



**MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT**

October 2023

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.

On March 3, 2023, the Minister approved a major amendment to the MCEA that included a number of amendments to Part A and to Appendix 1.

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 MECF 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:

March 3, 2023 – Amendment to the Municipal Class EA approved.

October 4, 2023 – MEA’s annual Monitoring Report will focus on the amendment to the MCEA and impacts of this amendment

1.3.2 Municipal Class EA Training Sessions

In 2023, MEA delivered the following training;

General

- Introduction to the MCEA Process June 19-21/23
- Introduction to the MCEA Process Oct 17-19/23 (Scheduled)

Specific to the 2023 Amendment to the MCEA

- MCEA 2023 Appendix 1 – Roads May 12 2023
- MCEA 2023 Appendix 1 – W/WW May 15 2023
- MCEA 2023 Appendix 1 – Transit Oct 25, 2023 (Scheduled)

- | | |
|--------------------------------------|-------------------------|
| • Heritage Bridge Checklist | May 16 2023 |
| • Archeology Screening Process (ASP) | Oct 24 2023 (Scheduled) |
| • MCEA 2023 Part A | Oct 25 2023 (Scheduled) |
| • Collector Road Screening Process | Oct 24 2023 (Scheduled) |
| • Annual MCEA Fall update | Oct 25 2023 (Scheduled) |

1.4 DEVELOPMENT OF MCEA 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. As 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;
 - 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 1 - SAMPLE MATRIX FOR SUMMARIZING NOTICES OF COMPLETION RECEIVED BY
MECP AND PART II ORDER DATA**

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

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

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

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

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

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

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

TABLE 3 - 12 MONTH CALENDAR

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

PART 3: RECENT ACTIVITIES

3.1 MCEA REFORM

Since 2016, EA reform has been seriously discussed. However, it was not until March 3, 2023 that the Minister approved an amendment to the MCEA

3.1.1 Amendment to the MCEA.

This 2023 amendment is a major re-write of Part A and Appendix 1 of the MCEA and it does differ from the version of the amendment that MEA had re-submitted in May of 2021.

3.1.1.1 Initial Review of Amendment to the MCEA

The following summarizes MEA's initial review of the new 2023 amended MCEA. This review was presented at a webinar on March 27, 2023

- 1) The following 18 projects can be shifted from Schedule B/C into Schedule A (exempt) after the proponent completes the Archaeological Screening Process (ASP). Most of these were anticipated in discussions with MECF. The four project types shown in green font were not included in earlier drafts but were included in the approved amendment.
 - a) 9a Initial stockpiling of de-icing material within an engineered permanent storage structure where the storage structure has an impervious ground surface and de-icing material will be protected from precipitation and surface runoff and the storage structure is not located in or adjacent to an environmentally sensitive natural area, residential, or other sensitive land use.
 - Refer to “environmentally sensitive natural area” in the Glossary
 - b) 12b Construction of new parking lots >\$12m not associated with a building and are not located in or adjacent to an environmentally sensitive natural area, residential or other sensitive land use, or on lands with cultural heritage or archaeological potential.
 - To determine whether there is “archaeological potential” refer to MCM’s Criteria for Evaluating Archaeological Potential checklist posted on the MEA website
 - Refer to “environmentally sensitive natural area” in the Glossary
 - c) 14b Construction of a new collector road, or reconstruction or widening of an existing collector road that will not be for the same purpose, use, capacity or at the same location, and is required as a condition of approval on a plan of subdivision and/or the subdivision agreement which will come into effect under the Planning Act NOTE – also must follow Collector Roads Screening Process (CR)
 - d) 28b Installation, construction, or reconstruction of traffic control devices >\$12m (e.g. signing, signalization)
 - e) 29b Installation of safety projects (e.g. lighting including “high mast”, grooving, glare screens, safety barriers, energy attenuators) >\$3m

- f) 31b Reconstruction of, or alteration to a structure or the grading adjacent to it when the structure is over 40 years old, the structure is found to have cultural heritage value or interest, and the heritage attributes will be conserved in accordance with the recommendations of a Heritage Impact Assessment • To determine whether a bridge has “cultural heritage value”, refer to the MEA’s municipal heritage bridge checklist developed with the Ministry of Citizenship and Multiculturalism and posted on the MEA website
- g) 32b Construction of underpasses or overpasses for pedestrian, cycling, recreational or agricultural use, and where the underpass or overpass >\$3m would not be located in or adjacent to an environmentally sensitive natural area, potential built heritage resource or cultural heritage landscape or other sensitive land use, or on lands with archaeological potential
• To determine whether there is “archaeological potential” refer to MCM’s Criteria for Evaluating Archaeological Potential checklist
• Refer to new definition of “environmentally sensitive natural area” in the Glossary
- h) 5b Increasing pumping station capacity where new equipment is located in a new building or structure and the new building or structure is located on the existing pumping station site, or located on municipally owned lands adjacent to the existing pumping station site where the lands are not in an environmentally sensitive natural area
• Refer to “environmentally sensitive natural area” in the Glossary
- i) 5d Construct a new pumping station where the facility is not located in or adjacent to an environmentally sensitive natural area, residential or other sensitive land use, or on land with cultural heritage or archaeological potential.
- j) 6c Establish new water storage facilities where the facility is not located in or adjacent to an environmentally sensitive natural area, residential or other sensitive land use, or on lands with cultural heritage or archaeological potential.
- k) 9b Install a new well on an existing municipal well site
• This does not include the construction of a new water system
- l) 17 Install sewer connections for disposal of process wastewater
- m) 18 Establish facilities for disposal of proposal wastewater (e.g. construct holding pond, dewatering and hauling operations to disposal sites) where the facility does not require new property or property is not disturbed, is not a significant drinking water threat in a source water protection area or requires a new outfall or does not discharge to a sensitive receiver, and is not located on lands with cultural heritage or archaeological potential.
- n) 23b Increase pumping station capacity where new equipment is located in a new building or structure and the new building or structure is located on the existing pumping station site, or located on municipally owned lands adjacent to the existing pumping station site where the lands are not in an environmentally sensitive natural area
• Refer to “environmentally sensitive natural area” in the Glossary.
- o) 24d Construct new pumping station where the facility is not located in or adjacent to an environmentally sensitive natural area, residential or other sensitive land use, or on land with cultural heritage or archaeological potential.
- p) 30a Establish sewage flow equalization tankage for influent and/or effluent control within existing sewer system or at existing sewage treatment plants, or at existing pumping stations where no property acquisition is required.

- q) 38a Establish new or modify, retrofit or improve LID features within an existing road allowance or an existing utility corridor.
 - r) 45 Water crossing for a new or replacement water or sewage facility where the facility will be supported by an existing bridge or structure and the project does not involve in water works or significant modifications to the bridge or structures piers or abutments; the bridge or structure does not have cultural heritage value; and additional property is not required
- 2) The cost thresholds associated with bridges, overpass etc. have been removed and all projects are either Schedule A (exempt) or Schedule B. Construct a new bridge is Schedule B not C. This change is unexpected. Also, MEA had identified an issue with earlier drafts where the project descriptions related to heritage bridges required proponents to obtain a permission from MCM. In the approved MCEA, the wording has been revised and completing the checklist is all that is required.
- 3) In the approved MCEA, the cost thresholds in Appendix 1 have been adjusted to 2022 values of \$3.0m, \$4.1m and \$12m.
- 4) In Appendix 1 on page 179 there is a typo in the heading where it includes a 'distribution' system with sewage systems. However, this does raise an important issue. The EA Act now includes the following;
- Administrative Amendments
- (5) The Director may amend an approved class environmental assessment to make one or more of the following administrative changes:
- 1. Correcting errors that are editorial or typographical in nature.
 - 2. Updating references to an Act or regulation, or provisions or other portions of an Act or regulation.
 - 3. Updating references to bodies, offices, persons, places, names, titles, locations, website or addresses.
 - 4. Clarifying the existing text of the class environmental assessment.
- 5) In the spring of 2022, MEA had identified a serious concern with MECP's proposed transition rules as shown in A.1.4. The approved MCEA includes a reasonable process for transition.
- 6) The approved MCEA includes a Collector Road Screening Process (CR) which is intended to provide a mechanism to exempt a Collector road with a Planning Act process.
- 7) The approved MCEA does not include amendments that MEA had proposed to exempt minor expansions to treatment facilities and private wells for private developments. This should be a topic of further discussion and, if required, a further future amendment.
- 8) The approved MCEA includes less text in section A.3.7 Indigenous Consultation than was previously proposed by MECP.

3.1.1.2 Success of EA Reform to Date

On March 3, 2023, the Minister approved an amendment to the MCEA. In the covering letter to MEA, the Minister states;

“Over the past three years, the government has been working to build a strong environmental assessment program that considers the input of local communities and focuses on projects that have the highest potential to impact the environment. As part of this plan, we are making practical changes that would ensure strong environmental oversight while reducing delays on projects that matter most to Ontario communities”.

The following evaluates the success of EA Reform to date:

Exempt Schedule A/A+ Projects

In 2019, with the approval of the More Homes, More Choice Act, the government amended the EA Act and exempted MCEA Schedule A/A+ projects from the requirements of the EA Act. This change means that projects designated as Schedule A or A+ are not eligible to follow the MCEA Schedule B or C process and there is no ability for a Section 16 Order (formerly a Part II Order Request PIIOR) related to any of these projects. **This was an important change and does reduce delays on projects that matter most to Ontario communities.**

Replace the PIIOR Process

In 2020, with the approval of the COVID 19 Recovery Act, the government amended the EA Act so that, with the exception of concerns related to Aboriginal or Treaty Rights, any concerns identified with a MCEA Schedule B or C project are directed to the proponent instead of MECF. This change had an immediate impact of clearing the backlog of Section 16 Orders (PIORs) that were awaiting a decision by the Minister. Annual monitoring of the status of MCEA projects demonstrates that projects are successfully proceeding. **This was an important change and does reduce delays on projects that matter most to Ontario communities.**

2023 Amendment to MCEA

On March 3, 2023, the Minister approved an amendment to the MCEA. Highlights of this amendment include;

Condition Exemption of 18 Projects

The exemption of these 18 Project types is conditional upon completion of the Archeological Screening Process (ASP) (see below). However, some of the projects would rarely be undertaken by a municipality – for example;

- 12b Construction of new parking lots >\$12m
- 29b Installation of safety projects (e.g. lighting including “high mast”, grooving, glare screens, safety barriers, energy attenuators) >\$3m

Regardless, there are certainly opportunities to reduce delays on projects that matter most to Ontario communities.

Archaeological Screening Process (ASP)

For the 18 project types referenced above, proponents must successfully complete the ASP before the project can be considered exempt. For projects where the proponent is able to use the Checklist for the Non-Specialist to determine there are no archaeological issues, the process is worthwhile and allows projects to proceed as exempt with minimal effort. However, if the Checklist directs further archaeological investigations, the Proponent needs to consider how to proceed – complete the ASP or complete Schedule B process. With either option, further archaeological investigations are required. **However, is it better to follow the ASP, circulated information to Indigenous Communities, wait 30-60 days, and then potentially learn that an Indigenous Community has concerns? If there are concerns, the proponent must then follow the Schedule B process.**

Collector Road Screening Process (CRSP)

Proponents may follow the CRSP (and ASP) to classify a collector road as exempt. However, there are problems with the CRSP

Restrictive

- only includes certain Collector Roads
- cannot include Arterial Roads
- cannot include bridges on the roads
- Regional EA Coordinator (REAC) must confirm all MCEA steps completed

- Significant effort to provided information to REAC
- No deadline for REAC review/approval
- Does not eliminate duplication with Planning Act
 - CRSP does not accept Planning Act conclusions
 - CRSP creates a new approval process that could be more onerous than MCEA process.
 - Planning Act Applications (PAA) do not follow the MCEA process;
 - CRSP will only work if;
 - Planned from the outset
 - Pre-application consultation is organized to;
 - Identify a problem
 - Consider alternative solutions
 - Consider alternative designs
 - Follow the Integrated Process (A.2.9) except
 - No Notice of Commence/Completion
 - No ESR (replaced with submission to REAC)

MEA training recommends - Do not seek exemption from EA Act by using CRSP. Instead, incorporate Planning Act conclusions into MCEA process.

Shifting of Certain Projects from Schedule C to Schedule B

The shifting of these Project types should, in theory, reduce requirements and delays in the EA process. However, sometimes Schedule C efforts are required even though the project (on its own) could be classified as Schedule B – for example:

- 35** Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, capacity or at the same location
- 37** Construction of new water crossings
- 38** Construction of new grade separations and interchanges

These projects have been shifted from Schedule C to Schedule B.

It is very unlikely that any of these bridge projects would proceed without an accompanying road project to match up with the bridge. The classification for the road project would be Schedule C (costs for the road and bridge would most likely be > \$3m) so the Schedule C classification would apply to the entire project.

Also, the Schedule B process ends when the preferred solution is identified (in the above examples, the location for the new/reconstructed bridge is identified). Consideration of design alternatives is not part of the Schedule B process but is nevertheless important. MEA's training module encourages proponents to include consideration of design alternatives for bridges even though it is not a requirement. ***A reduction in delays for these project types is likely not actually achievable.***

Introducing New Projects and Classifying the Projects as Schedule B

The 2023 amendment introduces new project types such as:

- 19a** Construction of localized operational improvements at specific locations, and construction of intersections and roundabouts.
 - *Project must be within an existing right-of-way*
 - *For projects that require property acquisition, refer to project description 33 to determine project schedule*
- 3** Repairs, renovation, and replacement of existing outfall in the same location for a water treatment plant

Roundabouts have been added to 19a and clause 3 is a new clause that classifies repairs as a Schedule B activity. **The classification of these new projects as Schedule B adds process and will not reduce the delays for these project types.**

Cost Thresholds

Appendix 1 of the MCEA states:

“Note: Previously the MCEA allowed for cost thresholds to be indexed by MEA based on MTO’s Tender Price Index. The cost thresholds in the table have been adjusted to March 2022 based on MEA’s prior indexing in March 2019.

- The cost limit of \$2.4 million has increased to \$3 million.
- The cost limit of \$3.5 million has increased to \$4.1 million.
- The cost limit of \$9.5 million has increased to \$12 million.

Cost thresholds will be updated on an annual basis by the ministry based on MTO’s Tender Price Index, and will be effective when published on the Environmental Registry on Ontario (ERO).”

MTO’s Tender Price Index for April 2023 is 287.98 an increase of 8.98% Applying this inflation increase, the cost thresholds should increase as below effective April 2023.

- The cost limit of \$3.0 million should increase to \$3.3 million.
- The cost limit of \$4.1 million should increase to \$4.5 million.
- The cost limit of \$12.0 million should increase to \$13.1 million.

Previously, the MCEA provided authority for MEA to update the cost thresholds. However, MECP’s new wording in the MCEA means that a major amendment (Minister’s amendment) as per the requirements of the *Environmental Assessment Act* (Act), including consultation with Indigenous communities and a public posting on the environmental registry (EBR), must be completed before the updated 2023 cost thresholds are in effect.

MECP has been asked to proceed with their process so that the 2023 cost thresholds become effective but there is no date for when the amendment will be approved. **This change to the MCEA was made without any consultation and has added extra work and time to the process of keeping the cost thresholds current.**

Further Amendments to MCEA

Reviewing the 2023 MCEA document provided by MECP, MEA has noted that a number minor amendments are required. Some are required to correct simple typos while others are required to eliminate project gaps. **MECP should correct these issues with a simple amendment to avoid confusion.**

Administration, Interpreting and Amending the MCEA

Municipalities, MECP and MEA all have important roles in the MCEA process. To explain these roles, MEA has prepared the following clarification

**MEA Clarification
June 2023****Administration and Amending the MCEA**

Project Proponents, MECP and MEA all have important roles in the MCEA process.

Project Proponents (commonly Municipalities) are the proponents of individual projects and, as the MCEA is a proponent - driven process, Municipalities are responsible for organizing an EA process that complies with the MCEA (and the EA Act) for all projects.

MECP has several roles, specifically, MECP is responsible for;

- **Compliance and Enforcement under the Environmental Assessment Act**
 - MECP's compliance and enforcement role can be triggered at any time if a proponent is in or is planning action that would contravene the Act (eg. Not selecting the appropriate MCEA Schedule).
 - The text of the MCEA, the EA Act and its regulations and any relevant case law is used to determine if there is a contravention.
 - MECP has considerable discretion while ensuring compliance and enforcing the EA Act. MECP can decide when to caution/guide a proponent and when to initiate a charge. However, proponents should expect consistent application of the rules by MECP.
- **Amending/Approving/Interpreting the MCEA document**
 - Section A.1.5.2 of the MCEA describes the two categories for amendments to the MCEA;

The Minister may amend the Class EA if the Minister is satisfied that the amendments are consistent with the purpose of this Act and the public interest. Examples of the types of amendments that the Minister may make include

1. Improving the efficiency or the effectiveness of the process described in the document;
2. Adding new projects to the Class EA;
3. Recategorizing existing undertakings in the Class EA; and
4. Updating the Class EA to be consistent with new or updated guidelines, policies, regulations or legislation.

The Director may amend the Class EA to make any of the administrative changes set out in section 15.4(5) of the EAA as described below.

1. Correcting errors that are editorial or typographical in nature;
2. Updating references to a guideline, Act or regulation, or provisions or other portions of an Act or regulation;
3. Updating references to bodies, offices, persons, places, names, titles, locations, websites or addresses; or
4. Clarifying the existing text of the Class EA.

While the MCEA strives to cover all situations, if the wording in the EA Act or MCEA is unclear, case law should be applied. This would mean that the practice that has been established by former similar

situations would apply.

Any interpretation of MCEA must take into consideration all relevant factors, including but not limited to the particular facts or situation, the text of MCEA, the Act and its regulations and any relevant case law. Any interpretation that introduces new criteria that is not consistent with the wording of the MCEA and/or case law should be implemented by the amendment process.

- **Orders Related to the EA process.**
 - Section 16 Orders may be made by the Minister on their own initiative or in response to a request made under the Act.
 - When making a Section 16 Order, the Minister considers the matters set out in subsection 16 (5) of the Act, including: the purpose of the Act; the factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class EA applies and the significance of these factors and differences; the reasons given in any request for a Section 16 Order; such other matters as may be prescribed and any other matters the Minister considers appropriate.
 - Prior to July 21, 2020, the Part II Order request process enabled any person to request that the Minister order that the proponent prepare an individual EA or impose conditions on a project in addition to those required by the Class EA.
 - Since July 21, 2020, a Section 16 Order request may only be made on the grounds that the order may prevent, mitigate or remedy an adverse impact on constitutionally protected Aboriginal or treaty rights.
 - Schedule A and A+ undertakings under MCEA are now exempt from the Act, including the Section 16 Order provisions.

MEA is the proponent of the MCEA and has been assigned responsibility for;

- **Monitoring the use and application of the MCEA**
 - MEA is required to prepare and submit an Annual MCEA Monitoring Report that examines the application of the MCEA throughout the province, identifies successes/challenges and recommends amendments or process changes that would improve the process.
- **Providing training to Municipalities and their consultants**
 - Each year, MEA delivers training for proponents. The Introduction to the MCEA Process course is offered at least once per year. This on-going training is supplemented by specialized training on specific topics when appropriate – currently MEA is delivering training that explains the recently approved 2023 MCEA
- **Representing Municipalities as Proponent of the MCEA**
 - MEA regularly provides guidance to Municipalities, liaises with MECP and communicates with other Class EA proponents representing Municipalities.

RECOMMENDATIONS

Project Proponents need to be aware of these responsibilities and constraints. If a proponent encounters a situation where there are questions about application and interpretation of the MCEA, please contact MEA. It is important that MEA is involved in any discussions. Individual project proponents (municipalities) are entitled to make use of the MCEA.

However, as proponent of the MCEA, **MEA needs to be involved with any discussions that involve application and/or new interpretations of the MCEA so that MEA can;**

- **report on the use and/or new interpretations of the MCEA,**
- **include the outcome of any discussion into training material**
- **represent the interests of all municipalities.**

3.1.1.3 Success of EA Reform to Date – Conclusion

The 2023 amendment to the MCEA has been partially successful. However, further reforms are required and MECP should;

1. Process a minor amendment to the MCEA to correct the identified issues and avoid confusion.
2. Acknowledge that MEA needs to be involved with any discussions that involve application and/or new interpretations of the MCEA so that MEA can;
 - a. report on the use and/or new interpretations of the MCEA,
 - b. include the outcome of any discussion into training material
 - c. represent the interests of all municipalities.
3. Amend the MCEA and return the ability for MEA to announce inflation adjustments to the Cost Thresholds in Appendix 1

3.1.2 New Regulation to Replace the MCEA

In 2021, MECP hosted information sessions related to their proposed new regulation that will replace the MCEA and asked for feedback by May 28, 2021.

In 2023, MECP asked for comments on their suggestion that the MCEA could be revoked and not replaced with a regulation. MEA submitted feedback and strongly supports further reforms to the EA process and intends to remain actively involved in the process. MEA's May 8, 2023 submission to MECP can be viewed in attachment 1.

3.1.3 Digitizing EA Processes

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

No further digitizing efforts have progressed.

3.2 SECTION 16 ORDERS (REPLACES PART II ORDER REQUEST PROCESS)

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

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

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

This new process has now been in place for almost three full years. 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 three years, proponents have reported the following projects to MECP;

Project Type		Number of Projects 2021	Number of Projects 2022	Number of Projects 2023	Number of Notices or Orders 2023
Roads	Schedule A+	8	6	7	None
	Schedule B	36	33	37	None
	Schedule C	61	25	44	None
	Master Plan	18	9	36	None
	Addendum			1	
W/WW	Schedule A+	2	2		None
	Schedule B	50	60	70	None
	Schedule C	6	18	26	None
	Master Plan	26	26	22	None
	Addendum			1	
Total		177	179	244	None

It is important to note that MECP did not issue any Notices or Orders for any of these 244 projects in 2023.

The analysis of the reported data on MCEA projects has revealed another problem – proponents are not always classifying projects correctly. In 2022, it appeared that a number (27) projects may not have been properly classified or not reported properly. Some projects that qualified to be classified as Schedule A+ were elevated by the proponent and classified as Schedule B or C. However, MECP advises that, since these projects are now exempt from the Act, a proponent cannot simply decide to elevate the project. That would require the proponent overruling the exempt status of the project. Also, some of the projects reported dealt with transmission lines, beaches and other recreation facilities, mobility, and climate change – all of which are outside the traditional roads, water/wastewater, transit project types.

In 2022, it was decided that education/training should be provided so that projects are properly classified and reported. Despite MEA's education efforts, a review of the projects reported in 2023 revealed that 54 projects may not have been properly reported. To provide direct education, the following email has been sent to proponent contacts and a similarly worded Eblast will be distributed to MEA members.

Dear Municipal Class Environmental Assessment (MCEA) Project Proponent,

As you may know, each year, MECP requires the Municipal Engineers Association (MEA) to prepare and submit an Annual Monitoring Report that examines the application of the MCEA. As part of this process, MEA reviews the data from MECP included their spreadsheet that lists all currently active MCEA projects in Ontario.

This email is directed to the proponent contacts of the currently active MCEA projects.

After reviewing the titles of the projects identified from June 2022 to June 2023 in MECP's 2023 spreadsheet, MEA is concerned that as many as 54 of the projects may not have been properly classified and/or reported. Some examples of MEA's concerns are:

- The spreadsheet identifies 7 projects as Schedule A/A+. Schedule A/A+ projects are now EXEMPT from the EA Act and these 7 projects should not be included in the list of current MCEA projects unless they have achieved exempt status by completing the Archeological Screening Process (ASP).*
- It seems that a number of road projects, that do not increase the number of travel lanes, have been classified as Schedule B/C when they should have been classified as Schedule A+ Exempt. As described in section A.1.2.2 of the 2023 MCEA, Schedule A/A+ projects are now exempt (rather than pre-approved) and, as these projects are exempt, it is not permitted to elevate an exempted project (Schedule A/A+) to Schedule B or C. Proponents are encouraged "to carry out an EA-like process outside of the EAA regime", suitable for the complexity and public interest in the project, but there should not be a Notice of Commencement or a Notice of Completion and they should not be identified in MECP's data.*
- The MCEA includes sections for Municipal Roads, Water/Wastewater and Transit. Projects outside these project types (such as recreation projects) should not be using the MCEA process. Of course, municipalities are welcome to apply the principles of good EA planning for these projects and carry out an EA-like process outside of the EAA regime if they so wish*
- Certain projects appear to involve a road or bridge closure and these projects should be classified as Schedule A+ Exempt*
- Certain identified projects involve sanitary pumping stations. The 2023 amendments to the MCEA impacted pumping stations and the new classifications may allow the projects to be classified as Schedule A+ and therefore Exempt*

You are invited to attend the annual MCEA Update free Webinar on October 24, 2023 where we will discuss Proper Classification and Reporting of MCEA Projects. For more information on the above training or to register, [CLICK HERE](#).

Good luck with your project!

Any questions should be directed through MEA's Ask-An-Expert portal at www.MunicipalEngineers.on.ca/Resources/Ask-An-Expert

Unfortunately, the above email is being sent to proponents well after the project has commenced. Questions related to classifying an MCEA project should be explored at the outset of the project. MECP's responsibilities include ensuring proponents correctly classify MCEA projects and their Regional EA Coordinators (REAC) are provided with all Notices of Commencement. **MECP's REACs should be advising proponents if they are improperly classifying a project (for example elevating a Schedule A+ Exempt project).**

3.3 NEW MCEA USER GUIDE & CLARIFICATIONS PAGE ON MCEA WEBSITE.

MEA has developed a new MCEA User Guide that applies to the 2023 MCEA. This User Guide is being introduced together with the delivery of the fall MCEA training.

The Clarifications web page on the MCEA web site has been updated, removing outdated clarifications and posting updated clarifications and training materials. The User Guide and the training webinars direct proponents to this Clarifications web page for important supplementary information and copies of training materials. Some of the material available on this web page includes copies of;

- The free webinar on March 27, 2023 that provided a general overview of the 2023 MCEA Amendment approved on March 3, 2023.
- The MCEA Part A webinar presentation material
- Amendment/Update status of the MCEA Manual and the MEA User Guide July 2023
- MEA Clarification June 2023 Administration and Amending the MCEA
- MEA Clarification March 2023 Air Quality Impact Assessments (AQIA) and AQIA Background information
- Exhibit A.2 – MCEA Planning and Design Process March 2023
- MEA Clarification March 2023 Consultation to Match Complexity of Project
- Presentation material from New PIOR process Feb 22, 2021
- Notice of Completion Template March 2023
- Concerns after Notice of Completion Flow Chart March 2023
- MEA Outstanding Concerns Form March 2023
- MEA Clarification March 2023 Municipal Council and MCEA Process
- MEA Clarification March 2023 Enhanced Consultation and Engagement Best Practices
- MEA Clarification March 2023 Appropriate Terminology
- MEA Clarification March 2023 Consultation Methods
- MEA Clarification March 2023 Archaeological Screening and References

Appendix 1 - Archeological Screening Process (ASP)

- ASP presentation material
- MCM's form Criteria for Evaluating Archaeological Potential
- MCM's form Criteria for Evaluating Marine Archaeological Potential

Appendix 1 – Collector Roads Screening Process

- CRSP presentation material

Appendix 1 – Cost Thresholds for Road Projects

- The latest information related to the Cost Thresholds

Appendix 1 – Roads

- The Appendix 1 – Roads May 12, 2023 presentation material
- The Appendix 1, Table A – Roads with notes MEA's advice about issues that relate directly to Tables A (Roads) and B (Water/Wastewater) in Appendix 1

MCEA - Heritage Bridges

- The Heritage Bridges May 16, 2023 presentation material
- The Municipal Bridge Checklist

Appendix 1 – Water/Wastewater

- The Appendix 1 – Water/Wastewater May 15, 2023 presentation material
- The Appendix 1, Table B – Water/Wastewater with notes
- MEA’s advice about issues that relate directly to Tables A (Roads) and B (Water/Wastewater) in Appendix 1

Appendix 1 - Transit

- The Municipal Transit presentation material

3.4 TRAINING & OUTREACH**3.4.1 Eblasts – Keeping MEA Members Informed**

Eblasts are sent to MEA Members at selected times throughout the year. In 2023, a number of Eblasts were sent;

- Advising MEA members that the amendment to the MCEA was approved
- Inviting MEA members to attend training opportunities related to the March 2023 amendment to the MCEA
- Explaining the roles of Project Proponents (Municipalities), MECP and MEA
- Encouraging proper classification of projects
- Listing MCEA materials available on the MCEA web site

3.4.2 Training

The following training was provided in 2023:

MCEA 2023 Appendix 1 – Roads	May 12, 2023
MCEA 2023 Appendix 1 – W/WW	May 15, 2023
Heritage Bridge Checklist	May 16, 2023
Intro to MCEA Workshop	June 19-21 & Oct 17-19, 2023
Archeology Screening Process	Oct 24, 2023 (scheduled)
Collector Road Screening Process	Oct 24, 2023 (scheduled)
Annual Fall MCEA Update	Oct 24, 2023 (scheduled)
MCEA 2023 Appendix 1 – Transit	Oct 25, 2023 (scheduled)
MCEA 2023 User Guide & Part A	Oct 25, 2023 (scheduled)
Project List and New Regulation	TBD after info is provided by MECP

3.4.3 Ask an Expert

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

MCEA Frequently Asked Questions (FAQs)

Please **CLICK HERE!** to view the MCEA FAQs. This document is comprised of questions that have been made generic to address commonly asked queries about:

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

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

3.5 RECENT ACCOMPLISHMENTS

- ✓ Developed and delivered training to explain the amended 2023 MCEA
- ✓ Continued ongoing training to introduce the MCEA to new practitioners
- ✓ Continued to advise proponents through MEA's 'Ask an Expert' tool
- ✓ Updated outdated material and developed new clarifications to assist Proponents
- ✓ Prepared a new MCEA User Guide to assist Proponents
- ✓ Evaluated the impact and success of the 2023 amendment to the MCEA
- ✓ Submitted comments to MECP on their proposed plans for further EA reform
- ✓ Completed and submitted this Annual MCEA Monitoring Report.

PART 4: SUMMARY

4.1 PLAN TO MOVE FORWARD

- MEA will encourage MECP to:
 - Process a minor amendment to the MCEA to correct the identified issues and avoid confusion.
 - Acknowledge that MEA needs to be involved with any discussions that involve application and/or new interpretations of the MCEA so that MEA can:
 - report on the use and/or new interpretations of the MCEA,
 - include the outcome of any discussion into training material
 - represent the interests of all municipalities.
 - Amend the MCEA and return the ability for MEA to announce inflation adjustments to the Cost Thresholds in Appendix 1
 - Ensure their REACs advise proponents if they are improperly classifying a project (for example elevating a Schedule A+ Exempt project)
- MEA will continue to push for prompt inflation increases to the cost thresholds in Appendix 1
- MEA will work towards ensuring all proponents are aware that Schedule A+ Exempt projects cannot be elevated to Schedule B/C
- MEA will continue to participate in MECP's EA reform process.
- MEA will continue to advise proponents through formal training sessions, MEA's 'Ask an Expert' function and issuing Clarifications as required.

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 ERO 019-6693 – Project List and New Regulation - MEA's May 9, 2023, submission to MECP

May 9, 2023

EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 4th Floor
Toronto, Ontario M4V 1P5

Subject: Municipal Engineers Association Comments to ERO 019-6693 - Evaluating Municipal Class Environmental Assessment requirements for infrastructure projects

The Municipal Engineers Association (MEA) is pleased to comment on the Province's commitment to modernize the Municipal Class Environmental Assessment Process (MCEA), specifically ERO-019-6693. MEA applauds the Province's commitment to modernizing the EA process.

MEA's comments to the ERO are broken down into three (3) options the MECP may consider:

1. Further improving the current MCEA process;
2. Moving to a regulation to replace the current MCEA process;
3. Revoking the MCEA process.

MEA would be pleased to work with and assist MECP to further develop the above options.

1) Further Improving the Current MCEA Process:

MEA expressed its thanks to Minister Piccini, in our letter of March 17, 2023, for approving the MCEA amendment (March 3, 2023). MEA believes the fundamentals of the amended MCEA process are sound; however, the timing uncertainty inherent in the current process limits municipalities' ability to deliver infrastructure to support the goals of their community and matters of provincial importance such as *Bill 23, More Homes Built Faster Act, 2022*.

MEA further advised the Minister during a delegation with him during the *Good Roads Conference* on April 19, 2023, that MEA would continue to advocate for further updates to the MCEA and look forward to working with our partners and MECP staff to keep this document up to date and reduce or remove redundancies with other municipal approval processes.

Under the current MCEA process, municipalities can deliver infrastructure if red tape and delays are minimized or eliminated. MEA believes the province can improve the current MCEA process by mandating:

1. Commenting agencies and stakeholders have reasonable, but set, timelines to respond to requests for comments (i.e., 60 days) or lose the opportunity to comment on discretionary points. Any matters covered by law or regulation cannot not be waived by not commenting as the proponent is ultimately responsible for following matters of law.
2. MECP Regional EA Coordinators (REAC) be directed to act as resource for the proponent and engage/monitor the MCEA process through the opportunities included in the MCEA process. REAC should not request to review draft and “approve” EA documentation, for example an Environmental Study Report (ESR), before issuance of the Notice of Completion as this can add considerable time to completing EA’s.
3. MECP only review issues raised in Section 16 Order Requests (S16ORs) related to matters of provincial importance, and not undertake an independent review. To ensure compliance with the MCEA Process, a procedure should be developed to randomly review/ audit ESRs prepared by proponents. Only in egregious circumstances should an MCEA be unwound, but instead the exercise be looked upon as a learning opportunity. Municipalities are mature and responsible entities and will do the right thing for their communities and the province. At all times, MCEA proponents must satisfy the requirements of the *Environmental Assessment Act*.
4. A maximum timeline be set for provincial review of a S16OR at 65 days after the issuance of the Notice of Completion. The 65 days consists of 30 days for public consultation and 35 days for provincial review like the *O.Reg.231/08, Transit Projects and Metrolinx Undertakings*. The province will need to apply any conditions within this 65-day review period, otherwise the S16OR is considered denied and proponent can proceed.
5. S16OR decisions be delegated to Director, Environmental Approvals Branch, or relevant ADM level. This will keep the level of review at the staff level and speed up resolution of S16ORs.
6. Duplication with the Planning Act be eliminated. For example, a Schedule C EA process for a rural apartment building that has a new well for water supply should not be required if the well/water supply is addressed in the Planning Act approvals. Also, arterial roads (and the bridges associated with collector and arterial roads) that are included in a Planning Act approval should not require an EA process that duplicates the Planning Act work. The Collector Road Screening Process (CSRP) should be expanded to include arterial roads and associated bridges and/or the EA process should encourage acceptance of Planning Act approvals. For example, if a secondary plan is approved that includes the creation of a new arterial road, then this conclusion should be accepted and used as the starting point for the EA process. If the approved secondary plan shows the alignment and describes the general characteristics (4 travel lanes), then the EA process would begin with the Notice of Commencement stating, “Secondary Plan has already determined alignment and characteristics for the arterial road”. The EA process would then build on the Planning Act conclusions, determine the cross-section details, and issue Notice of Completion.

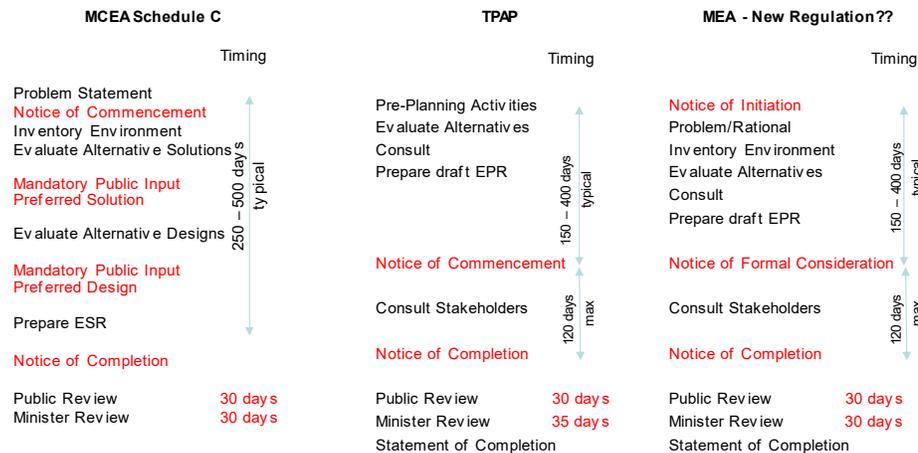
7. Specific metrics be prepared that describes due diligence consultation with Indigenous Communities. The lack of consistency and structure has created varying interpretations and hurdles to undertaking quality consultation. The municipality should be allowed to determine appropriate level of consultation based on the prevailing relationship with the indigenous community in their area.
8. The number, depth, and breadth of supporting studies to be prepared should be reviewed. The obligations have grown through practice and, out of abundance of caution, such that the extent of work necessary to ensure all requirements are met is sometimes unreasonable. The level of effort now required far outstrips the original intent of the MCEA when first envisioned. For example, bridge heritage studies can be streamlined. The criteria to trigger an assessment should be reviewed and a methodology developed to only review bridges that have been previously designated by the municipality and/or the province as heritage structures. Another example is to remove the requirement for archeological assessments on rights-of-way and areas that have been previously disturbed. As a further example, it has been demonstrated that Air Quality Impact Assessments do not contribute useful information to EA studies for roads and they should not be required.
9. Whatever the EA process, there should be flexibility to adjust the consultation and documentation to match the complexity of the project. The current Schedule B process (select preferred solution with one engagement opportunity, project file) and Schedule C process (select preferred solution, engagement opportunity, select preferred design, second engagement opportunity, ESR) should be combined and the proponent should have the flexibility to match the level of engagement and documentation to the complexity of the project and community interest. Minimum requirements regarding who should be engaged, what information needs to be presented and what information needs to be documented should be established but a proponent should choose how to proceed.
10. EA requirements recognize Technical Approvals The best example is minor expansions to treatment plants. The MCEA process is all about selecting the best alternative. For minor expansions, the best option is always to expand existing treatment plants whenever possible. The EA process of considering alternatives does not add value if the solution is obvious. The technical approvals should be relied upon to ensure the environment is protected

2) Replace the MCEA with a Regulation:

In response to the MECP's 2021 posting on the ERO, MEA had suggested that any new Regulation that replaces the MCEA should utilize the most effective parts of the current MCEA and ON Reg 231/08 as illustrated below.



MCEA vs TPAP vs New Reg



100

This above is more fully discussed in the MEA's 2021 submission. If MECP pursues developing a new regulation to replace the current MCEA, this regulation should address the ten (10) issues identified above. MEA would be pleased to work closely with MECP to address these issues and to assist in developing a new regulation.

3) Revoking the MCEA:

Revoking the MCEA would be considered a notable change to the current process that has been in place for approximately 45 years.

One of the original objectives of the current MCEA process was to provide a standard for municipalities to undergo when investing in large capital programs to ensure that tax dollars were being spent in a manner consistent with the local environment, community needs and to ensure it involved the appropriate resources to achieve that understanding.

In our preliminary review of moving in this direction, we would point to the following as an example:

Under the current process, a municipality is planning a new wastewater treatment plant, the municipality would follow the steps in the MCEA process, which include:

- Defining the problem
- Considering alternative solutions/locations
- Considering alternative designs

- Guided by a Master Plan
- Determine a solution and mitigation measures
- Complete design and comply with technical requirements

If the MCEA is revoked, how would a municipality implement the project? To answer this question, we would compare this to how the same municipality would plan for a new recreation complex, as there is no Class EA or other provincially mandated process for constructing such a facility. In this example, the municipality would most likely:

- Work with local recreational groups to identify needs. (Define the problem)
- Consider alternative solutions/locations
- Consider alternative designs
- Be guided by a Recreation Master Plan
- Determine a solution and mitigation measures
- Complete design and comply with technical requirements

There are other examples where municipalities assume considerable responsibility with no direct provincial direction. Section 270(1) of the Municipal Act requires municipalities to adopt and maintain policies for the internal regulation of actions like the disposition of land and approval of the municipality's annual budget. The province requires the municipality to have a policy, but the province is not involved in the approval or operation of that policy.

Recently municipalities have been licenced to operate and expand water and wastewater systems. This replaces direct approval by the Province with local approval authority.

In principle, if municipalities can construct a new recreational complex without a Class EA, municipalities could also construct the projects currently included in the MCEA without a Class EA process. MEA is not fundamentally opposed to moving in this direction but there remains the question of consistency and standardization in consultation practices, and construction methods province wide.

For example, to assist municipalities to standardize construction methods across the province, MEA, in cooperation with the Ministry of Transportation, has developed a set of construction standards (Ontario Provincial Standards - OPS) that municipalities can use for their infrastructure projects. OPS has been in place for many years. If the MCEA was revoked most municipalities would generally rely on these standards for provincial uniformity/consistency.

Should the MECP consider moving forward to revoke the current MCEA process, MEA suggests MECP consider the following:

- That MECP organize a workshop with MEA to discuss the idea of revoking the MCEA and relying on municipalities to adopt their own individual policies. MEA would suggest involving other partner associations (Good Roads, AMO, RPWCO, OPWA, OWWA, ACEC-Ontario). At this workshop, the stakeholders could discuss how;
 - MEA could form a committee of municipal representatives/practitioners with the purpose of preparing a municipal standard or best practice document for municipalities

to use as a template when undertaking municipal infrastructure projects currently addressed under the MCEA. We believe the document would be a simpler version of the current MCEA that includes the 10 changes outlined in 1. Using the document would not be a mandatory process but would promote consistency and standardization province wide.

- How municipalities may or may not adopt the municipal standard document;
- MEA would maintain a committee that would oversee the application of such municipal standard/ best practice document, update it, and provide training to practitioners.
- That MECF implement the modest changes proposed to the MCEA as outlined under our comments in 1 above) as an interim measure to transition from the current MCEA to the revocation date. This will allow additional time to sufficiently review the impacts of revoking the MCEA, while not constraining municipal infrastructure projects subject to the current MCEA process.

Sincerely,



D.M. (Dan) Cozzi, P. Eng.
Executive Director
Municipal Engineers Association

cc Chris Train, P. Eng., President, MEA
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 Craig Reid, Senior Advisor, AMO
 Thomas Barakat, Manager, Public Policy & Government Relations, Good Roads
 Michele Grenier, P. Eng., – Executive Director, OWWA
 Don Kudo, P. Eng., OPWA
 Andrew Farr, P. Eng., Chair – RPWCO
 Bruce Mathews, P. Eng, Executive Director, ACEC-Ontario