides:

a reasonable mechanism for proponents to fulfill their responsibilities to the public for the provision of municipal services in an efficient, timely, economic and environmentally responsible manner;

a consistent, streamlined and easily understood process for planning and implementing infrastructure projects; and

the flexibility to tailor the planning process to a specific project taking into account the environmental setting, local public interests and unique project requirements.

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

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

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

1.2 BACKGROUND RE: MUNICIPAL CLASS EA PARENT DOCUMENT

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

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

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

In 1997, the MEA in conjunction with the MECP-EAAB commenced the Municipal Class EAs Renewal Project that is described in Section A.1.2.4 of the approved Municipal Class EA. From comments received since the Municipal Class EAs were first approved, and during the Renewal Project, many municipalities, MECP and other key stakeholders have indicated that the process has, and is still working well. This was also borne out through the stakeholder survey done during the 1998 review which included a questionnaire distributed to over 1370 stakeholders, of which 85 completed the questionnaire and returned it to MEA.

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

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

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

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

These amendments were approved on September 6th, 2007.

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

1.3 APPROVED MUNICIPAL CLASS EA

The Municipal Class EA was approved with conditions on October 4, 2000 by Order in Council No. 1923/2000. It should be noted that the approval is open-ended with the result that there is added responsibility for both MEA and MECP to ensure the continued effectiveness and compliance of the Municipal Class EA parent document under the EA Act.

The conditions of approval that apply specifically to the Monitoring Program are discussed in Section 1.3.1.

1.3.1 CONDITIONS OF APPROVAL

Condition of Approval #4 states that:

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

In addition, Condition of Approval 33 requires that a review of the Municipal Class EA be undertaken every five years from the date of its approval “in order to ensure that the environmental assessment is still compliant with legislative requirements and planning practices and continues to satisfy the purpose of the Environmental Assessment Act”.

Consequently, the following time line has been identified:

October 4, 2000 - Municipal Class EA approved.
October 4, 2001 - MEA to Submit details of proposed Monitoring Program to MECP-EAAB
October 4, 2002 - MEA to Submit yearly Monitoring Report to MECP-EAAB
October 4, 2003 - MEA to Submit yearly Monitoring Report to MECP-EAAB
October 4, 2004 - MEA to Submit yearly Monitoring Report to MECP-EAAB
October 4, 2005 - MEA to Submit yearly Monitoring Report and 5 Year Review
2006 and 2007 - Work focussed on amendments
September 2008 - MEA submitted yearly Monitoring Report
September 2009 - MEA submitted yearly Monitoring Report
September 2010 - MEA submitted yearly Monitoring Report
September 2011 - MEA submitted yearly Monitoring Report
October 2012 - MEA submitted Monitoring Report and 5 Year Review
2013 - Work focussed on amendments.
September 2014 – MEA submitted yearly Monitoring Report
September 2015 – MEA submitted yearly Monitoring Report
October 2016 – MEA submitted yearly Monitoring Report
October 2017 – MEA submitted a yearly Monitoring Report and a separate 5 Year Review
October 2018 – MEA to submit a report that summarizes the recent work to date towards MCEA improvements. This report will be the MEA’s Annual Monitoring Report for 2018.
October 2019 – MEA to submit a report that summarizes the recent work to date towards MCEA improvements. This report will be the MEA’s Annual Monitoring Report for 2019.

1.3.2 Municipal Class EA Training Sessions

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

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

The following Webinars will be offered as soon as the amendment to the MCEA is approve	
Approval of Roads & Water/Wastewater through the Planning Act	TBD
2020 Amendments to MCEA Appendix 1 – Roads	TBD
2020 Amendments to MCEA Appendix 1 – Water/Wastewater	TBD
2020 Amendments to MCEA Transit	TBD
2020 Amendments to MCEA Part A	TBD

1.4 DEVELOPMENT OF MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

1.4.1 Study of Organization and Approach

The Municipal Class EA Process Monitoring Program was developed by the MEA Monitoring Committee in consultation with MECP-EAAB and the Ministry of Municipal Affairs and Housing (MMAH).

McCormick Rankin Corporation and Ecoplans Ltd were retained by MEA to assist in preparing the Monitoring Program.

The basic steps in the process were:

- review of Conditions of Approval of the Order in Council

- review key issues and considerations including purpose of “monitoring”, what has been done in the past, what are other proponents currently doing, commitments already in place, and available tools for collecting data;

- develop basic approach and prepare draft framework;

- July 24, 2001 meeting with MECP-EAAB to review basic approach and draft framework. MECP indicated that the basic approach in general was acceptable.

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

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

- revise and submit to the Director of the MECP-EAAB by October 4, 2001. Once submitted to MECP-EAAB, there may be some further discussions between MEA and MECP which may result in minor refinements to the document.

1.4.2 Issues/Considerations

The following issues and considerations were taken into account during the development of the Monitoring Program.

1.4.2.1 Definition of “Monitoring”

The purpose of the Monitoring Program is to monitor the overall parent Class EA process in the broad sense and not to audit specific projects for compliance in terms of process or technical issues. As discussed with MECP, not only does the auditing of specific projects go beyond the scope of the Conditions of Approval by Order in Council, MEA has neither the legal authority nor the means to monitor any municipality in the province. The results of the Monitoring Program, however, may be of use for MECP for consideration in project-specific auditing that maybe undertaken by the province.

The purpose, therefore, is to monitor the use, compliance and effectiveness of the Municipal Class EA process as outlined in the parent document. This is discussed further in Part 2.

1.4.2.2 What Has Been Done In The Past

In the past, MEA has not been required to monitor the use and effectiveness of the Municipal Class EA on an ongoing basis. As explained in Section 1.2, however, a review of the Municipal Class EA process was undertaken each time the Class EA approval was renewed.

It should be noted that MECP's review of bump-up requests for specific projects was and is a form of compliance monitoring. Accordingly, it was recognized that, in the future, the conclusions of the MECP's review of Part II Order requests would be useful input to the Monitoring Program.

1.4.2.3 What Are Other Proponents Doing

Other proponents of parent Class EA documents have, or are in the process of, developing monitoring programs. The only monitoring program now approved was developed by the Ministry of Transportation (MTO), in consultation with MECP. MTO's monitoring program was reviewed by MEA in terms of MTO's approach, the tools for collecting information and the format of MTO's document. MTO's Monitoring Program is based on the premise that monitoring must be done on a Class EA overview basis and that the intent is not to undertake either a scientific or project EA compliance monitoring program.

It is recognized, however, that there are fundamental differences between MTO and MEA, for example:

- MTO is the key proponent for their projects and consequently has control over the use of their parent Class EA;
- MTO has “in-house” staff and resources to implement their Monitoring Program; and
- MTO's new Class EA was changed substantially from their previous Class EA document. In essence, MTO developed a new approach for their Class EA which is principal-based,

not prescriptive. Consequently, MTO's Monitoring Program has been developed to monitor the "effectiveness" of this new approach. This is different from the Municipal Class EA process which has already been proved to be effective and working well from many years of use and based on the results of previous comprehensive reviews.

1.4.2.4 Administration/Implementation Issues Associated With MEA

MEA is unique among proponents of parent Class EAs. Unlike other proponents, who have the ability to control the use of their Class EA and the projects carried out under their particular Class EA, the Municipal Class EA is used by all municipalities in Ontario as well as the private sector. MEA is a volunteer organization and does not have the mandate or any legal authority over its member municipalities or any others. Furthermore, not all municipalities are members of MEA.

As a result, the actual implementation of a monitoring program for the Municipal Class EA is a major consideration for MEA. Therefore, a monitoring approach has been developed which:

- uses the tools available to MEA;
- relies on input from both MEA and MECP; and
- relies on the professional expertise and judgment of experienced EA practitioners.

This approach is considered to be reasonable given that the Municipal Class EA has been used for 30 years and has been proved to be effective and working well.

1.4.2.5 Other

Other points raised during discussions with MECP are noted below:

- *Ability to quantify the number of Schedule 'A' projects carried out under the Municipal Class EA* - The Schedule 'A' classification (i.e. pre-approved) is used extensively by all municipalities with some estimating that approximately 90% of projects/activities undertaken by a typical municipality are likely Schedule 'A' because they generally entail maintenance and operational activities for existing facilities. The number of Schedule 'A' projects cannot accurately be measured since the Schedule 'A' classification could apply not only to projects but programs as well. Given that Schedule 'B' and 'C' projects have greater potential for environmental effects, Notices of Completion are now required to be sent to MECP for the record. A question, however, has been added to the questionnaire for proponent municipalities of the Municipal Class EA parent document, to obtain information as to the percentage of the municipalities project/activities which are considered to be Schedule 'A'.
- *Ability to monitor the application of the Class EA requirements to the private sector* - The private sector is subject to the EA Act for Schedule 'C' projects servicing residential land use. As a result, private sector proponents would be required to submit copies of their Notice of Completion to MECP for these projects.
- *Auditing of specific projects* - This is outside of the scope of the Order in Council approval. Furthermore, there is no legal authority for MEA to audit municipalities.
- ***Compliance monitoring of specific project activities*** - MECP has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MECP will be addressing this as an initiative to be carried out by MECP.

- *Clarification of the reference in the last sentence of Condition of Approval #4 “... and the implementation of the projects under the Class process...”* - M. Harrison, formerly with MECP, participated in the drafting of the Conditions of Approval and confirmed that this is referring to the ability to quantify the order of magnitude of projects being implemented under the Class EA process. To this end, proponents are to submit Notices of Completion for Schedule ‘B’ and ‘C’ projects and, memos re: Master Plans and the Integrated Approach to MECP for the record.

1.4.2.6 Conclusion

Beginning in early 2018, MEA has cooperated with the Ministry’s efforts to consult with stakeholders regarding improvements to the MCEA process. Since this consultation has been ongoing since the spring of 2018, it would not have been productive to follow the usual MCEA monitoring process to re-contact stakeholders to repeat gathering feedback and then prepare the annual monitoring report. Instead, for 2018, 19 and 20, MEA has prepared a report that summarizes the work to date towards MCEA improvements. This report will become MEA’s Annual Monitoring Report for 2020 and be submitted before the October 4th deadline.

PART 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

The purpose of the program is to provide the means to:

- ensure that Conditions of Approval #3 and #4 by Order in Council are fulfilled;
- ensure that the Municipal Class EA process is continuing to work well and be effective, and, is in accordance with legislative and regulatory requirements;
- determine if the new “Integrated Approach” is being applied and is working well;
- identify any potential trends or issues to be considered by MEA; and
- identify necessary changes to the parent Class EA document over time.

2.1 MONITORING PROGRAM FRAMEWORK

The Monitoring Program has been developed taking into consideration the following:

- the Conditions of Approval #3 and #4 by Order in Council for the Municipal Class EA parent document;
- the purpose of the Monitoring Program as defined above;
- recognition that the renewed Municipal Class EA maintains the substance of the process which has been used successfully since 1987 and which MEA, MECP and other key stakeholders agree has and continues to work well and be effective;
- recognition that the Municipal Class EA process is used by a multitude of independent proponents over which MEA does not have authority;
- focus is on monitoring on the Municipal Class EA process in the broad sense and not the auditing of specific projects or compliance monitoring of specific project activities;
- commitments already made in the Municipal Class EA; and
- discussions with MECP-EAAB.

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

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

2.1.1. Commitments Already Included In the Municipal Class EA

During the 1998 review of the previous Municipal Class EA, it was determined that it would have been useful if data had been more readily available with respect to the number of Schedule 'B' and 'C' projects carried out following the Municipal Class EA process. Consequently, it was concluded that proponents should submit a copy of their Notices of Completion for Schedule 'B' and 'C' projects to MECP-EAAB. This in turn would provide a record of the Schedule 'B' and 'C' projects undertaken within the province. This approach was also applied to Master Plans and the integrated approach whereby proponents are to advise MECP by a memo upon completion of an applicable project.

Accordingly, the following commitments were included in the Municipal Class EA parent document:

- Notice of Completion for a Schedule 'B' or 'C' project to be sent to MECP-EAAB (Section A.1.5.1);
- MEA to meet with MECP-EAAB on an annual basis to review Notices received;
- memo to be prepared by a proponent of a Master Plan briefly summarizing how the Master Plan followed Class EA requirements. Memo to be copied to MECP-EAAB (see Section A.2.7.2 of Municipal Class EA);
- memo to be prepared by a proponent for a specific project following the "Integrated Approach", and submitted to MECP-EAAB summarizing their application of the "Integrated Approach" (see Section A.2.9.3 of Municipal Class EA); and
- commitment by MEA to monitor the "Integrated Approach" by meeting annually with MECP and MMAH (see Section A.2.9.3 of Municipal Class EA)

2.1.2 What Is To Be Monitored

It is proposed to monitor the use, compliance and effectiveness of the Municipal Class EA as follows:

Use - Level of use of the Municipal Class EA as reported to MECP-EAAB, where use refers to number of Schedule 'B' and 'C' projects, Master Plans and projects which followed the integrated approach.

Compliance - Does the Municipal Class EA continue to meet the requirements of it's EA Act approval and the conditions of that approval?

Effectiveness - How effective is the Municipal Class EA in meeting the requirements of the EA Act and MECP Class EA program objectives? MECP Class EA program objectives include:

- assessment of environmental effects;
- consultation;
- documentation of decision making;
- streamlined approvals; and self assessment.

2.1.3 Who Is Undertaking the Monitoring

The Monitoring Program will be carried out by the MEA Municipal Class EA Monitoring Committee with input from MECP and MMAH. The Chair of the MEA Committee will be responsible for implementing the Monitoring Program, receiving information, interpreting it, preparing the Annual Monitoring Report and reviewing it with MECP and MMAH.

2.1.4 Tools For Collecting Data

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

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

- Annual meetings of the MEA Class EA Monitoring Committee with MECP-EAAB and MMAH to review the information collected and its interpretation.

2.1.5 Monitoring Framework

Table 2 presents the framework for the Municipal Class EA Process Monitoring Program. It outlines:

- what will be monitored;
- what indicators will be used;
- how the indicators will be measured; and
- how the data will be collected.

2.2 IMPLEMENTATION AND SCHEDULE

Implementation of the Monitoring Program is a key consideration since it requires input from MEA, MECP and MMAH. Therefore, a 12 month calendar has been prepared, as provided in Table 3, to demonstrate the time line to collect data, review and interpret the information and submit the Annual Report. This Monitoring Program will be carried out by the MEA Monitoring Committee under the direction of the Chair of the Committee. MECP has been invited to participate on the Committee.

2.3 ANNUAL REPORT

A summary report will be prepared annually and submitted to the Director of the MECP-EAAB. It will summarize the findings regarding use, compliance and effectiveness of the municipal Class EA process as discussed previously and identified in Table 2. It will then present an overview of process-related observations about the Municipal Class EA in terms of its continuing effectiveness in meeting MECP Class EA program objectives. Commencing in 2002, the Annual Reports will be due by October 4.

2.4 PROGRAM ADMINISTRATION

Over time, certain adjustments may be required to this Monitoring Program. Recommendations in terms of what is and is not working with the Monitoring Program, particularly with respect to the relevance and/or level of detail of the data that are collected, and program costs, for example, will be included in the Annual Report as appropriate. Flexibility is desirable to permit refinements to the program as necessary as it evolves and agreed to by MEA and MECP.

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

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

**TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM**

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

**TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM**

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

**TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM**

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

TABLE 3 - 12 MONTH CALENDAR

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

PART 3. RECENT ACTIVITIES**3 EA Reform**

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

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

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

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

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

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

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

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

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

3.1 Amendment to the MCEA.

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

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

- June 2019: MECP invites Class EA holders to submit amendments.
- September 2019: MEA submits proposed MCEA amendments for review.
- Winter 2019-20: MEA works with MECP to address staff comments related to the MCEA amendments.
- July 2020: MECP posts MCEA amendments for comment.
- September 2020: MECP extends comment period.
- October 2020: MEA provides responses to the extensive comments received.
- Winter/Spring 2021: MECP undertakes Indigenous consultation.
- June 2021: MECP announces that, to address Indigenous concerns, a requirement to use a checklist will be included in the amendment for certain projects. MEA advises MECP it supports the announced solution to address Indigenous concerns.

Some 260 comments on the amendment were submitted. MEA has reviewed these comments and provided a response to each comment (see Attachment 1). Many of the comments received were supportive and some of the comments recommended revision/improvements as detailed in the responses. These revisions/improvements are currently being incorporated into the MEA Manual for MECP to approve.

MEA is currently waiting for MECP to complete their Indigenous consultation and approve the amendment to the MCEA.

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

In July 2020, the government adopted the COVID-19 Economic Recovery Act that amended the EA Act to change the Part II Order Request process. Previously there had been significant delays waiting for a Minister's decision on Part II Order Requests. The legislative amendment changed to process such that only issues related to constitutionally protected Aboriginal and treaty rights will be considered by MECP. Requests on other grounds will not be considered by MECP and instead are to be considered by the proponent. MECP provided standardized text that is to be inserted into A.2.8 of the MCEA (see Attachment 2).

MECP also provided standardized text that is to be included in all Notices of Completion (Attachment 3)

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

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

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

Project Type		Number of Project	Number of Notices or Orders
Roads	Schedule A+	8	None
	Schedule B	36	None
	Schedule C	61	None
	Master Plan	18	None
Water/Wastewater	Schedule A+	2	None
	Schedule B	50	None
	Schedule C	6	None
	Master Plan	26	None
Total		177	None

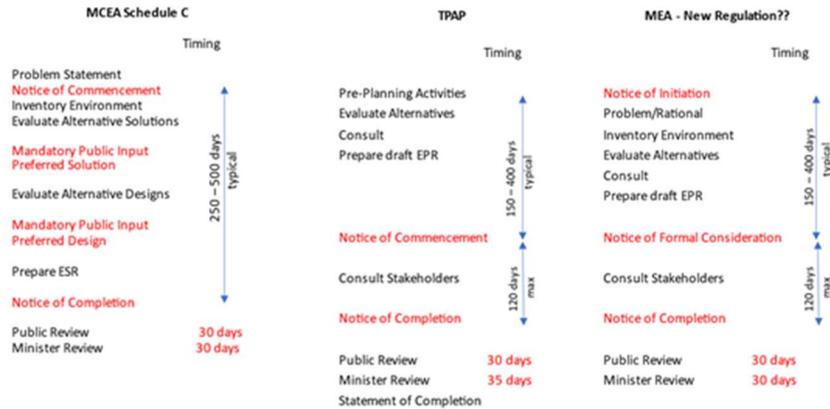
It is important to note that these 177 reported projects were successfully concluded by the proponent without the need for a Notice or an Order from MECP.

3.3 New Regulation to Replace the MCEA

MECP hosted information sessions related to their proposed new regulation that will replace the MCEA on April 20th & 27, 2021 and asked for feedback by May 28, 2021. **The covering email for MEA's submission is copied below. MEA also worked with AMO, RCCAO, OGRA and RPWCO to ensure their submissions meshed with MEA's submission. A copy of MEA's full submission is available (see Attachment 6 & 8).**

Covering email with submission

The Municipal Engineers Association is keenly interested in a future streamlined EA process and we have consulted internally with both municipal and consultant industry experts while preparing the attached responses to the questions that were posed. Our response to question #1 expands and describes MEA's recommendation for a new streamlined EA process. The slide below further illustrates/compares our recommended EA process with existing EA processes.



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I would also like to highlight two of the points we make in our response to question #38; Municipalities are different than any other proponent in Ontario – no other proponent is elected by and responsible to their community in the same way. The new streamlined process and the project list for Municipal Projects needs to recognize this difference and ensure that the local Council has the authority to make decisions with local impacts.

And, more importantly, approval of the amendment to the MCEA is urgent and should be completed before focusing energy on a new EA system

Thank you for the opportunity to provide feedback about a future streamlined EA process. We would be pleased to meet to further discuss the development of this new streamlined EA process.

MEA intends to remain actively involved in the process to develop a new regulation to replace the MCEA but hopes this work is deferred until after the amendment to the MCEA is approved.

3.4 Digitizing EA Processes

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

No further digitizing efforts have progressed.

3.5 Climate Change and Air Quality Impact Assessments

In the proposed amendment to the MCEA, Section 1.7 of the MCEA has been completely re-written to provide better/complete information related to climate change. Also, recently there have been a number

of municipalities question the need and value of Air Quality Impact Assessments (AQIA) for their road expansion projects. MECP has a clear expectation that these assessments are a necessary part of the MCEA process for road expansion projects. However, when we examined the findings in the AQIA it is clear that the AQIA bring no value to the MCEA process - our analysis shows that, in all cases:

- The Air Quality Assessment was not a factor that contributed to the selection of the Preferred Solution or the Preferred Design.
- The Air Quality Assessment did not contribute to or recommend any mitigation measures
- The Air Quality Assessment demonstrated that there were no significant differences in air quality between the analyzed alternatives. In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.

MEA has prepared the following new Companion Guide Section related to Air Quality Impact Assessment: (see attachment 7 for Case Studies)

NOTE – IT IS IMPORTANT THAT MEA’S ADVICE IN THE COMPANION GUIDE ALIGNES WITH MECP’S EXPECTATIONS. MEA HAS SHARE THE SECTION RELATED TO AQIA BELOW WITH MECP AND IS CURRENTLY AWAITING THEIR COMMENTS.

In recent years, there has become an expectation to include consideration of air quality with a complex Air Quality Impact Assessment (AQIA) in many MCEA projects. The following items have often been recommended to be included in a typical AQIA:

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

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

For other routine MCEA projects that do not include a point source that generates odour (roads, bridges, other water/wastewater projects), past experience for road projects has demonstrated there is little value in completing a complex AQIA as described above. MEA has analysed recently completed MCEA road projects (see attached Case Studies) that included a complex AQIA and found that, in all cases:

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

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

It is our understanding that many MCEA practitioners understand that there is really very little value added by the AQIA but yet there continues to be an expectation that the completion of an AQIA is a box that should be checked during the MCEA process. MEA does not support allocating time, funds and effort unless the result adds value to the MCEA process. Air Quality should still be a consideration and addressed during the MCEA process. However, for typical road projects, similar to the Case Studies, rather than commissioning a new complex AQIA, the proponent may wish to rely on the results of previously completed AQIA for these similar projects and include statements like the following in their MCEA documentation.

- *Earlier complex AQIA for other similar projects have consistently demonstrated that there were no significant differences in air quality between Future No-Build (do nothing) and Future Build (Preferred/Considered Alternatives). In more general terms, air quality remains the same regardless how traffic is distributed among roads in an area.*
- *Earlier complex Air Quality Assessments for other similar projects have demonstrated that doubling the heavy truck volumes would not significantly impact air quality.*

Even though the analysed AQIA consistently concluded that measures to mitigate impacts to air quality were not warranted, the proponent may wish to consider including the following in the EA documentation;

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

If warranted the proponent may wish to include air quality in the decision-matrix as one of the factors

impacting the selection of a preferred solution (Phase 2 of the Municipal Class EA) and/or preferred project design option (Phase 3 of the Municipal Class EA). Alternatives could be ranked with criteria such as poor, acceptable, good or best based on information available from past AQIA reports.

3.6 Webinar – Status of MCEA Issues Update

MEA hosted a free webinar on September 15, 2021, providing an information update regarding the status of MCEA amendments. The webinar covered the following topics and allowed some time for participants to ask questions:

- Update: Process and timing for the ultimate approval of the amendments
- Revisions to the proposed amendments since September 2019
- Overview about the new Part 2 Order Process:
 - how does it work?
 - After one year – has new process been successful?
- Future Regulation Replacing the MCEA?
 - MECP's plans for EA reform
 - MEA's submission and advice for a new regulation
 - What will likely change/what will likely remain the same?
- Air Quality Assessments
 - Do Air Quality Assessments add value in the MCEA process?
- Upcoming MCEA Training Opportunities
 - Approval of Collector/Arterial Roads through the Planning Act.
 - Detailed explanation of approved amendments to MCEA (4 sessions)
 - Roads,
 - water/wastewater,
 - Transit,
 - Section A
- Ask an Expert Feature on MEA/MCEA Website.

3.7 Recent Accomplishments

- ✓ Established a Sub-Committee that includes representatives from the consulting industry specifically to work on EA Reform.
- ✓ Prepared a response to each of the 250+ comments that were submitted on the amendment to the MCEA. MEA has participated in MECP's consultation with Indigenous Communities and worked with MECP to finalize wording for a new MCEA Manual. The new MCEA Manual will include all amendments and incorporate the Companion Guide within the document. The Companion Guide Notes will be displayed in a different coloured font within the Manual and will provide useful tips and clarifications to MCEA users. This guide will be a living document and be updated as required.
- ✓ Submitted comments to MECP related to their announced plans for a new regulation that will replace the MCEA. MEA will continue to participate in MECP's process to develop new regulations that will replace the MCEA and then deliver training on this new process
- ✓ Presented a webinar on September 15, 2021 to update proponents on the status of issues related to the MCEA and also presented at the AMO and OGRA conference. The Introduction to the MCEA Process webinar was delivered in June 2021 and October 2021. Specific training that explains the detailed changes included in the amendment to the MCEA will be delivered after amendment is approved.
- ✓ Monitored the success of MECP's new process to resolve concerns raised after the Notice of Completion and submitted the required Annual Monitoring Report to MECP prior to the October 4, 2021 deadline.

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- ✓ Developed new Companion Guide section related to Air Quality Impact Assessments.

PART 4. CONCLUSION

4.1 PLAN TO MOVE FORWARD

- ▶ MEA will finalize Companion Guide section related to AQIA
- ▶ MEA will finalize and produce a new MCEA Manual that incorporates the 2021 amendments and an updated version of the Companion Guide Notes
- ▶ MEA will deliver the following webinars:
 - Approval of Roads & Water/Wastewater through the Planning Act
 - 2021 Amendments to MCEA Appendix 1 – Roads
 - 2021 Amendments to MCEA Appendix 1 – Water/Wastewater
 - 2021 Amendments to MCEA Transit
 - 2021 Amendments to MCEA Part A
 - Introduction to the MCEA Process
- ▶ MECP advises that work to develop a new regulation(s) to replace Class EAs (including the MCEA) will proceed fall 2021. MEA will continue to participate in this reform process.
- ▶ Class EA holders have all asked for clearer language related to Indigenous Consultation but MECP has informed that this will not be available to include in this amendment.
- ▶ Even with the proposed amendment to Appendix 1, many of project descriptions in the tables will remain poorly worded. This will be addressed when the new regulation(s) is developed.
- ▶ There seems to be a fundamental flaw with the MCEA Schedule B process as outlined in the attached Schedule B Process Analysis. This may also apply to other Class EAs. MECP recognizes this is an important issue but agrees it should be addressed in the future. This should be addressed in the new regulation.

4.2 Conclusion

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

Attachments

- 1) Compilation of Comments to Amendment to MCEA and MEA's Responses
- 2) Standardized Text provided by MECP – Section 16 Orders
- 3) Standardized Text provided by MECP – Notice of Completion
- 4) Form to be used to Submit Concerns after Notice of Completion
- 5) New PIIOR Process – presentation at OGRA Conference Feb 22, 2021
- 6) New Regulation to Replace MCEA – Submission to MECP
- 7) Air Quality Impact Assessment – Case Studies
- 8) Schedule B Process Analysis