



**Municipal
Engineers
Association**

MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT

September 2014

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

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PART 1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

The “parent” Municipal Class Environmental Assessment (EA) enables the planning of municipal infrastructure to be undertaken in accordance with an approved procedure designed to protect the environment. The Class EA approach to dealing with municipal infrastructure projects has been proved to be an effective way of complying with the Ontario Environmental Assessment Act (EA Act) through over twenty years of experience. It provides:

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

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

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

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

1.2 BACKGROUND RE: MUNICIPAL CLASS EA PARENT DOCUMENT

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

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

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

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

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

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

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

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

These amendments were approved on September 6th, 2007.

Suring 2010 and 2011, MEA worked with MOE to rewrite Section A.2.9 - Integration with the Planning Act. On August 17th, 2011, the Minister approved an amended Section A.2.9 and a consolidated document has been printed.

1.3 APPROVED MUNICIPAL CLASS EA

The Municipal Class EA was approved with conditions on October 4, 2000 by Order in Council No. 1923/2000. It should be noted that the approval is open-ended with the result that there is added responsibility for both MEA and MOE 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 MOE-EAAB
- October 4, 2002 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2003 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2004 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2005 - MEA to Submit yearly Monitoring Report and 5 Year Review
- 2006 and 2007 - Work focussed on amendments
- September 2008 - MEA submitted yearly Monitoring Report
- September 2009 - MEA submitted yearly Monitoring Report
- September 2010 - MEA submitted yearly Monitoring Report
- 2011 - MEA to Submit yearly Monitoring Report
- 2012 - MEA to Submit yearly Monitoring Report and 5 Year Review
- 2013 - Work focussed on amendments.

1.3.2 Municipal Class EA Training Sessions

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

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

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

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

1.4 DEVELOPMENT OF MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

1.4.1 Study of Organization and Approach

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

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

1.4.2.5 Other

Other points raised during discussions with MOE are noted below:

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

1.4.2.6 Conclusion

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

1.4.2.7

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

PART 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

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

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

2.1 MONITORING PROGRAM FRAMEWORK

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

- the Conditions of Approval #3 and #4 by Order in Council for the Municipal Class EA parent document;
- the purpose of the Monitoring Program as defined above;
- recognition that the renewed Municipal Class EA maintains the substance of the process which has been used successfully since 1987 and which MEA, MOE 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 MOE-EAAB.

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

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

2.1.1. Commitments Already Included In The Municipal Class EA

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

2.1.4 Tools For Collecting Data

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

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

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

Municipality	Projects with Notice of Completion Submitted to MOE		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 MOE 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 MOE-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 MOE-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 MOE 	<ul style="list-style-type: none"> review Minister's rationale for Part II Orders being denied or granted and identify if process-related review questionnaire responses for applicable comments/information (See Question 2.10 of questionnaire for Proponent Municipalities in Appendix A) 	

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

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
<ul style="list-style-type: none"> • Effectiveness of Municipal Class EA process in meeting requirements of: <ul style="list-style-type: none"> i) EA Act ii) Class EA Program objectives 	<ul style="list-style-type: none"> • Continued ability of Municipal Class EA process to meet statutory requirements of EA Act. • continued ability of Municipal Class EA process to meet generic/ broad Class EA program objectives: <ul style="list-style-type: none"> • assessment of environmental effects • consultation • documentation of decision-making 	<ul style="list-style-type: none"> • identify any changes to EA Act including regulations and determine implications to Municipal Class EA • summary of Minister's rationale for granting Part II Orders • information received at annual MEA meeting • questionnaire responses (see Questions 7, 8, 11 of questionnaire for Proponent Municipalities in Appendix A; Question 3 of questionnaire for government agencies in Appendix B) • discussions with MEA Monitoring Committee and MOE-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 MOE questionnaire responses from proponent municipalities questionnaire responses (see Question 11 of questionnaire for Proponent Municipalities in Appendix A) 	<ul style="list-style-type: none"> identify potential changes, enhancements, trends to be considered
	<ul style="list-style-type: none"> effectiveness of Integrated Approach (see Section A.2.9 of Municipal Class EA document) 	<ul style="list-style-type: none"> qualitative review of memos sent to MOE-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 MOE-EAAB discussions with MEA, MOE and MMAH questionnaire responses (see Question 13 of questionnaire for proponent municipalities in Appendix A; Question 15 of questionnaire for government review agencies in Appendix B) feedback from MMAH re: OMB decisions regarding municipal infrastructure. 	

TABLE 3 - 12 MONTH CALENDAR

Date	MEA	MOE	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 MOE 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 MOE 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 MOE 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 MOE/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 MOE-EAAB for approval by October 4 		
November 1			
December 1			

PART 3. ANNUAL MONITORING REPORT - SEPTEMBER 2014

3.1 DEVELOPMENT OF MONITORING REPORT

In the spring of 2014 Proponent Municipalities, Technical Agencies and other Key Stakeholders identified in the Monitoring Program were asked to complete an electronic survey. The Ministry of the Environment was also asked to provide a summary of the Notices of Completions and Part II Order requests which they had received.

The data gathered through the survey was summarized and on June 20, 2014 the MEA Municipal Class EA Monitoring Committee met and reviewed the responses. Comments from this meeting were then incorporated and the draft Monitoring Report was prepared. The report was circulated to all Committee members for review before it was submitted to the Ministry of the Environment in October 2014.

3.2 RESPONSES FROM PROPONENT MUNICIPALITIES

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

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

3.3 RESPONSES FROM TECHNICAL AGENCIES AND KEY STAKEHOLDERS

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

- MCEA is 25 years old and has a number of amendments but now needs to be re-written;
- MOE should reassess how to integrate all environmental programs to create a seamless system to ensure the environmental effects are identified and mitigated before projects proceed;
- MTO would like to discuss active transportation further with MEA;
- heritage issues are not always properly addressed - lengthy comment;
- first nations consultation guidance should be improved;
- public and agencies are not notified of amendments and training modules;
- MEA should partner with Ministries to promote better FN consultation and the Species at Risk;
- RCCAO comments also attached

3.4 MOE COMPLIANCE AUDIT

MOE did not provide any audit results this year.

3.5 CREEP OF SCOPE OF THE MCEA PROCESS

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

3.6 MCEA COMPANION GUIDE

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

It would likely be similar to the guidance documents that have been prepared by other Class EA proponents for internal use by their staff while they prepare their Class EA projects. MEA would be pleased to review this guidance document with MOE but formal MOE approval would not be required. MEA intends to develop a specific proposal to prepare this Companion Guide in late 2014 and proceed with the work in early 2015.

3.7 AFP/P3 PROJECTS

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

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

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

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

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

3.9 DELEGATE PART II ORDER REQUESTS

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

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

3.10 OMB AND PART II ORDER REQUESTS FOR INTEGRATED PROJECTS

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

- i) In 2000, the MCEA was amended to include A.2.9 to Integrate with Planning Act - no provision for Part II Orders;
- ii) Summer 2010, MOE is lobbied by Developer groups and provides \$100,000 to MEA to update A.2.9; At the same time, MOE legal decides Part II Order Requests can be submitted on Integrated Projects;

- iii) Summer 2011, MEA reluctantly submits amendments to A.2.9 making it clear that the double jeopardy must be removed;
- iv) Over past 3 years, MEA has participated in a number of conference calls with MOE and RCCAO, a new regulation has been mentioned but no solution.

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

3.11 GUIDANCE FROM REGIONAL EA COORDINATORS

The attached schedule guidance has recently been provided by a Regional EA Coordinator. This guidance is fairly good but unfortunately MEA was not consulted and MEA is concerned that guidance is not consistent across the province. If the EA Coordinators were going to send a standard letter for each Notice of Commencement, MEA would like to review the content with MOE. Perhaps the guidance material would refer to our training modules and our Companion Guide when it is available.

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

Notes from the annual meeting held on June 20th, 2014 are attached in Appendix H. Major actions identified at this meeting were:

- ▶ MEA is planning the development of a Companion Guide;
- ▶ MEA is monitoring the success of AFP/P3 pilot projects;
- ▶ MOE is planning a new regulation to exempt projects with a low environmental impact (Schedule A and A+) from Part II Order Requests;
- ▶ MEA is seeking Delegation of Part II Order Requests decision to the Director;
- ▶ MEA will respond to MOE position that there are no plans to eliminate the double jeopardy of both an appeal to the OMB and a Part II Order Request that proponents face when following Section A.2.9;
- ▶ MEA is seeking the Minister's approval of the 'Cycling' amendment;
- ▶ MEA has summarized stakeholder feedback and will be preparing the annual MCEA Monitoring Report for submission in October;
- ▶ MOE is to investigate and respond regarding the standard information circulated by the Regional EA Coordinators; and
- ▶ MEA is planning a further major amendment.

3.13 SUCCESS OF MUNICIPAL CLASS EA

3.13.1 Use of Municipal Class EA

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

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

3.13.2 Compliance with Requirements

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

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

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

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

Condition has been fulfilled.

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

A Review of the Municipal Class Environmental Assessment will be completed by October 4th, 2014.

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

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

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

3.13.3 Effectiveness to Meet EA Act Objectives

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

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

3.13.4 Conclusions

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

3.14 SUCCESS OF MONITORING PROGRAM

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

3.15 AMENDMENTS TO THE MUNICIPAL CLASS EA

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

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

3.16 INQUIRIES/RESPONSES

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

APPENDIX A

FEEDBACK

FROM PROPONENT MUNICIPALITIES

Municipal Class EA Process - Questionnaire

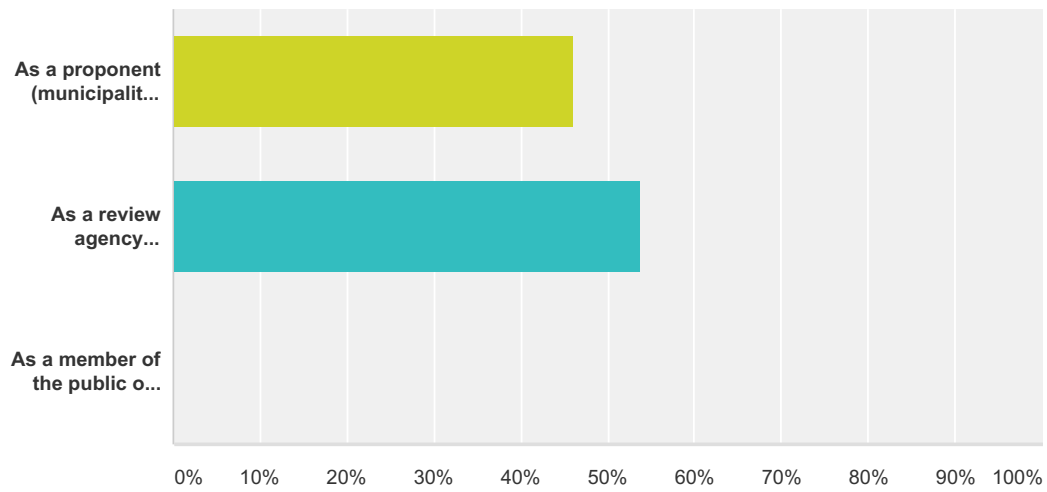
Q1 If further information required please fill out the following:

Answered: 19 Skipped: 7

Answer Choices	Responses	
Name:	100.00%	19
Title:	100.00%	19
Organization	100.00%	19
Address 1:	94.74%	18
Address 2:	42.11%	8
City/Town:	100.00%	19
Postal Code	100.00%	19
Country:	0.00%	0
Email Address:	100.00%	19
Phone Number:	0.00%	0

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

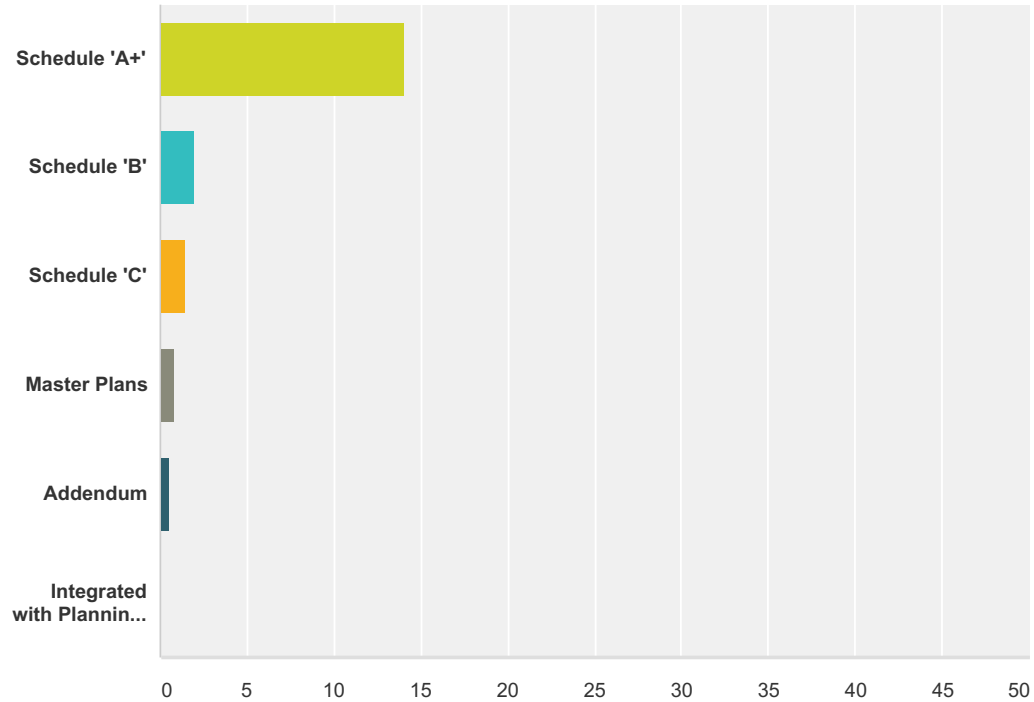
Answered: 26 Skipped: 0



Answer Choices	Responses	
As a proponent (municipality or developer) using the MCEA to satisfy EA Act requirements?	46.15%	12
As a review agency providing comments on MCEA projects?	53.85%	14
As a member of the public or other stakeholder providing input on MCEA projects?	0.00%	0
Total		26

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

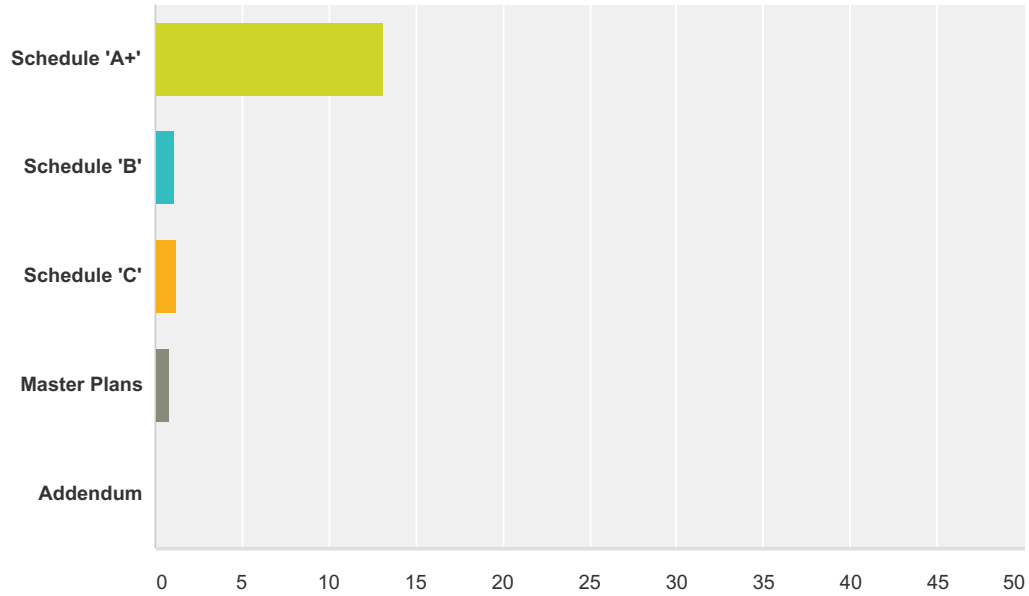
Answered: 10 Skipped: 16



Answer Choices	Average Number	Total Number	Responses
Schedule 'A+'	14	99	7
Schedule 'B'	2	16	8
Schedule 'C'	1	13	9
Master Plans	1	4	5
Addendum	1	2	4
Integrated with Planning Act	0	0	3
Total Respondents: 10			

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

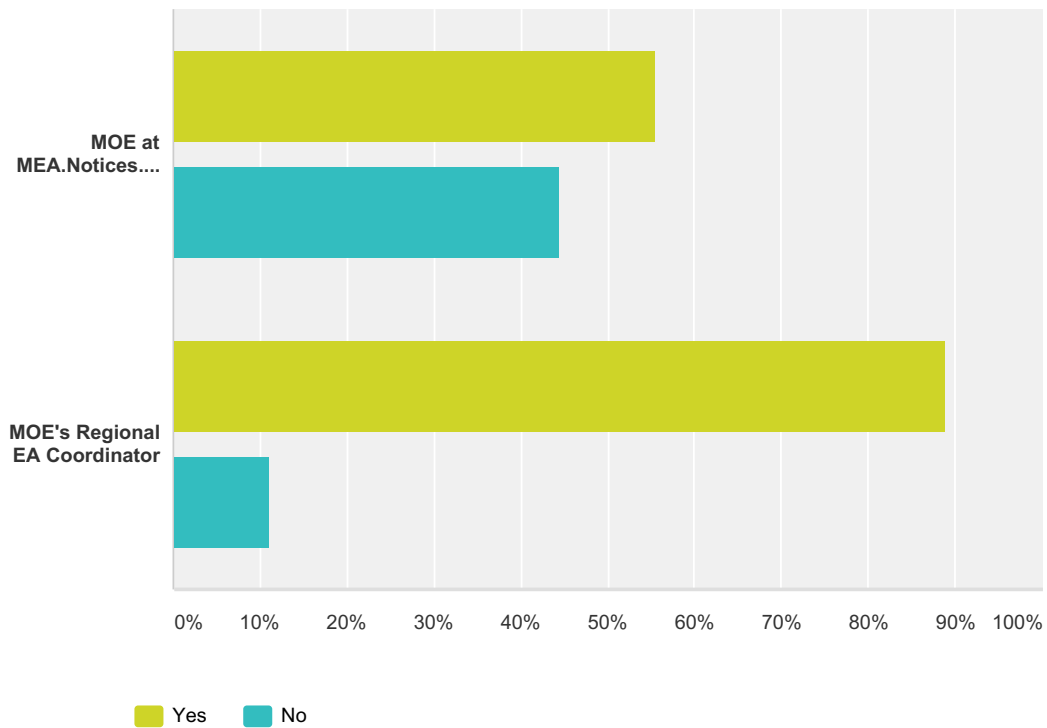
Answered: 10 Skipped: 16



Answer Choices	Average Number	Total Number	Responses
Schedule 'A+'	13	79	6
Schedule 'B'	1	8	7
Schedule 'C'	1	10	8
Master Plans	1	4	5
Addendum	0	0	2
Total Respondents: 10			

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

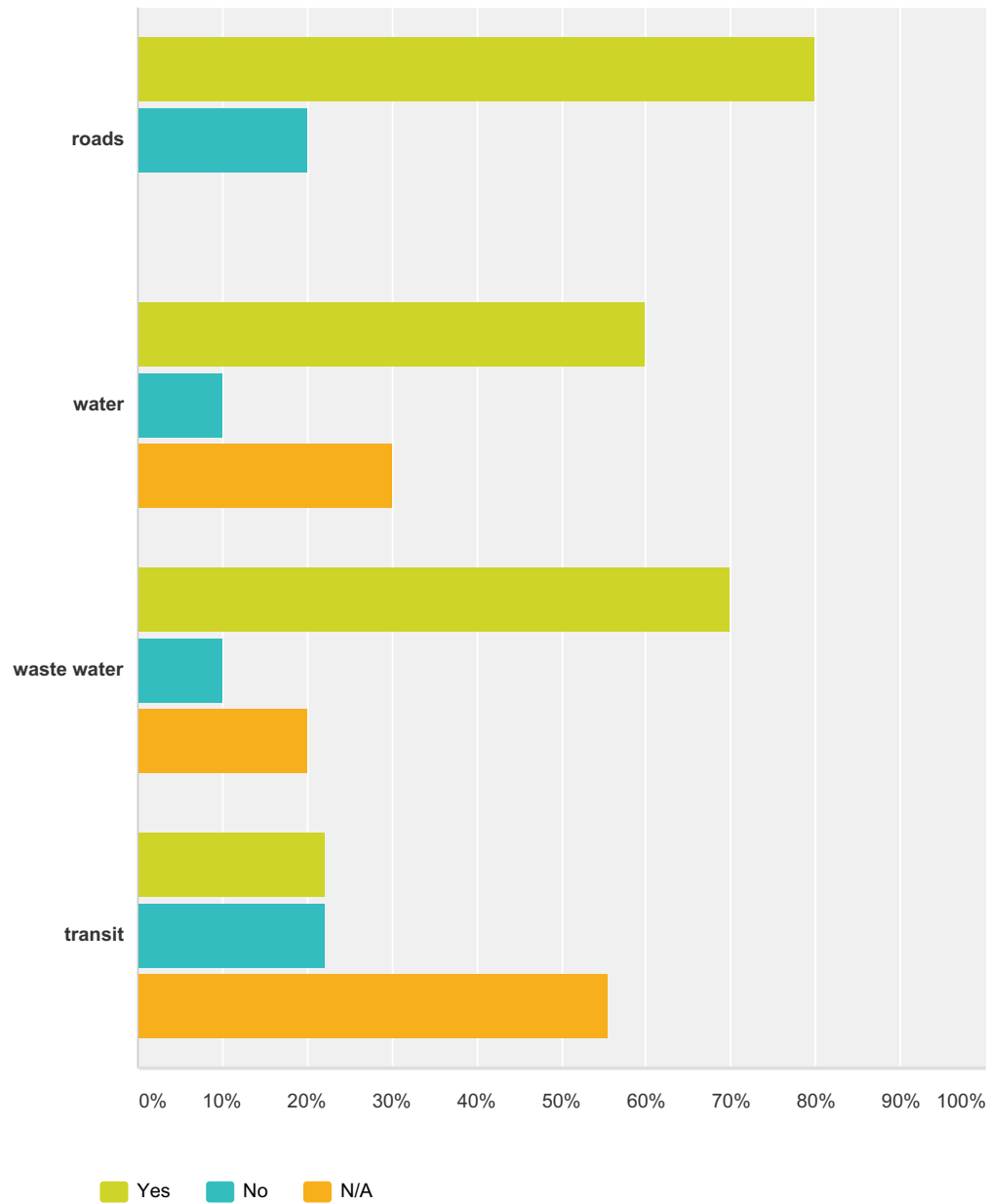
Answered: 9 Skipped: 17



	Yes	No	Total
MOE at MEA.Notices.EAAB@ontario.ca	55.56% 5	44.44% 4	9
MOE's Regional EA Coordinator	88.89% 8	11.11% 1	9

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

Answered: 11 Skipped: 15



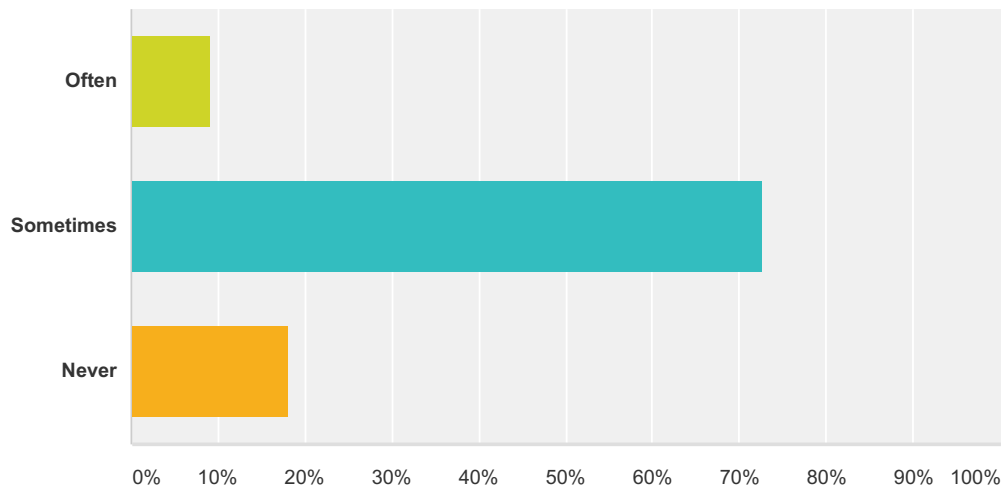
	Yes	No	N/A	Total
roads	80.00% 8	20.00% 2	0.00% 0	10
water	60.00% 6	10.00% 1	30.00% 3	10
waste water	70.00% 7	10.00% 1	20.00% 2	10

Municipal Class EA Process - Questionnaire

transit	22.22% 2	22.22% 2	55.56% 5	9
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Q7 Do you have difficulty determining the appropriate schedule for projects?

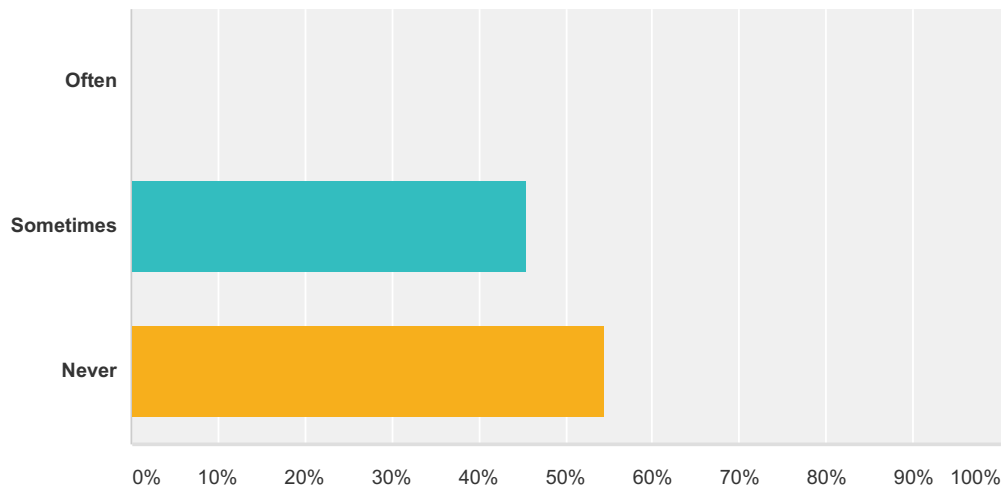
Answered: 11 Skipped: 15



Answer Choices	Responses
Often	9.09% 1
Sometimes	72.73% 8
Never	18.18% 2
Total	11

Q8 Has your choice/interpretation been challenged?

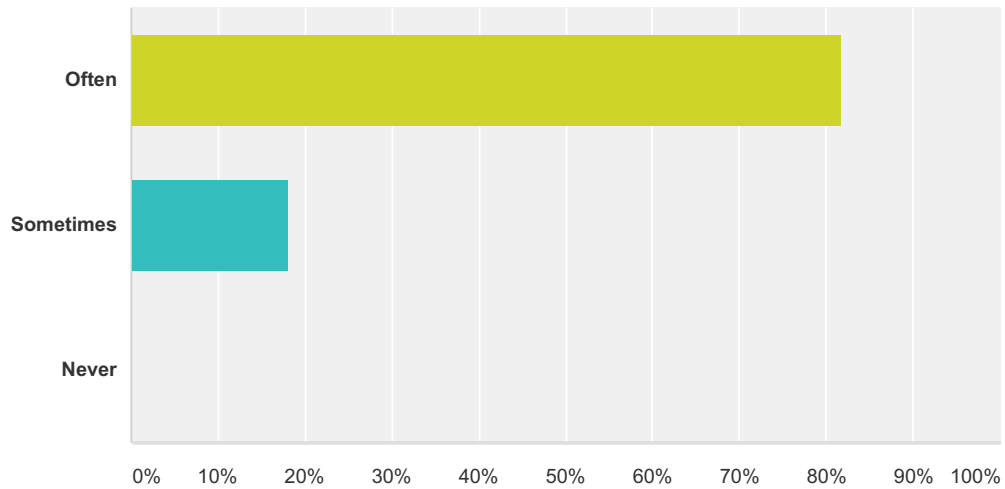
Answered: 11 Skipped: 15



Answer Choices	Responses
Often	0.00% 0
Sometimes	45.45% 5
Never	54.55% 6
Total	11

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

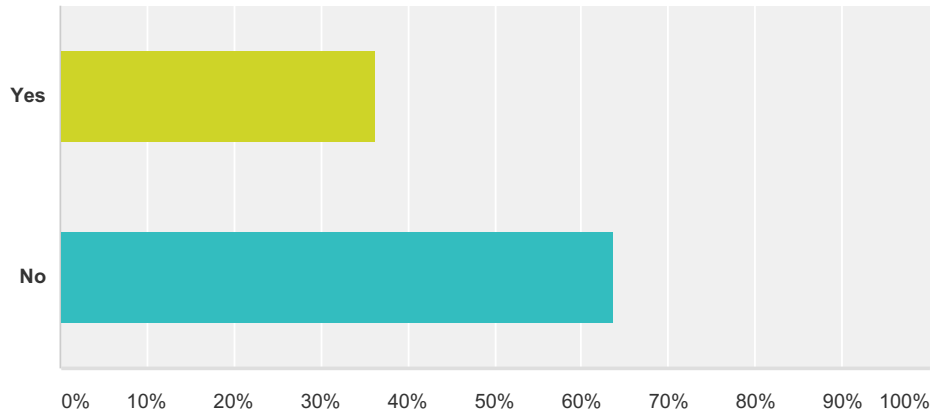
Answered: 11 Skipped: 15



Answer Choices	Responses	
Often	81.82%	9
Sometimes	18.18%	2
Never	0.00%	0
Total		11

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

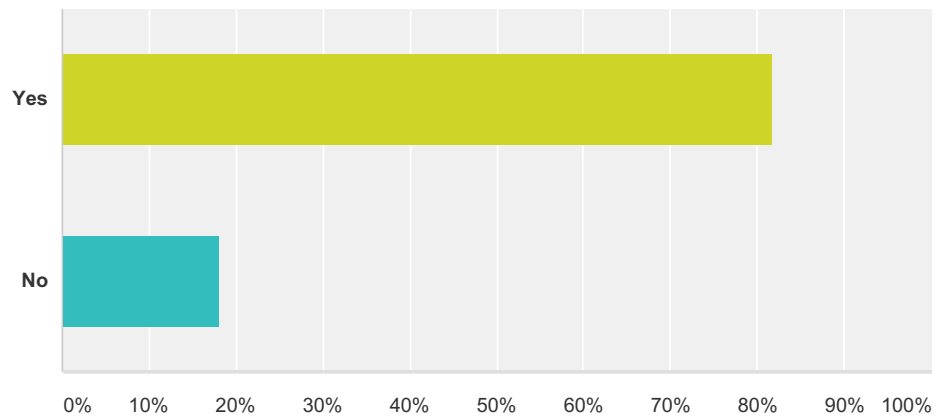
Answered: 11 Skipped: 15



Answer Choices	Responses	
Yes	36.36%	4
No	63.64%	7
Total		11

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

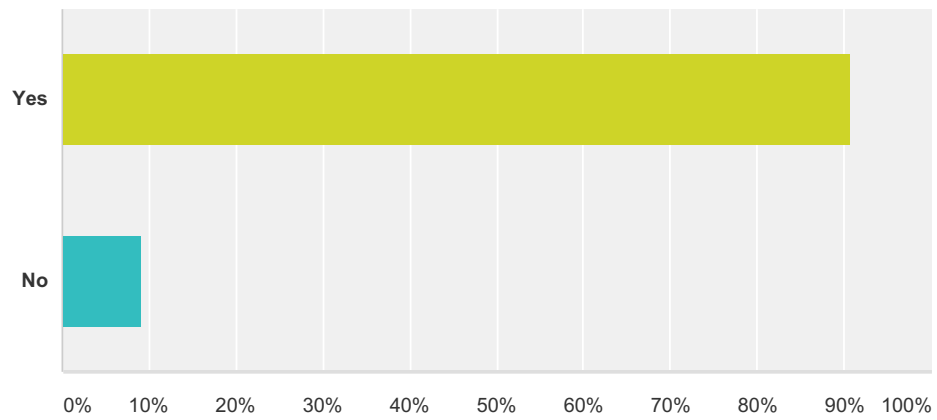
Answered: 11 Skipped: 15



Answer Choices	Responses	
Yes	81.82%	9
No	18.18%	2
Total		11

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

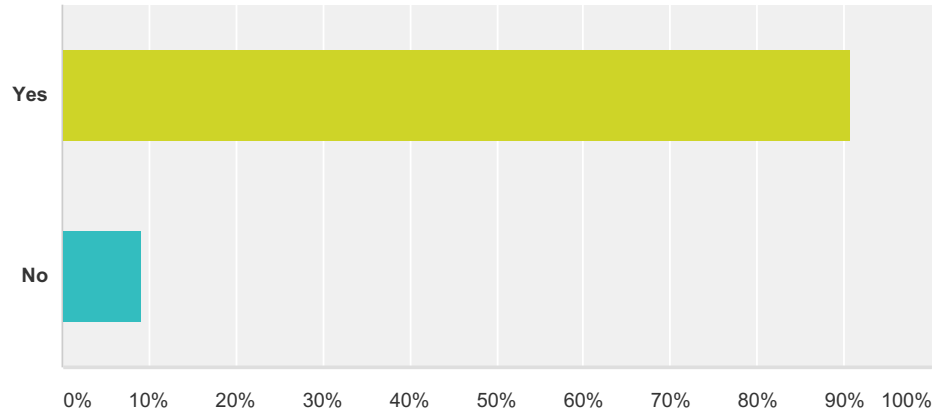
Answered: 11 Skipped: 15



Answer Choices	Responses	
Yes	90.91%	10
No	9.09%	1
Total		11

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

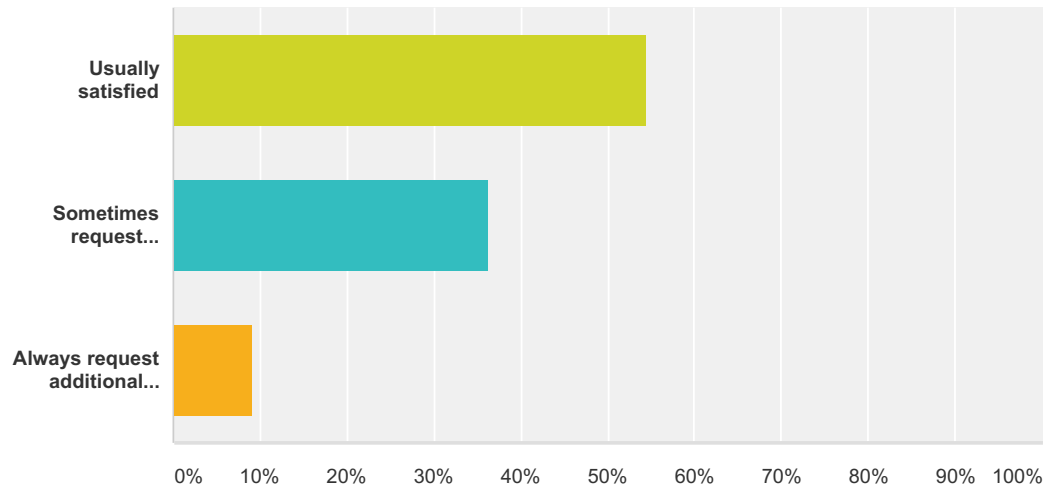
Answered: 11 Skipped: 15



Answer Choices	Responses	
Yes	90.91%	10
No	9.09%	1
Total		11

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

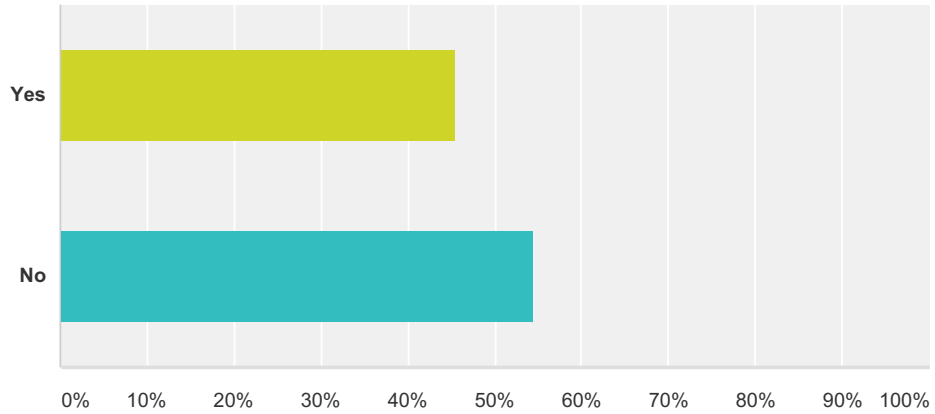
Answered: 11 Skipped: 15



Answer Choices	Responses	
Usually satisfied	54.55%	6
Sometimes request additional Information	36.36%	4
Always request additional information	9.09%	1
Total		11

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

Answered: 11 Skipped: 15



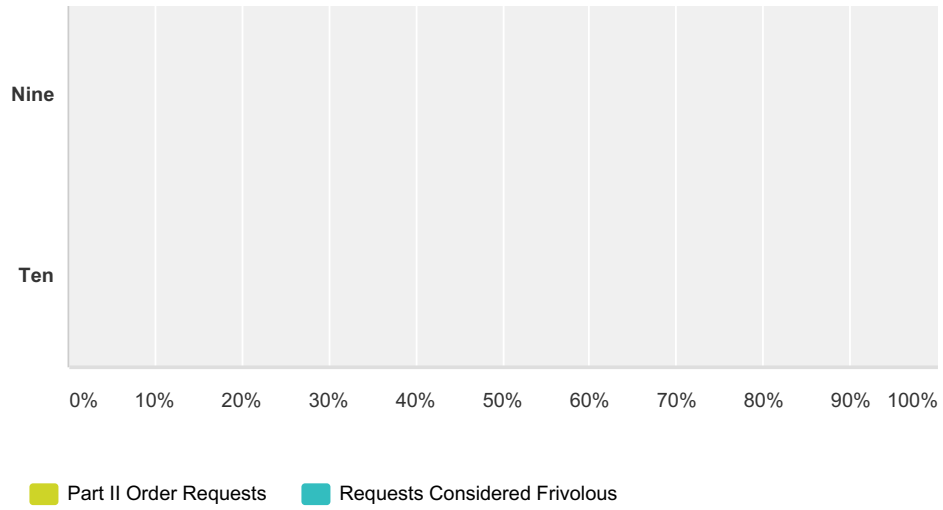
Answer Choices	Responses	
Yes	45.45%	5
No	54.55%	6
Total		11

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

Answered: 10 Skipped: 16



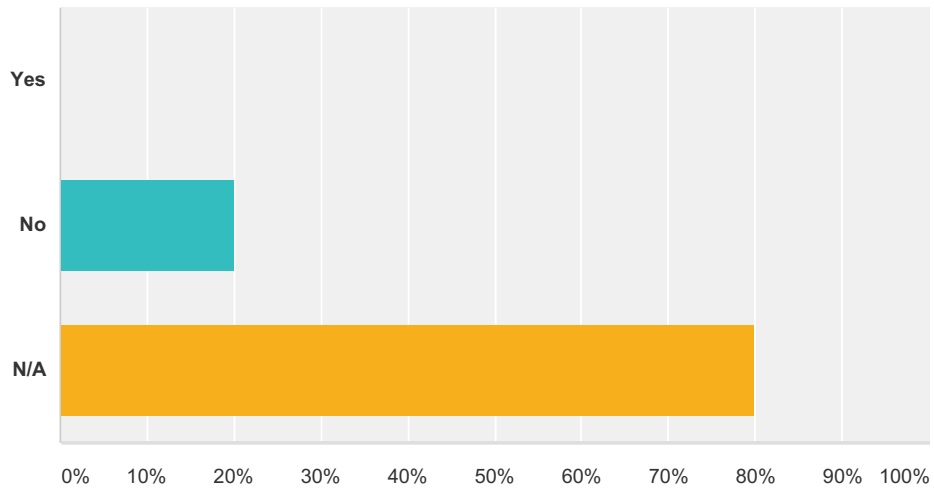
Municipal Class EA Process - Questionnaire



	Part II Order Requests	Requests Considered Frivolous	Total Respondents
None	100.00% 9	11.11% 1	9
One	100.00% 1	0.00% 0	1
Two	0.00% 0	0.00% 0	0
Three	0.00% 0	0.00% 0	0
Four	0.00% 0	0.00% 0	0
Five	0.00% 0	0.00% 0	0
Six	0.00% 0	0.00% 0	0
Seven	0.00% 0	0.00% 0	0
Eight	0.00% 0	0.00% 0	0
Nine	0.00% 0	0.00% 0	0
Ten	0.00% 0	0.00% 0	0

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

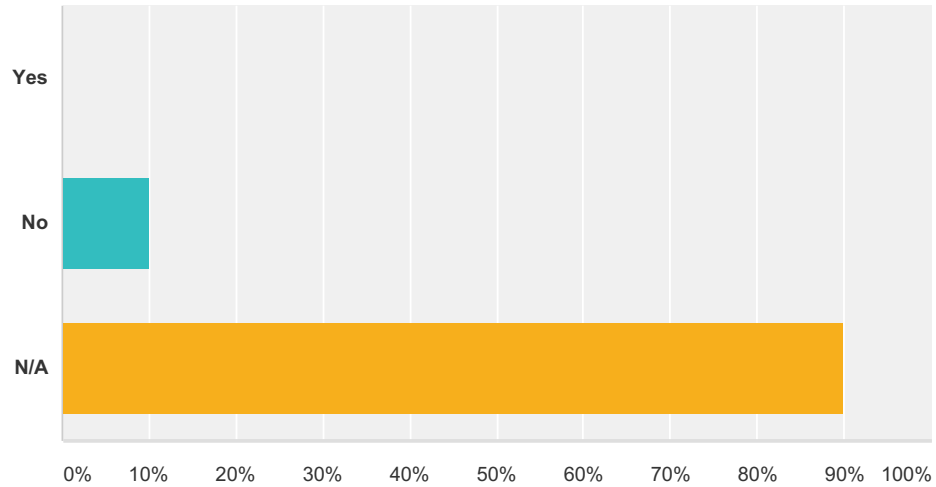
Answered: 10 Skipped: 16



Answer Choices	Responses	
Yes	0.00%	0
No	20.00%	2
N/A	80.00%	8
Total		10

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

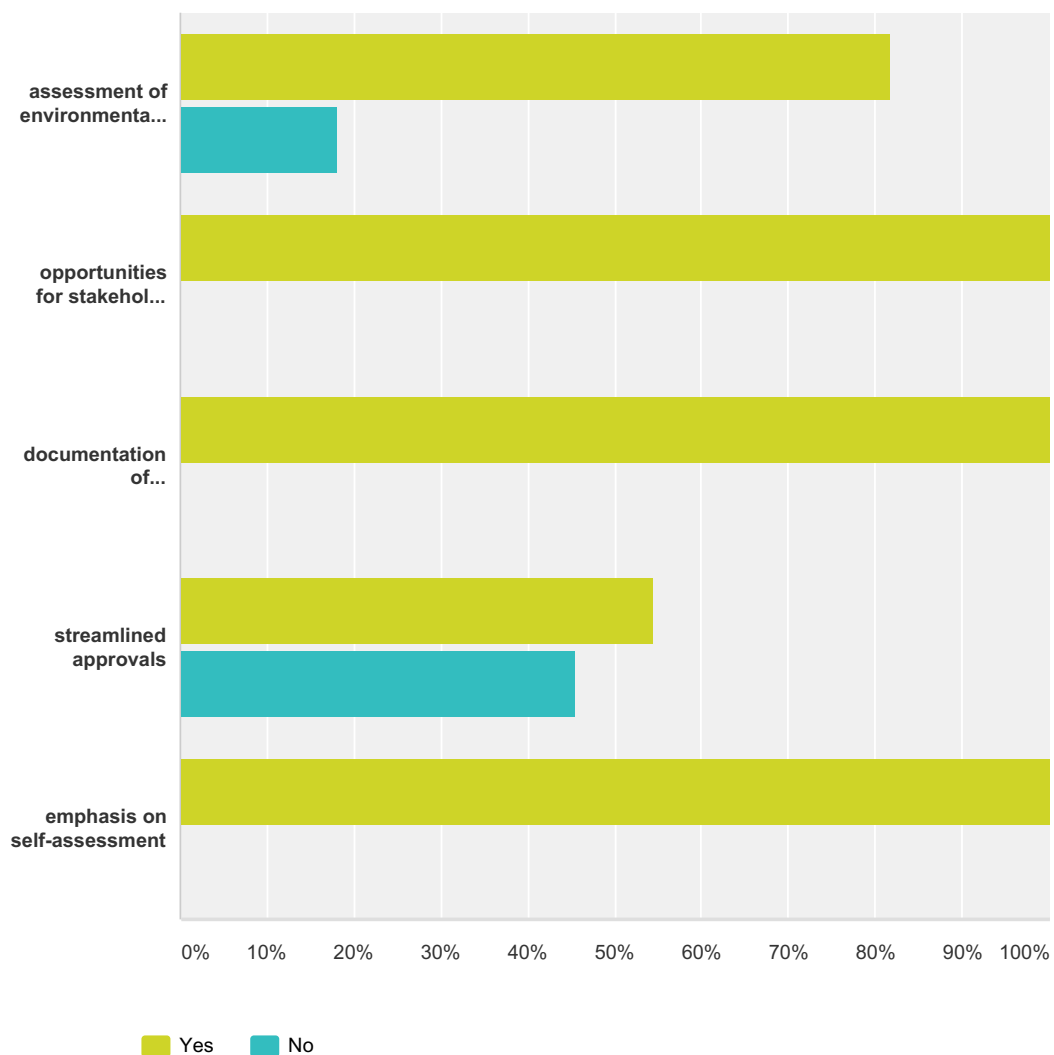
Answered: 10 Skipped: 16



Answer Choices	Responses	
Yes	0.00%	0
No	10.00%	1
N/A	90.00%	9
Total		10

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

Answered: 11 Skipped: 15



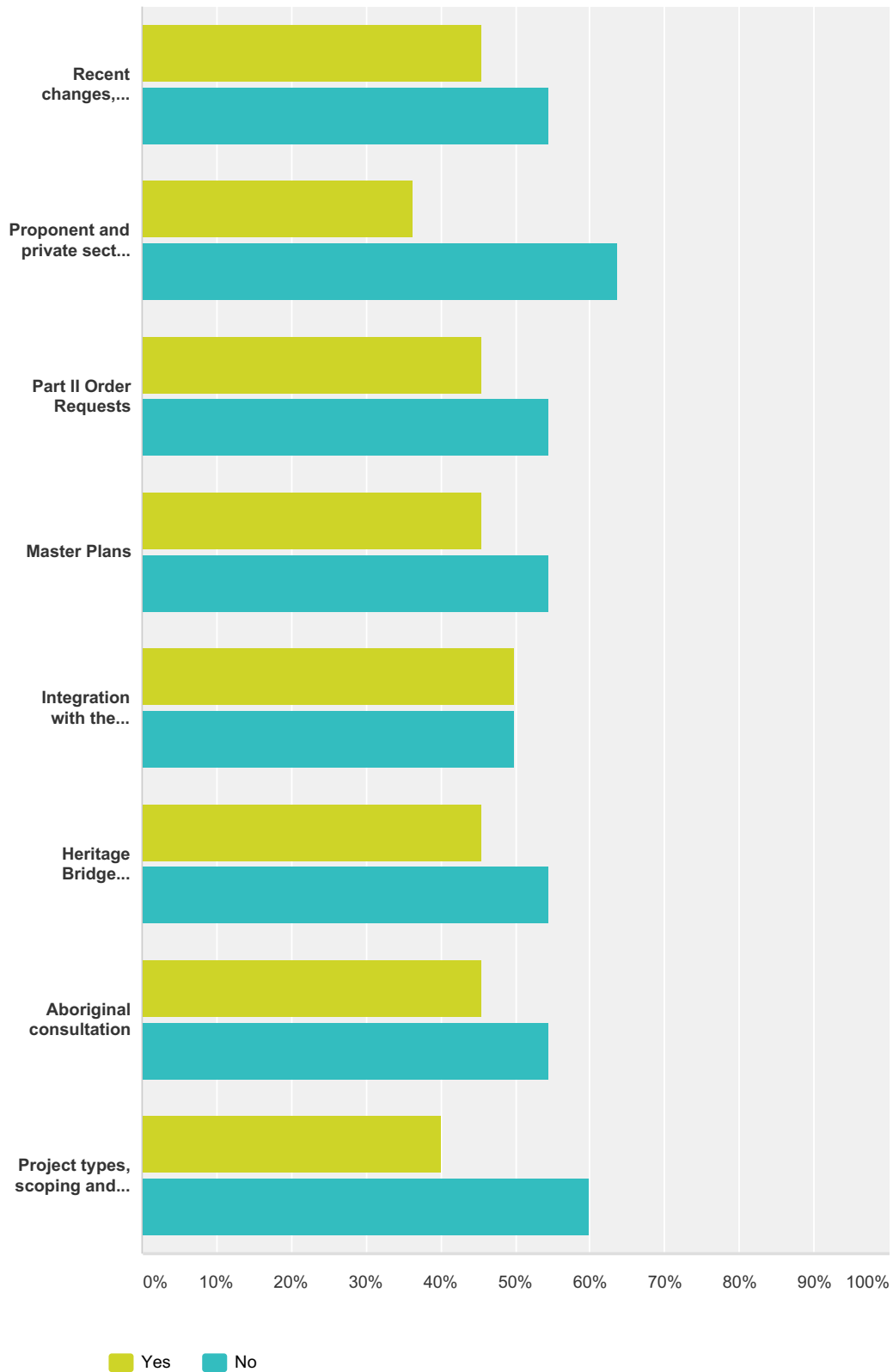
	Yes	No	Total
assessment of environmental effects	81.82% 9	18.18% 2	11
opportunities for stakeholder consultation	100.00% 11	0.00% 0	11
documentation of decision-making	100.00% 10	0.00% 0	10
streamlined approvals	54.55% 6	45.45% 5	11

Municipal Class EA Process - Questionnaire

emphasis on self-assessment	100.00% 11	0.00% 0	11
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Q20 Are you aware MEA has developed on-line training modules on the following topics?

Answered: 11 Skipped: 15



Municipal Class EA Process - Questionnaire

	Yes	No	Total
Recent changes, clarifications and amendments to the MCEA	45.45% 5	54.55% 6	11
Proponent and private sector projects	36.36% 4	63.64% 7	11
Part II Order Requests	45.45% 5	54.55% 6	11
Master Plans	45.45% 5	54.55% 6	11
Integration with the Planning Act	50.00% 5	50.00% 5	10
Heritage Bridge Structures	45.45% 5	54.55% 6	11
Aboriginal consultation	45.45% 5	54.55% 6	11
Project types, scoping and piecemealing	40.00% 4	60.00% 6	10

Q21 Comments on training modules

Answered: 4 Skipped: 22

Q22 Please provide comments on any additional topics

Answered: 2 Skipped: 24

COMMENTS FROM PROPONENTS

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

My group is only responsible for water and wastewater projects. The project schedules have worked well for the projects we have undertaken.

There is no discussion on course of action where roads and transit are involved in the same project. Updates on monetary cost limits - need to be informed when changes occur. Need more descriptions on clarity. Definition of capacity should not be based on cars but people. Clarity between items 20 and 22 in Appendix A.

Q7 Do you have difficulty determining the appropriate schedule for projects?

Sometimes there is a grey line between different types of projects. For example, we upgraded process in one WWTP without land acquisition and without expanding the plant's capacity. The preferred option included a final effluent pumping station for emergencies, which was part of the treatment process and not a stand-alone PS. This work was deemed as Sc. A, based on the MEA guidelines. Some staff in the MOE challenged the approach. In the end, we maintained the approach.

There is some ambiguity between the schedules and there are times when two projects with similar scope and circumstances end up with two different schedules.

I need to call MOE for direction.

Sometimes there are slight variances to project that require some judgement. The word capacity is used often in the schedules - capacity can mean different things to different people.

Q8 Has your choice/interpretation be challenged?

Never because if in question, we proceed with more detailed analysis.

Although we have undertaken Master Plans for our systems, we are often accused of piecemealing the recommended individual projects when the project specific Class EAs are undertaken. We have also received requests to elevate Schedule C Class EAs to Individual EAs (which have been denied by the Minister to date).

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

Challenge for MOE staff to provide clear and solid advice as they are so far removed.

Q10. Are there any specific projects identified in the schedules which should be modified/changed/deleted/added?

Too numerous to mention here. All provided in correspondence to MOE and MEA.

Add Lane reductions (road diets)

Installation of stand-by power equipment (water and wastewater). Sch ! for equipment in a new building or structure, and Sch A+ for equipment located in an existing building. It seems that this has been switched.

Items 19.20.22 of Schedule 1 - overlap needs more clarity. Item 21 of Schedule 1 does not include bike paths, assume heavy vehicle facility?

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

Consultation - define point of contact or public consultation. Helpful to have summary charts or checklists. Point of contact - including first nations based on Exhibit 1.

The class EA has been modified from a base which is now over 25 years old and it has never been fully re-written to provide clear, up-to-date provisions which makes it hard to follow. My experience is that new EA professionals have not been properly trained to review and understand the document. Also the document has suffered as it has been "updated" by professionals who do not understand the base document.

We typically default to the higher process if in doubt or we try to get an opinion for a EA consultant.

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

Absolutely. Scheduling of consultation and level of effort - accessible, 2 official languages, on the web - administrative steps are more than that envisioned in 2007.

At all levels, the MEA class EA is being used to duplicate the modern environmental planning that is occurring – both my municipalities and developers. Because there is little opportunity for involvement in the updating of the Class EA by developers, planners, environmental professionals, municipal staff and consultants who specialize in the dealing with the Class EA AND all the other environmental documents being prepared, there is no incentive or chance to revise, streamline and coordinate these.

It is much to easy for stakeholders to 'highjack' a project since they have little accountability, and the internet provides a ready means of broadcasting their misinformation. For example, a special interest group on one of our current Schedule C EAs recently posted a Part II Order request 'form letter' on their website and encouraged anyone to download the letter and submit a Part II Order request to the MOE. The 'form letter' had numerous optional paragraphs (many of which include misinformation), and members of the public were encouraged to 'mix & match' so that each letter was a bit different. As a result, members of the public in remote locations who had no prior involvement or interest in the study submitted Part II Order requests - which does not respect the consultation principals inherent to the Class EA process, however, due to the volume of requests received, the MOE is considering elevating the study. This is just one example of how the Class EA process has effectively been reduced to the 'squeaky wheel getting the grease'. There is also no clear direction on what satisfies 'meaningful consultation' with First Nations, which has created long & drawn out consultations with those parties in the past.

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

Sometimes request additional information.

Stakeholders often comment near the end of an EA that they were not made aware of the study. This is often used as a stalling tactic to delay completion of an EA.

All of the above. Occur with more active participants. We cannot post documents digitally in two official languages, accessibility ask for more info on the web. Guidelines need to be updated to include digital world.

Usually there is way more data than most people are interested in.

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

In the last 30 years the involvement of agencies has grown to an incredible level with daily requests for more and more and more detail and study. The original class EA was not designed for this purpose. If it is now meant to be the focus of all environmental study (which I don't believe it should be) then it will need to be re-written. Similarly, if the Class EA is found to duplicate so many other policies, legislation and practices (which I believe it is duplicating) then it will need to be re-written. Either way, the status quo is not sustainable.

Agencies generally participate; however, comments are often delayed, and in some cases are never provided.

We rarely receive comments from agencies. It depends a lot on the level of potential public interest.

Exceptions Include National Capital Commission and to a lesser extent MTO, MNR, and MVCA where staff resources may be a factor.

Sometimes there are long delays for agency review.

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

As I am not a municipal proponent but a Consultant acting on behalf of various proponents (municipal land private sector) I am unable to respond to these questions.

MOE takes over 45 days to respond consistently.

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

Waiting to begin detailed design and implementation and consultation. Throws projects out of Phase with other development - time to follow up with MOE now over 45 days.

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

Streamlined approvals - No. It is not useful to ask how the class EA is meeting MOE's program objectives because they are considering these in isolation from their own MOE programs for environmental protection, the acts, regulations, guidelines and policies and practices of other agencies (MOI, Conservation Authorities, MTO, MNR, MCulture, etc.). When taken together, we need to be asking "what programs does the province have to achieve the assessment of environmental effects and HOW are we integrating them to create a seamless system to ensure that environmental effects are identified and mitigated before projects proceed?"

Approvals are generally time consuming and lengthier than expected.

Approvals are not necessarily streamlined after a project follows the Class EA process.

Q21 Comments on Training Modules

Further training module explaining recent amendments and describing how to avoid the scope of a Schedule B or C project expanding beyond what is necessary would be helpful.

Q22 Please provide comments on any additional topics

The Class EA process is effective when the consultation & assessment principals are followed as intended: however, it is much too easy for stakeholders to derail/stall the process by broadcasting misinformation (with little accountability), and/or forcing the process to follow 'petition' based decisions (i.e. 'political' decisions rather than 'environmental' decisions).

APPENDIX B

FEEDBACK FROM

GOVERNMENT REVIEW AGENCIES

AND

OTHER STAKEHOLDERS

Municipal Class EA Process - Questionnaire

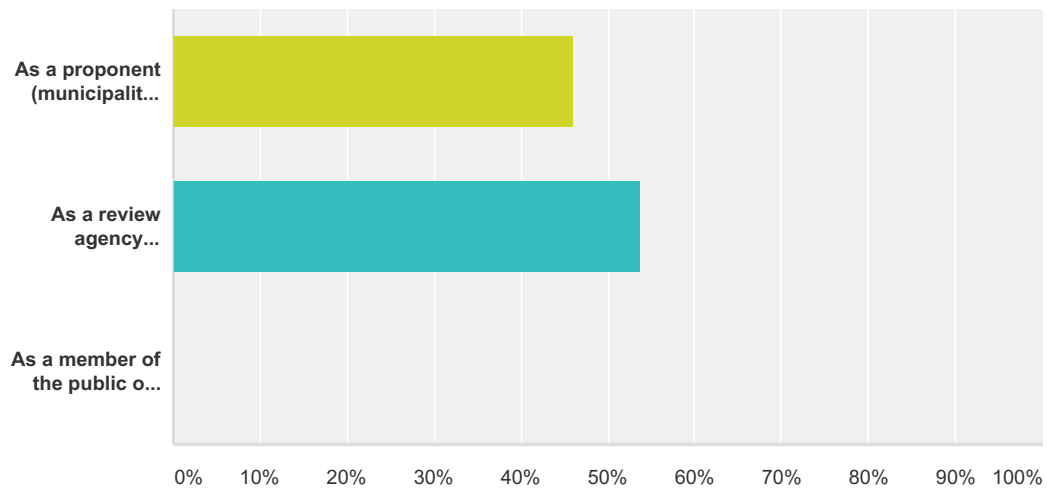
Q1 If further information required please fill out the following:

Answered: 19 Skipped: 7

Answer Choices	Responses	
Name:	100.00%	19
Title:	100.00%	19
Organization	100.00%	19
Address 1:	94.74%	18
Address 2:	42.11%	8
City/Town:	100.00%	19
Postal Code	100.00%	19
Country:	0.00%	0
Email Address:	100.00%	19
Phone Number:	0.00%	0

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

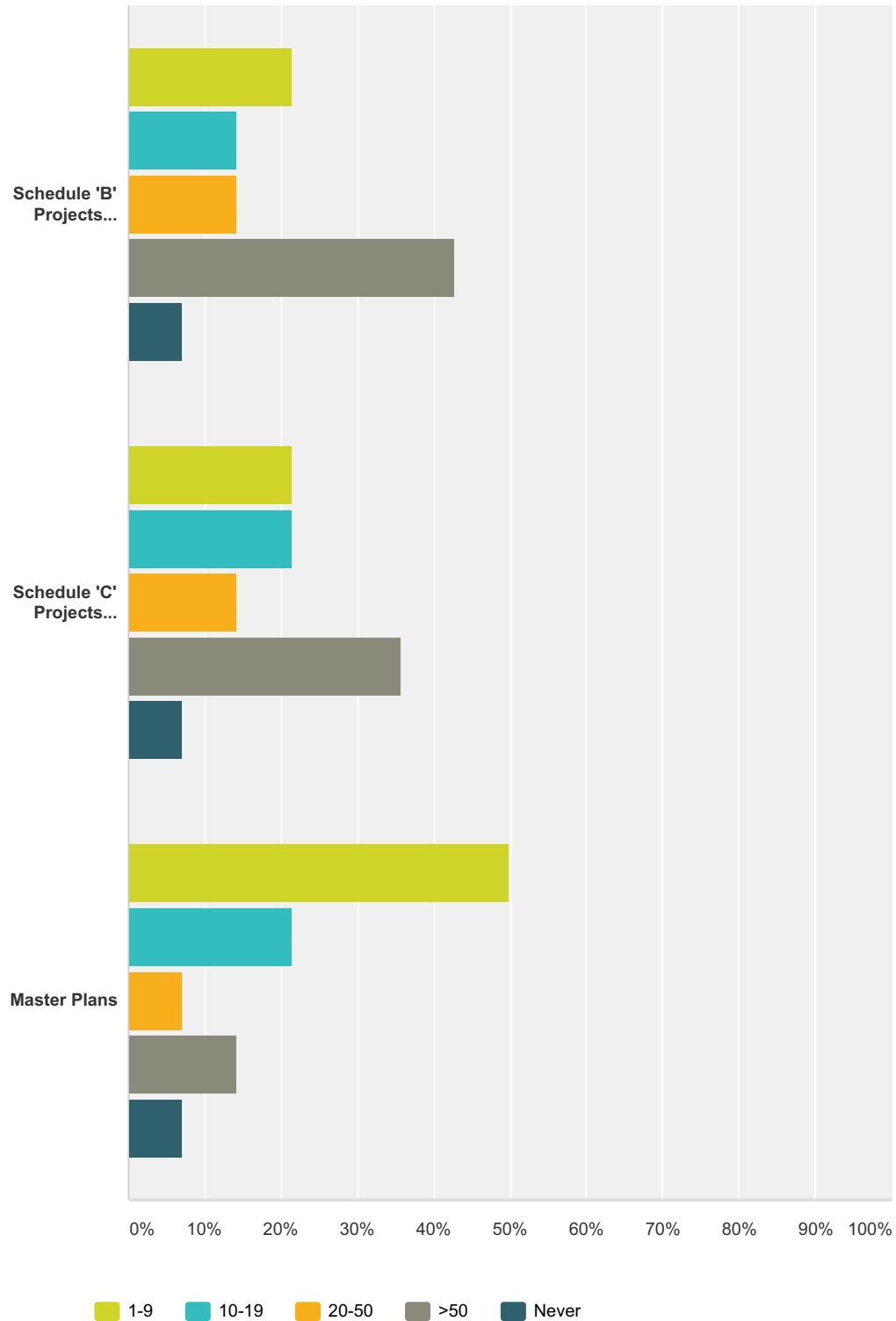
Answered: 26 Skipped: 0



Answer Choices	Responses	
As a proponent (municipality or developer) using the MCEA to satisfy EA Act requirements?	46.15%	12
As a review agency providing comments on MCEA projects?	53.85%	14
As a member of the public or other stakeholder providing input on MCEA projects?	0.00%	0
Total		26

Q23 Questionnaire - Involvement as a Review Agency
Please indicate how frequently your organization has been involved and the general type of project.

Answered: 14 Skipped: 12

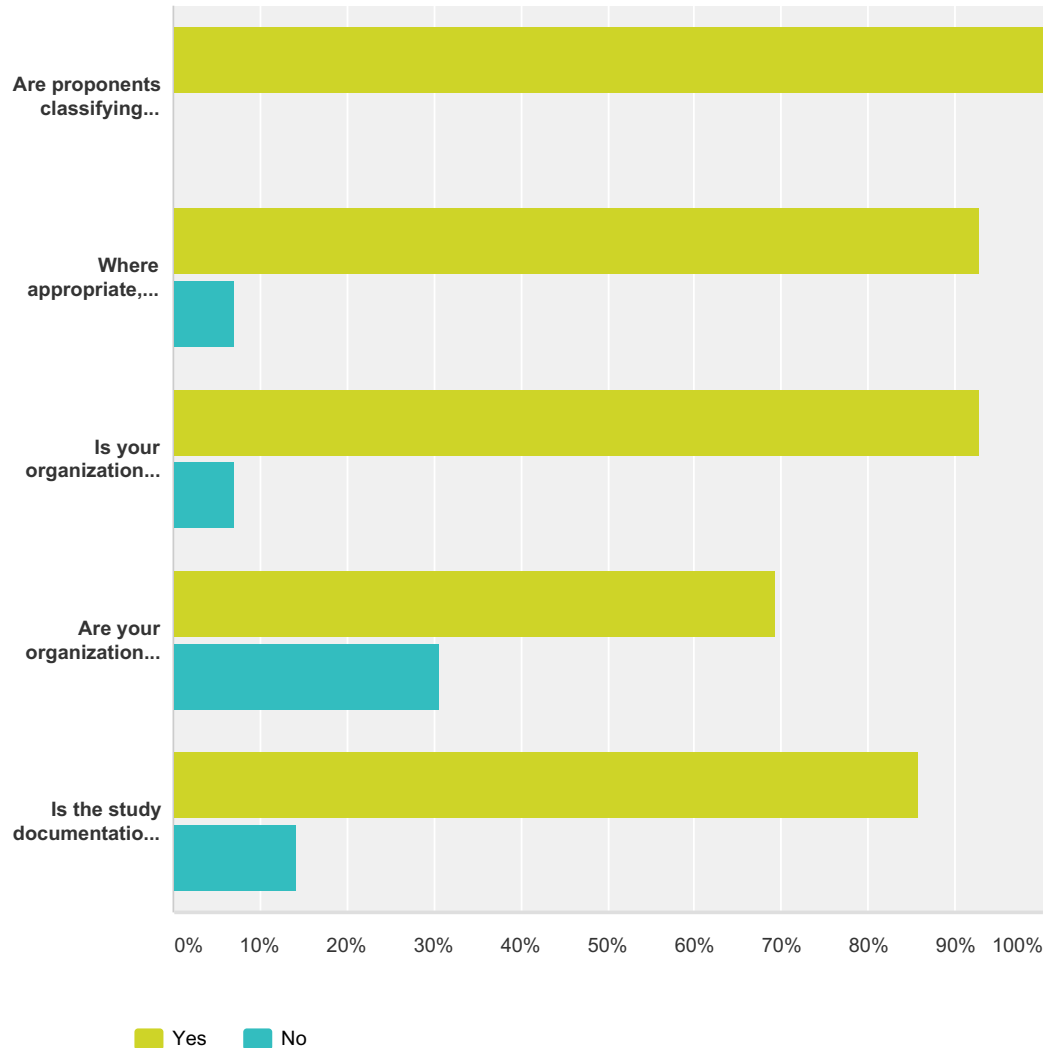


Municipal Class EA Process - Questionnaire

	1-9	10-19	20-50	>50	Never	Total
Schedule 'B' Projects (generally includes improvements and minor expansions to existing facilities; potential for some adverse environmental effects and therefore the proponent is required to proceed through Phases 1 and 2 including consultation with those who may be affected)	21.43% 3	14.29% 2	14.29% 2	42.86% 6	7.14% 1	14
Schedule 'C' Projects (generally includes the construction of new facilities and major expansions to existing facilities, the proponent is required to proceed through Phases 1 to 4)	21.43% 3	21.43% 3	14.29% 2	35.71% 5	7.14% 1	14
Master Plans	50.00% 7	21.43% 3	7.14% 1	14.29% 2	7.14% 1	14

Q24 Based on your organization's experience, please indicate your organization's level of satisfaction with the following key elements of the Municipal Class EA process:

Answered: 14 Skipped: 12



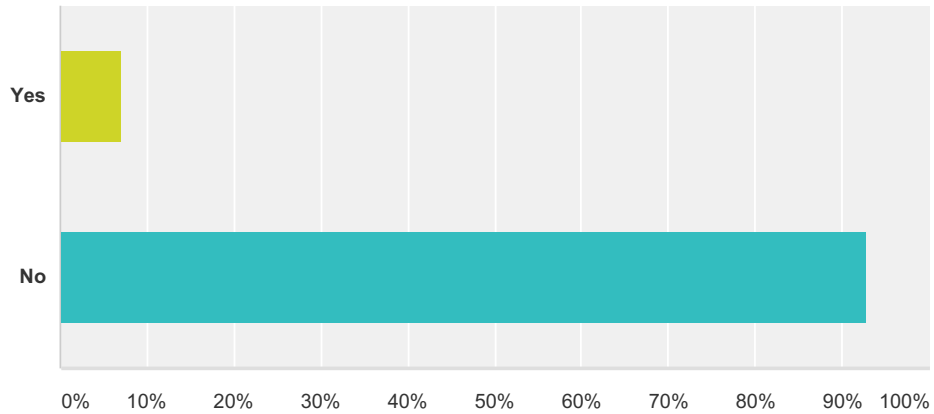
	Yes	No	Total
Are proponents classifying projects under the appropriate Schedule and being consistent in the application?	100.00% 13	0.00% 0	13
Where appropriate, is your organization being notified in a timely fashion of the study start and key decision points?	92.86% 13	7.14% 1	14
Is your organization provided with reasonable/adequate opportunities to provide input to the study?	92.86% 13	7.14% 1	14
Are your organization's issues/concerns identified, considered and addressed fairly and appropriately?	69.23% 9	30.77% 4	13

Municipal Class EA Process - Questionnaire

Is the study documentation clear and in sufficient detail for your organization's review?	85.71% 12	14.29% 2	14
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Q25 Has your organization requested at "Part II Order" to require a proponent to follow and Individual Environmental Assessment Process? (Note - Part II Order was formerly known as "bump-up" request)

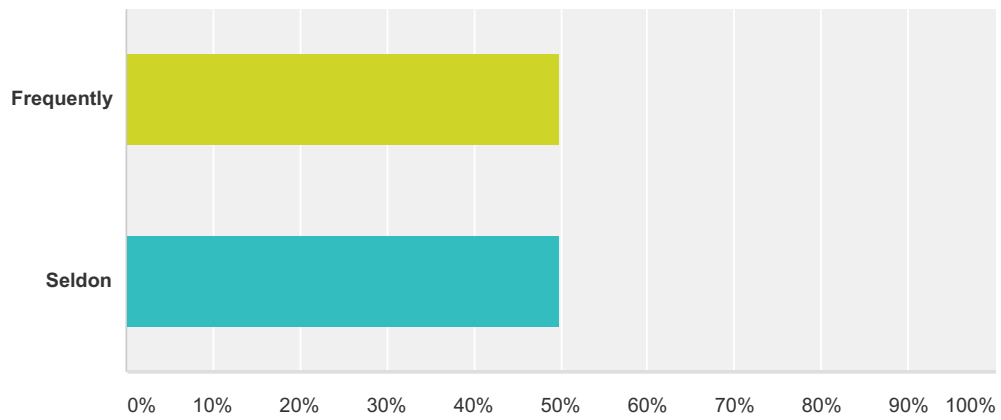
Answered: 14 Skipped: 12



Answer Choices	Responses	
Yes	7.14%	1
No	92.86%	13
Total		14

Q26 a) If yes, please indicate if this has occurred

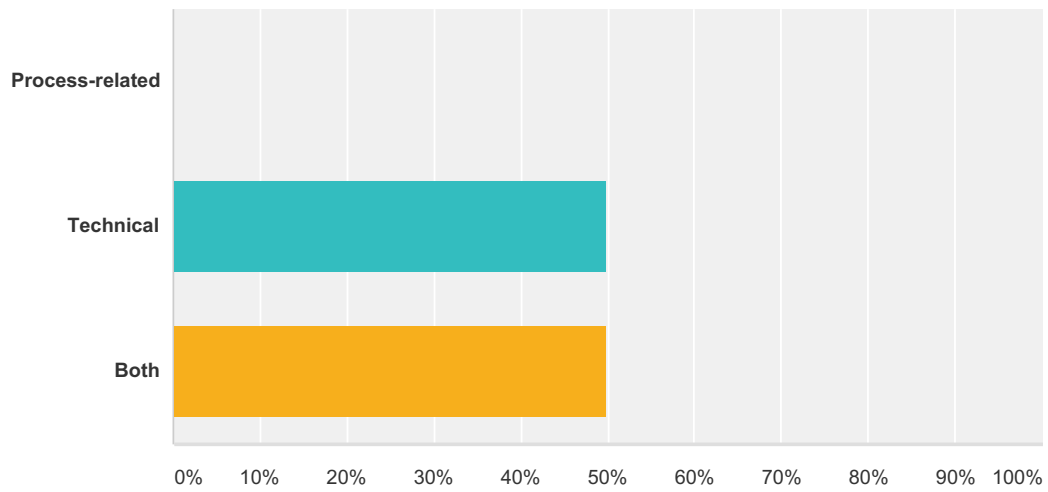
Answered: 2 Skipped: 24



Answer Choices	Responses	
Frequently	50.00%	1
Seldom	50.00%	1
Total		2

Q27 b) If yes, was the requests(s) based on process-related issues or technical issues?

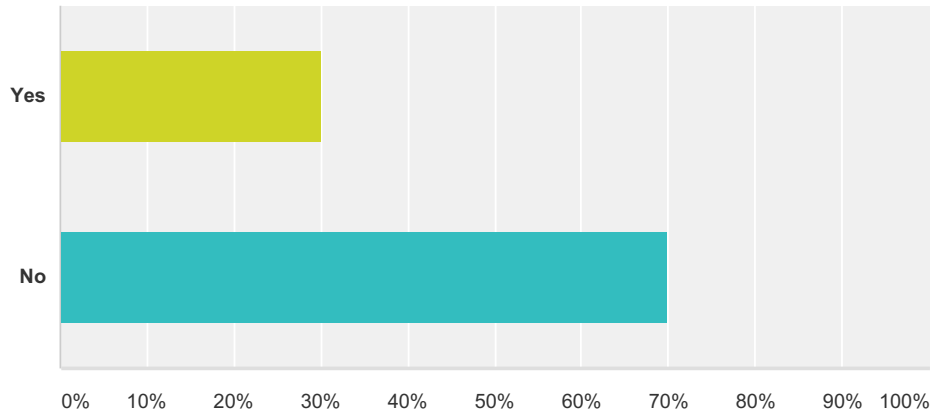
Answered: 2 Skipped: 24



Answer Choices	Responses	
Process-related	0.00%	0
Technical	50.00%	1
Both	50.00%	1
Total		2

Q28 A recent amendment revised the Schedule classification for certain projects. Details of this amendment are available at www.municipalengineers.on.ca Are there any additional specific project schedules which should be modified/changed/deleted/added?

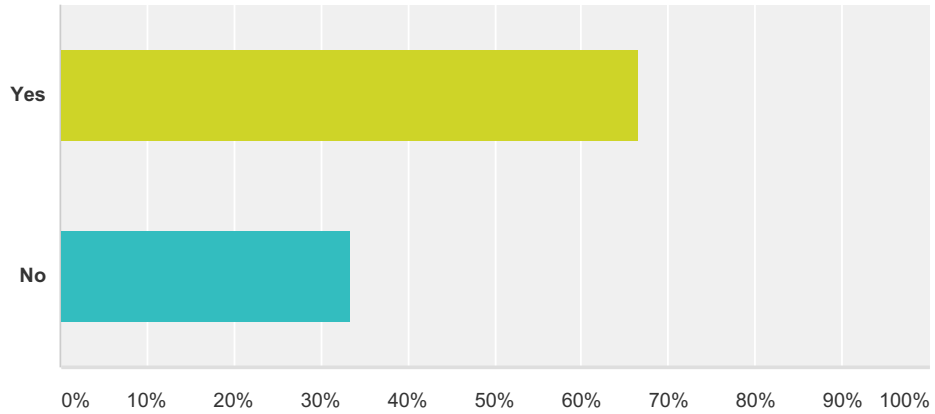
Answered: 10 Skipped: 16



Answer Choices	Responses	
Yes	30.00%	3
No	70.00%	7
Total		10

Q29 Are there any process-related issues of concerns that you would like to bring to MEA's attention?

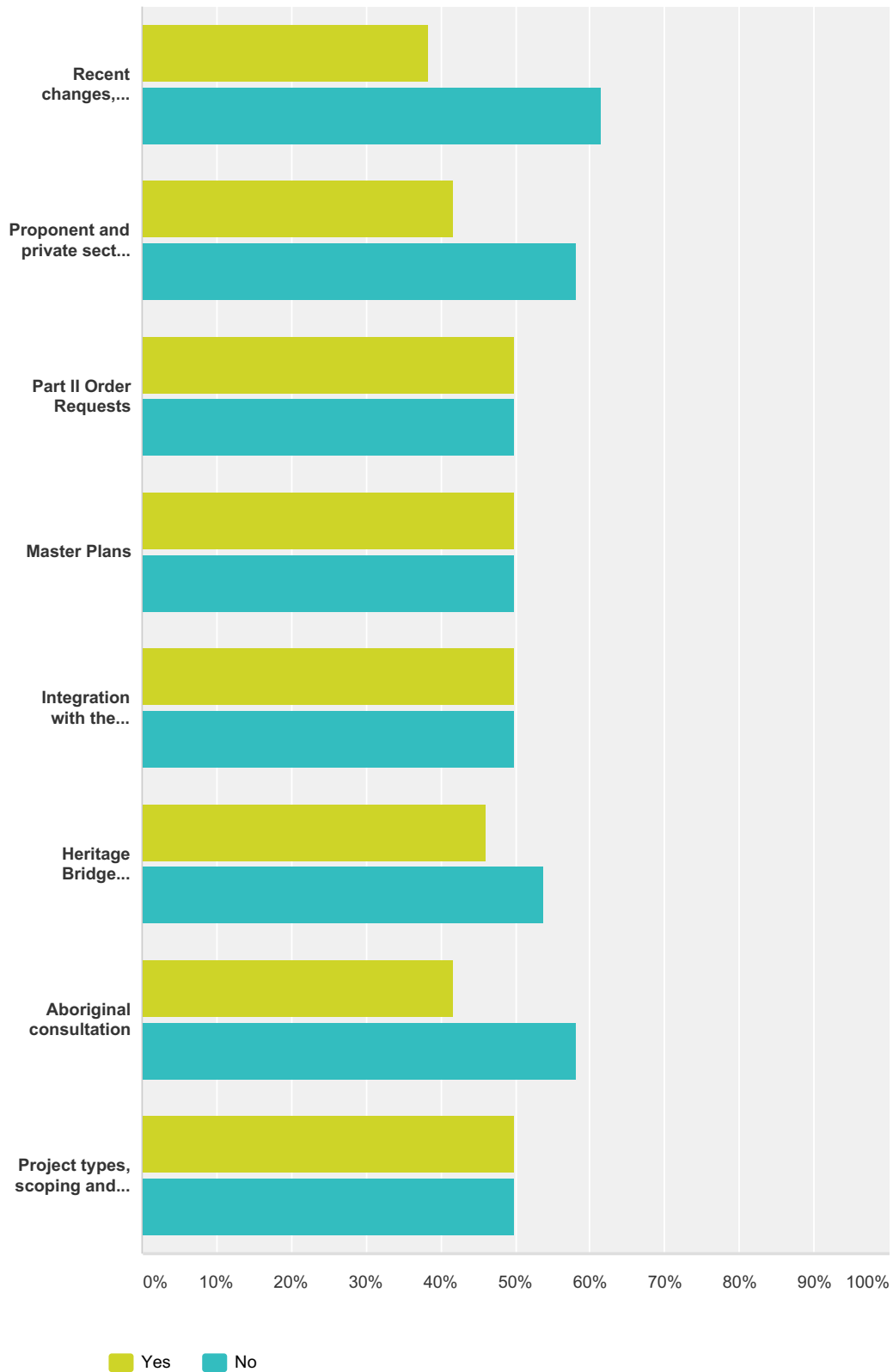
Answered: 12 Skipped: 14



Answer Choices	Responses	
Yes	66.67%	8
No	33.33%	4
Total		12

Q30 Are you aware MEA has developed on-line training modules on the following topics?

Answered: 13 Skipped: 13



Municipal Class EA Process - Questionnaire

	Yes	No	Total
Recent changes, clarifications and amendments to the MCEA	38.46% 5	61.54% 8	13
Proponent and private sector projects	41.67% 5	58.33% 7	12
Part II Order Requests	50.00% 6	50.00% 6	12
Master Plans	50.00% 6	50.00% 6	12
Integration with the Planning Act	50.00% 6	50.00% 6	12
Heritage Bridge Structures	46.15% 6	53.85% 7	13
Aboriginal consultation	41.67% 5	58.33% 7	12
Project types, scoping and piecemealing	50.00% 6	50.00% 6	12

Q31 Comments on content that should be included.

Answered: 2 Skipped: 24

Q32 What other training should MEA consider?

Answered: 3 Skipped: 23

Q33 Any other comments.

Answered: 4 Skipped: 22

COMMENTS FROM REVIEW AGENCIES

Q24 Based on your organization's experience, please indicate your organization's level of satisfaction with the following key elements of the Municipal Call EA process.

This question should be revised to provide a range of answers more than just Yes and NO as in most cases, the actual answer to the question is more accurately answered in terms of % of the time. In my case, I have answered Yes, because MOST OF THE TIME, the answer is yes.

In terms of proponents (specifically consultants) classifying their projects appropriately, there are on-going concerns with certain consultants that the Ministry is aware of, that are not well versed on the applicability of the MEA Class EA and their legal requirements to ensure the proponent (or the client they are serving, being the municipality) in meeting the provincial Environmental Assessment Act. One key area of concern currently is the requirement to ensure that first nation/metis duty to consult requirements. The gap of not meeting this requirement is leading to delays in the process and financial concerns which are born by the proponent, which the consultant has not addressed.

It would be helpful to include a category for "sometimes" rather than just yes or no. All of the above "no" answers are actually "sometimes".

Consultants forward Notices to MTO's Environmental Policy Officer. These are forwarded to the appropriate MTO Regional office for response and/or further action.

From our preliminary analysis, there appears to be inconsistency/lack of guidance to municipal practitioners, on consideration of active transportation facilities and pedestrian facilities (e.g. bicycle lanes, pedestrian access, sidewalks). We propose to follow up with additional comments that could help inform the next review of the Class EA to ensure that the Class EA process helps achieve multi-modal provincial and municipal policy objectives.

In cases where easements or acquisition are required by the municipality, typically the undertaking with respect to IO is not identified as such.

Note that some of the Y/N answers provided are clarified in more detail below. In some cases "sometimes" might be more applicable than "yes", - are proponents classifying projects under the appropriate schedule and being consistent in the application? With respect to bridge rehabilitation and replacement projects, recent experience shows that proponents need to be reminded of the applicability of the Municipal Heritage Bridges Cultural, Heritage and Archaeological Resources Assessment checklist, particularly when the bridge is over 40 years old. Part A of this checklist is intended to select the appropriate EA schedule group. Otherwise, as far as we can tell, yes proponents are classifying with what is outlined in the Parent Class EA document. However, MTCS would like to note that in January of 2014 we provided comments on the MEA's proposed amendment to its Class EA. These comments did include concerns regarding new activities proposed as Schedule A. Our position is that we do not agree that the anticipated project costs is an appropriate method to determine the category of a project. - where appropriate, is your organization being notified in a timely fashion of the study start and key decision points? Yes, we usually receive notices of commencement, PICs and completion. However, in some cases, consultants have failed to notify us of key decision points, or provide technical reports in a timely fashion. Does MEA have a role in monitoring compliance with notification requirements? There have been a few instances, typically in smaller municipalities, where the notice of study commencement is missing basic information, such as a key map of the study area. Is your organization provided with reasonable/adequate opportunities to provide input into the study? Usually. Often the final produce (project file or ESR) is the first point at which we find out how proponents handled heritage issues, at which point it may be too late to provide meaningful input, if required.

- are your organization's issues/concerns identified, considered and addressed fairly and appropriately? Not consistently. The MEA bridge checklist has helped to ensure that heritage bridges are identified. However, even though heritage resources may be identified, consideration of heritage resources and conservation options are not always considered. Aside from heritage bridges, CHERs and HIAs are often not completed as part of the EA. In cases where an HIA is completed, little consideration is given to avoiding or otherwise conserving the heritage resource that will be impacted. In smaller municipalities, there is often resistance to our recommendation to conduct archaeological assessments where there are indicators of archaeological potential and complete Cultural Heritage Evaluation Reports by a qualified person when bridges or there structures that may be impacted demonstrate potential to be cultural heritage resources. Often municipalities make arguments that there is no budget for such evaluations, or that they simply aren't necessary (without justification/research). In other cases, MTCS has noticed that Stage 1 archaeological assessments are completed as part of the EA, but stage 2 assessments and beyond are deferred until detail design or prior to construction. The purpose of the EA process is to identify environmental constraints, determine the potential impacts of a project and identify mitigation measures. In order to assess all impacts as part of the Class EA process, where a Stage 1 archaeological assessment recommends a Stage 2 archaeological assessment, this should be completed during the EA process. Furthermore, when a Stage 1 archaeological assessment has recommended avoidance and monitoring or the completion of a Stage 3 assessment (the stage at which mitigation measures are recommended), MOE has indicated to other proponent groups that the expectation is that the appropriate commitments be provided during the EA process, and included within the ER. - is the study documentation clear and in sufficient detail for your organization's review? Often, but not consistently. Often the first time MTCS sees technical studies is at the completion of the EA and we review the studies appended to the ESR/PFR, making it challenging to request more information if necessary. It would be helpful if technical studies (HIA) were sent to MTCS for review during the EA process. Additionally, there have been certain municipal class EAs projects that have been missing a section on cultural heritage resources entirely, requiring MTCS to request a basic identification and evaluation process for the cultural heritage environment before the need for studies or mitigation measures can be addressed. As a result, technical studies are conducted later on in the process which creates scenarios where municipalities are challenged to consider heritage recommendations in the evaluation and assessment of alternatives.

Q 28 A recent amendment revised the Schedule classification for certain projects. Are there any additional specific project schedules which should be modified/changed/deleted/added?

In order to answer this question, the amendment should be included which includes the project schedules. This is a flaw in the questionnaire and should be considered in any follow up questionnaires in order to ensure a representative response from your clients.

There should be descriptions for projects that treat or dispose of septage. MOE considers septage a waste, not sewage. It is not clear whether septage projects fall under the Class EA though I think they should and have recommended this to proponents.

MTO would like to discuss further with the MEA, improvements that could be made to the schedules, to facilitate active transportation.

MTC provided detailed comments on Phase 1 of MEA's proposed amendment, including our position that the anticipated project costs is an inappropriate method to determine the category of a project.

MTCS provided detailed comments on Phase 1 of MEA's proposed amendment, including our position that the anticipated project costs is an inappropriate method to determine the category of a project. These comments were provided directly to the Ministry of the Environment, with copy to MEA. We can resend these comments if that would be helpful. However, the question above implies that the proposed amendment has been approved. MTCS did not receive notification from the Ministry of the Environment that they had approved this first set of amendments. We would appreciate confirmation of the status of the amendment and feedback on how our input was considered. In addition, we would like to remain on the circulation list for second phase of the proposed amendments. In addition to those comments, we suggest Project 31 in Appendix 1 is modified or clarified to distinguish between an "alteration" project and a maintenance project. It has been MTCS experience that proponents will often try to stretch the meaning of "maintenance" to avoid completing the Municipal Heritage Bridges Cultural, Heritage and Archaeological Resources Assessment checklist. We note that this link is to the MEA homepage and it was unclear how to find the above mentioned revised Schedule classification.

Q29 Are there any process-related issues of concerns that you would like to bring to MEA's attention?

Yes. Municipalities should attempt to identify Aboriginal communities for engagement prior to contacting MAA. They should also indicate who they have contacted in the incoming letter and whether or not they are seeking our advice. After we have provided advice, MAA should be taking off the notification/project update list.

We are finding that proponents are not providing MOE with actual copies of the final Project File, ESR or even Master Plan in any format - they are simply providing the required Notice of Completion. It is recognized that paper copies of these documents are being larger and therefore more expensive to reproduce. However, MOE should have a copy of the final document in some format, electronic would also be acceptable should it be necessary to refer and examine the document at some later date.

I've received comments from staff that this review is conducted annually and feedback is provided but the feedback and comments are inadequately addressed.

As identified in an earlier question, I believe that the MEA should take on a leadership role to ensure process change amendments are provided to the MEA clients in a timely manner. From a process-related perspective, duty to consult with first nations/metis communities should be clearly and easily laid out in the process, identifying this client group specifically. The Ministry of the Environment's Environmental Assessment and Approvals Branch in consultation with the Ministry of Aboriginal Affairs and internal MOE staff, have prepared guidance material that could assist the MEA to ensure this requirement is included and provided as guidance to proponents and their consultants.

The process for integration with the planning act still need clarification. Proponents should provide adequate time for review agency review of technical reports, preferably by providing them early in the process rather than in the Notice of Completion stage.

MTO would like to discuss further with the MEA improvements that could be made to the Class EA and related guidance materials, to facilitate active transportation.

When completing EA's where land acquisition is required or easements are required, in order to properly identify MOI PW Class EA requirements, the actual undertaking needs to be identified in the MCEA. Such as The municipality will be acquiring land from MOI/IO to complete the identified project. Therefore, the disposition of lands from MOI/IO to the municipality will be addressed in the MCEA.

There seems to be a large degree of variability in the scope and content of Cultural Heritage Evaluation Reports and Heritage Impact Assessment prepared as part of Municipal Class EAs. Guidelines tailored to the MEA's Class EA would assist in guiding proponents towards qualified professionals and the appropriate degree or research.

Q31 Comments on content that should be included.

Not sure what this question means. My additional comments on the Class EA are that the public and review agencies are not members of the MEA and don't have very good access to the Class EA or Training module information. Review agencies and the public don't get notified of training modules or changes to the Class EA schedules (for example, the amendment to retroactively apply the 10 year period lapse of time period triggering an addendum, yearly changes to costs referenced in appendix 1 which trigger certain project schedules). The website is cumbersome. All of the amendments over the last five years should be consolidated and copies made available to reviewers.

Please refer to our earlier comments on the need to provide improved guidance on consideration of active transportation. We will follow up with a more detailed set of comments.

Q32 What other training should MEA consider?

I have been involved in the EA process since the late 1980's and would encourage the MEA to work with the MOE and other ministries (i.e. Ministry of Aboriginal Affairs for FN/metis consultation, Ministry of Natural Resources for Species at Risk, and other interests) to develop an outreach and engagement strategy similar to those used in the early to mid 1990's, where MEA and MOE partnered on this approach. I remember delivering a session with the MEA in Hamilton, Kitchener and Niagara when I was the EA Planner in the Ministry of the Environment's Hamilton Region Office. This way to get to hear from the association and the regulator/s to ensure a consistent and level playing field, not to mention mediation/facilitation techniques that could be used to keep a project moving forward.

Training on the scope and content of Cultural Heritage Evaluation Reports and Heritage Impact Assessments, particularly for evaluating/assessing impacts to municipal heritage bridges.

Q 33 Any other comments

As several offices of MTO are responding to this Questionnaire, we would be pleased to meet with MEA to discuss MTO's input, if required.

MTCS emphasizes the importance of identifying and evaluating cultural heritage resources as early in the process as possible.

APPENDIX C

MOE

COMPLIANCE AUDIT

NOTE - None provided for this report

APPENDIX D

NOTES FROM

STAKEHOLDERS MEETING

April 17th, 2014

MUNICIPAL CLASS ENVIRONMENT ASSESSMENT STAKEHOLDERS MEETING

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

10 Peel Centre Drive
Mississauga Room

Minutes and Action Items

Attendance

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

Note * Also represents MEA on MEA/MCEA committee

Introductions

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

Background

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

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

The following issues were discussed.

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

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

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

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

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

2. Additional environmental legislation

- **First nations**

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

- **Source Water Protection Act**

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

- **Endangered species Act**

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

- **Permit to take water legislation**

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

3. Part II Orders

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

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

4. Training and Support

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

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

5. Measurement and metrics for the MCEA process.

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

6. Construction cost index

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

Action Items

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

1 Legislative and Administrative Changes

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

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

2 Education and Support

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

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

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

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

Implementation – next steps

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

Minutes of the meeting taken by:

John Simmonds P. Eng
Executive Director MEA

APPENDIX E

LETTER TO

MINISTER OF THE ENVIRONMENT

PART II ORDERS ON

PRE-APPROVED PROJECTS



OFFICE OF THE PRESIDENT

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

August 11th, 2014

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

Dear Minister Murray:

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

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

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

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

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

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

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

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

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

Yours truly



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



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

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

APPENDIX F

LETTER TO

MINISTER OF THE ENVIRONMENT

IMPROVE PART II ORDER REQUEST

DECISION PROCESS



OFFICE OF THE PRESIDENT

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

August 11, 2014

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

Dear Minister Murray:

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

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

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

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

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

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

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

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

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

Yours truly



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



Paul Knowles, P. Eng.
Chair, MCEA Monitoring Committee
613-257-6207
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cc: Attendees to April 17th, meeting

Municipal Engineers Association

APPENDIX G

GUIDANCE FROM REGIONAL

EA COORDINATORS

ABORIGINAL CONSULTATION INFORMATION

Consultation with Interested Persons under the Ontario Environmental Assessment Act

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

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

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

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

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

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

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

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

Rights-based consultation with First Nation and Métis Communities

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

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

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

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

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

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

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

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

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

Delegation of Procedural Aspects of Consultation

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

www.ontario.ca/environmentalassessments

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX H

NOTES FROM ANNUAL MEETING

OF THE MEA CLASS EA

MONITORING COMMITTEE

**Notes From Meeting
Friday June 20, 2014
2 St Clair Ave W. Toronto
12A Floor Boardroom
9:30 – 12:00 noon**

1) April 17th meeting with MCEA Stakeholders

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

2) MCEA Companion Guide

MEA explained that the development of a Companion Guide was being considered, likely as a joint project between MEA and other stakeholders. This Guide would provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples. It would focus on satisfying the minimum requirements for Advertising/Consultation, the EA process (including investigation into options and detailed design) and Documentation (Schedule A+, B and C) but then explain when additional work could be considered. It would likely be similar to the guidance documents that have been prepared by other Class EA proponents for internal use by their staff while they prepare their Class EA projects. MEA would be please to review this guidance document with MOE but formal MOE approval would not be required. MEA intends to develop a specific proposal to prepare this Companion Guide this fall.

3) AFP/P3 Projects

The Brant County Schedule C projects (expand water and wastewater plants) are now underway. It is anticipated that the final ESR will contain limited design details so maximum flexibility is available during design/construction. There is interest in the technical reviewer's comments when the ESR only includes limited details. MEA will be reporting on the success of this pilot project.

4) New Regulation – Exempt Pre-Approved Projects from Part II Order Requests

MOE explained that a new regulation to exempt projects with a low environmental impact (Schedule A and A+) from Part II Order Requests is being planned. However, completing this regulation is not a high priority with senior staff at MOE as there has not been a history of Part II Order Requests for these types of projects. MEA pointed out that, since the MCEA (and other class documents) states that a Part II Order Request is not an option for these projects most do not realize they could actually submit a Part II Order Request. MEA takes little comfort in the fact that this has not been a problem to date and strongly encourages MOE to be proactive and proceed with the regulation. MEA will be writing to the new Minister and asking other stakeholders to join in lobbying for prompt adoption of this regulation.

5) Delegate Part II Order Requests

MEA continues to recommend that decisions related to Part II Order Requests be delegated to the director so that decisions can be rendered in a timely manner. MEA presented data which showed that the Minister took anywhere from 148 to 581 days (with an average of 304 days) to respond and deny a request for a Part II Order. All 28 requests that were processed in 2013 were denied and only 4 of the denials included any conditions. After reviewing the letters denying the Part II Order requests, MEA believes that the majority of the requests had little merit and should have been processed and denied in a timely manner. Furthermore, MEA strongly believes that the authority for decisions on Part II Order requests for the MCEA must be delegated to the director. The authority for these requests related to other Class EAs has been delegated and we note a considerable improvement in the time for a decision (for example, the Forest Class EA has averaged 128 days for a response over the last 5 years.)

These excessive delays in approvals are unnecessarily holding up key infrastructure projects increasing costs and slowing growth and economic development. Equally important are the multitude of projects where a 304 day average delay just cannot be accepted and the proponents are forced to make poor and/or expensive decisions to avoid Part II Order request even though the concern really does not have merit. The MCEA requires the Ministry to process Part II Order requests in 66 days (45 days for the EAA branch and 21 days for the Minister) and MEA will be writing to the new Minister to strongly encourage the Ministry to improve their review process.

6) OMB and Part II Order Requests for Integrated Projects

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

7) Access to the MCEA Document

MEA briefly outline MEA's progress with OGRA and the OPS and how the MCEA may be included in a new funding mechanism. If successful MEA would not need to rely on the sale of MCEA books for revenues and therefore could more freely post the document on the web.

8) Cycling Amendment

Amendment has been submitted and MEA inquired about the steps to approval. MOE is to provide comments on MEA's responses to feedback from the consultation. MEA will be writing to the new Minister seeking speedy approval of this amendment and asking other stakeholders to do the same.

9) Survey Results

A summary of this year's survey results were distributed. MEA reviewed the following major points from the survey are;

- ▶ Notices of Completion are not always being sent to EAAB;
- ▶ Sometimes difficulty selecting project schedule;
- ▶ 90% noted trend of increasing effort;
- ▶ 90% interested in examining ways to control increased effort;
- ▶ Some concern that agencies do not respond in a timely manner;
- ▶ Schedules which include both transit and road projects;
- ▶ Sometimes MOE staff is not correct in their interpretation of project schedules;
- ▶ Challenge for MOE staff to provide clear and solid advice as they are so far removed;
- ▶ Standby power in new building –Schedule A or existing building – Schedule A+ seem to be reversed;
- ▶ MCEA is 25 years old and has a number of amendments but now needs to be re-written;
- ▶ The public can hijack a project by broadcasting misleading information;
- ▶ MOE should reassess how to integrate all environmental programs to create a seamless system to ensure the environmental effects are identified and mitigated before projects proceed.;
- ▶ Approvals are often too slow;
- ▶ MTO would like to discuss active transportation further with MEA;
- ▶ Heritage issues are not always properly addressed – lengthy comment;
- ▶ First Nations consultation guidance should be improved;
- ▶ Public and agencies are not notified of amendments and training modules;
- ▶ MEA should partner with Ministries to promote better FN consultation and the Species at Risk;
- ▶ RCCAO comments also attached;

10) Environmental Assessment Proponent Group

MEA met with the EAPG on June 19 and discussed topics such as New Regulation – Exempt Pre-Approved Projects from Part II Order Request, Delegate Part II Order Requests and MCEA Companion Guide. MEA asked them to join us to lobby MOE to move forward with the proposed regulation to deal with Part II Order requests on pre-approved projects.

11) Guidance from Regional EA Coordinators

The attached guidance has recently been provided by a Regional EA Coordinator. MEA thinks this guidance is fairly good but disappointed that MEA was not consulted and concerned that guidance is not consistent across the province. Maybe advice should be area specific (more First Nations requirements in areas with more First Nations interest) but then the guidance should explain that advice is locally based and why. Also, if the EA Coordinators are going to send a standard letter for each Notice of Commencement I would like to see the guidance material refer to our training modules and our Companion Guide when it is available. MOE is to investigate and respond.

12) Annual Monitoring Report

The last Monitoring Report was distributed for reference. This report was the 5 year summary report. This year's report will focus on the current issues most of which are identified above. MEA will prepare the annual monitoring report summarizing the current activities and challenges for submission in October 2014.

13) Further MCEA Amendments

As part of recent consultation, MEA has received feedback which has not been addressed in the 'Cycling' amendment. A further major amendment is planned. However, work on this amendment cannot begin until the new Regulations providing exemptions to pre-approved projects is proclaimed. Considerable feedback has been received on various sections of the MCEA. Work to review this feedback and prepare a major amendment to address issues will proceed after the proposed regulation to deal with Part II Order requests on pre-approved projects had been approved.

APPENDIX I

RECENT AMENDMENTS TO THE

MCEA

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

A.2.8.1 Part II Order

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

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

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

A.2.8.2 Procedure to Request a Part II Order

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A.2.8.3 Minister's Decision

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

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

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

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

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

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

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

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

SAMPLE NOTICES

The following Sample Notices are provided:

Schedule A+:

- Mandatory contact - Notice to Public

Schedule B:

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

Schedule C:

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

Part II Order Request Form

- Request for Change of Project Status

NOTE:

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

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

Circulation to MOE

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

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

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

SCHEDULE A+

MANDATORY PUBLIC CONTACT

Sample Letter to Adjacent Property Owners

Date

Name

Street

Town

Postal Code

RE: 2012 Capital Construction

Dear

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

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

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

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

Yours truly

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

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

SCHEDULE B

1ST MANDATORY PUBLIC CONTACT - PHASE 2

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

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

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

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

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

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

This Notice issued 5th January, 2012.

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

SCHEDULE B

2ND MANDATORY PUBLIC CONTACT - PHASE 2

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

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

Map (where applicable)

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

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

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

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

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

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

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

-and-

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

-and-

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

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

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

This Notice issued 27th April, 2012.

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

SCHEDULE C

1ST MANDATORY PUBLIC CONTACT - PHASE 2

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

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

Map (where applicable)

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

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

This notice issued 21st September, 2012.

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

SCHEDULE C

2ND MANDATORY PUBLIC CONTACT - PHASE 3

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

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

Map (where applicable)

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

Public Consultation Centre

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

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

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

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

This Notice issued 2nd January, 2012

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

SCHEDULE C

3RD MANDATORY PUBLIC CONTACT - PHASE 4

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

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

Map (where applicable)

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

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

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

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

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

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

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

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

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

Copies of the Request Form must be sent to:

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

-and-

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

-and-

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

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

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

This Notice issued 1st May, 2012.

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

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

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

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

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

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

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

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

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

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

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

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

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

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

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

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

-and-

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

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

This Notice issued 1st August 2012

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

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT PART II ORDER REQUEST FORM

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

Person/Party submitting Part II Order Request: _____

Representative (if applicable): _____

Address: _____

Phone: _____ Email: _____

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

Project Name/Location: _____

Proponent/Municipality: _____

Name of Municipal Contact: _____

Email of Municipal Contact: _____

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

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

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

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

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

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

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

Signature

Date

Forward this form, along with any supporting documentation to:

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

- and -

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

- and -

Proponent/Municipality

Form must be received by the Minister within 30 days of the published notice.

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

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

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

COVERING MEMO TO MOE-EAB

To: Environmental Approvals Branch
Ministry of the Environment
MEA.Notices.EAAB@ontario.ca

From: *(Name of Proponent)*
(Address)
(Study Contact) *-(phone)*
 -(fax)
 -(e-mail_

Re: *(Name and Location of Project)*

Date:

The above-noted project is being carried out in accordance with the Municipal Class EA. Please find enclosed a copy of the following for your files:

- ☐ Notice of Completion (Schedule B project)
- ☐ Notice of Completion of Environmental Study Report (Schedule C Project)
- ☐ Notice of Filing of Addendum

cc Regional EA Planner/Coordinator

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

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

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

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

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

Note:

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

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

STATUS OF MUNICIPAL ROAD PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

Page 1-1

Amend fifth paragraph as follows:

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

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

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

Amend as follows:

Projects in this group can generally be described as:

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

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

A.2.10.6 The Clean Water Act

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

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

Sidebar goes with paragraph above:

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

Projects Located Within A Vulnerable Area:

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

Projects that create new or amended vulnerable areas:

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

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

Proposed Amendments to the Municipal Class Environmental Assessment

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

Add new section A.1.5.2, as follows:

A.1.5.2 Municipal Class EA Amending Procedure

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

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

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

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

Who Can Propose Amendments?

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

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

The Amending Process

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

a) Minor Amendments

The following process will be used to make minor amendments:

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

b) Major Amendments

The following process will be used to make major amendments:

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

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

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

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

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

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

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

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

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

A.1.6 Amendments to the Municipal Class EA

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

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

Part II - Additional Amendment Items

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

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

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

~~3. —~~

Insert:

~~2007 Five Year Review~~

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

~~A.1.6.2 Major Amendment – Part 2~~

~~2010 Minor Amendments~~

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

~~2013 Five Year Review – Part 1~~

1. Amend A.1.6 as follows:

A.1.6. Amendments to the Municipal Class EA

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

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

2. Delete A.1.6.1 and A.1.6.2

4. Other Consequential Amendments Needed

- 1) Table of contents
- 2) Page numbers

3) ~~Insert Amendment Appendix and related information~~

3)

A.2.10.6 The Clean Water Act

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

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

Sidebar goes with paragraph above:

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

Projects Located Within A Vulnerable Area:

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

Projects that create new or amended vulnerable areas:

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

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

Glossary of Terms

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

(Current meaning)

Linear Paved Facilities: *Means facilities which utilize a linear paved **or gravel**^[idea1] surface including road lanes, **bicycle lanes, multi-purpose trails** or High Occupancy Vehicle (HOV) lanes. **Linear paved facilities may be located within an existing right-of-way or in the case of bicycle lanes or multi-purpose trails be located outside an existing right-of-way.***

(Proposed meaning)

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

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

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

(Current meaning)

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

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

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

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

(Proposed meaning)

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

APPENDIX J

FUTURE AMENDMENTS TO THE

MCEA

MUNICIPAL ENGINEERS ASSOCIATION CLASS ENVIRONMENTAL ASSESSMENT

2012 FIVE-YEAR REVIEW

MOE COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Item	Commenter	Reference in Document	Comment	Proposed Change	Amendment Type	MEA Position
79. Cont'd				The ESR will be placed on the public record for a period of at least 30 calendar days and will be available for inspection by the public or by other interested parties. In the case where a request for a Part II Order has been submitted to the Minister, the ESR shall be submitted to the MOE Regional EA Coordinator and to the EAA EA Branch immediately upon the proponent becoming aware of the request.	Clarification	Agree
80.	EAB	A.4.2.1 - Format and Content	<p>The suggest content for an ESR is described in this section and includes the following:</p> <ol style="list-style-type: none">1. Executive Summary2. Problem Statement3. Alternative Solutions4. Alternative Designs5. Project Description6. Monitoring7. Appendices	<p>Suggest the following changes:</p> <ol style="list-style-type: none">1. Executive Summary2. Problem/Opportunity statement3. Existing Conditions4. Alternative Solutions5. Alternative Designs6. Project Description7. Consultation Summary8. Monitoring and Commitments9. Appendices <p>The additions suggested above are consistent with the contents of most environmental assessments and allow government review agencies an opportunity to quickly find the information that is of interest to their mandate.</p> <p>A separate consultation summary is strongly recommended so that proponents of Class EAs have a dedicated section where their interactions with the public, government agencies and Aboriginal communities can be documented.</p> <p>A corresponding subsection in section A.4.2.1 should be added to discuss the typical contents of the consultation summary and expectation that this summary will include information about how Aboriginal communities that may have an interest in the project were identified; what efforts were undertaken by the proponent to confirm an interest in the project; how the Aboriginal communities, that had an interest in the project, were engaged and consulted; what issues, if any, were raised; how issues were addressed.</p>	Clarification	Agree

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMENTS ON MCEA AMENDMENTS AND MEA POSITION

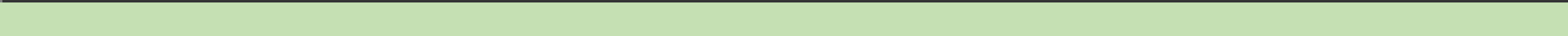
Item	Commenter	Comments	MEA Response
1.	Ralph Scheunemann from City of Barrie	Suggest that Schedule road cost limits be reviewed every five years to coincide with MCEA Updates instead of annually to reduce confusion.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome. This issue is not directly related to the proposed amendment.
2.	Ralph Scheunemann from City of Barrie	Suggest that a section on the coordinated process be included in the MCEA so proponent can decide whether or not they want to follow the integrated approach.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified An updated Section A.2.9. was added to the MCEA in 2011.
3.	Ralph Scheunemann from City of Barrie	Please revise MCEA so that it is clear that appeals cannot be filed for Schedule A or Schedule A+ projects.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
4.	Ralph Scheunemann from City of Barrie	The MCEA document should be easier to find and free to download in PDF format. Updates should be clearly documented so users understand if they are referencing the latest document. Suggest providing updated sample notices and Part 2 Order Request form in MS-word format to download for free. Should be clearly documented that using the Part II Order Request isn't mandatory to give the public and agencies the ability to freely express their concerns.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment.
5.	Ralph Scheunemann from City of Barrie	Page A-62, First Mandatory Point of Contract, clarify what is meant by "Where possible, and in larger projects, the proponent should notify and solicit input from the public in ways other than newspaper advertisements alone." Page 5-1, Section 5.2, 1 st bullet suggest that notices mailed to persons directly affected is mandatory. The "Where possible" suggests that it may not be mandatory. If the intent is that it is mandatory to mail notices to the directly affected then suggest removing the words "Where possible" or provide a clear definition as to what this means.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
6.	Ralph Scheunemann from City of Barrie	The proposed wording for the Clean Water Act needs to be simplified. If the intent is that WPA & IPZ classifications may affect the choice of schedule than please include examples in Appendix 1.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

Item	Commenter	Comments	MEA Response
7.	Ralph Scheunemann from City of Barrie	Proposed cycling projects within parks should be schedule A or Schedule A+.	Cycling and multi-use trails within parks that have an estimated cost of less than 3.5 M will remain exempt from the requirements of the Environmental Assessment Act under Ontario Regulation 334. The more significant projects that have the potential for some environmental impacts merit a more detailed consideration of impacts that may include: stormwater quality and quantity control, potential noise and lighting impacts, winter maintenance activities, impacts to flora, fauna and aquatic species, archaeological impacts, etc... Most of these activities would fall under Schedule B, while only the most significant projects where the estimated project cost exceeds 9.5 M would be subject to a Schedule C process.
8.	Ralph Scheunemann from City of Barrie	Suggest one MOE point of contact for Part 2 Order Requests and not the proposed MOE office and Minister of the Environment. One point of contact at the Ministry would help simplify the process.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
9.	Ralph Scheunemann from City of Barrie	Proposed proponent extension of the 30 day review period should be worded in such a way that those submitting the part 2 Order Request can't use this clause to potentially delay the process. Also, if the proponent extends the appeal period late in the process what is the process for communicating this extension to those who want to be kept informed or to those who have already filed a Part 2 Order Request? Part 2 Order Requests should clearly state that the document is not meant as the first instrument to express concerns, but as a last resort after the concerned party has contacted the proponent and attempted to resolve their concerns. The document should include instructions on how the public and agencies should get in contact with the proponent to express concerns.	<p>This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.</p> <p>When extending review periods, it is up to the proponent to determine the appropriate method of doing this.</p> <p>Guidance about how and when to make Part II Order requests has been added to the MCEA. Additional information is available in the MOE's Code of Practice: Preparing and Reviewing Class EAs.</p>
10.	Ralph Scheunemann from City of Barrie	One week for the proponent to advise the Director of the EAB if they are prepared to carry out an individual EA may be too short if Council approval is required, suggest 45 days. The proponent always has the option to follow a higher schedule, to suggest that this be considered by the proponent during the Notice of Completion stage can only slow down the process.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
11.	Ralph Scheunemann from City of Barrie	Section A.3.7 First Nations and Aboriginal Peoples, suggest adding contact information.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified

12.	Ralph Scheunemann from City of Barrie	Please provide a response advising how these comments were addressed.	Acknowledged.
13.	Ralph Scheunemann from City of Barrie	Suggest that the EAB advise the proponent “in writing” within 10 204king days of the receipt of a Part II Order Request....	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.

Item	Commenter	Comments	MEA Response
14.	William Gerrard Ministry of Tourism, Culture and Sport	<p>The ministry supports the new section providing members of the public, other government agencies and Aboriginal and Métis communities with the opportunity to request that the proponents, the MEA acting on behalf of the proponents or the MOE initiate an amendment to this Class EA. This enables the MEA to respond, on an ongoing basis, to items or concerns raised that were not included in either their annual report or through a mandatory five year review.</p> <p>The current, approved Class EA includes a requirement to consult on minor but not major amendments. Consultation on the latter is at the discretion of the Ministry of the Environment. Proposed changes to the amending procedures for the Class EA remove the mandatory public consultation period for minor amendments and leave the decision as to whether consultation is necessary for either type of amendment to the discretion of the Direction of Environmental Approvals Branch, MOE. The procedure for major amendments remains consistent with the current, approved Class EA. In MTCS's opinion, any substantial change should warrant some level of consultation with the public and government agencies. For the sake of transparency and consistency, MTCS recommends that the Class EA include the considerations that the Director of EAB would apply to decide whether a minor amendment would require consultation.</p> <p>Subsection A.1.5.2 c, <i>Procedures to Include a New Group of Municipal Projects or Activities to this Class EA</i>, states that: "The party proposing the proposed new group of municipal projects of activities will be required to undertake pre-consultation with interested parties as may be appropriate prior to submission of the proposed amendment to the MOE." The document then directs the proponent or the MEA acting on behalf of the proponent to undertake additional consultation. There are no further details about the nature, length or timing of this -re-consultation: the document implies that those details may be determined by the Ministry of the Environment. MTCS recommends including a provision requiring that the objectives of the pre-consultation be explicitly stated so that there is consistent understanding of what is meant to be achieved. Previously, the addition of a new group of projects was subject to the Schedule "C" Class EA process, which included three mandatory points of consultation/contact with interested stakeholders. Outlining minimal consultation requirements, which can be expected by the Ministry of the Environment, would be helpful.</p> <p>We would like to offer a suggestion that could make this entire section easier to read and understand. The section includes numerous references to provisions of the Environment Assessment Act (EAA). It would benefit the reader/user if the document included a transcript or summary of the requirements of each section of the EAA that is referenced. This would be similar to how the section on Part II Orders explains the provisions of section 16 of the EAA. Since the amending procedure section includes a number of references, MTCS suggests that this information could be included as footnotes. That way the information is easily accessible but doesn't detract from the main text of the document.</p>	<p>Acknowledged.</p> <p>Acknowledged[jidea1].</p> <p>Acknowledged[jidea2].</p> <p>Including footnotes with references from the EAA can trigger consequential amendments to the MCEA when the EAA is amended and accordingly, references of this kind should be minimized. All provincial legislation is readily accessible on the E Laws website.</p>

Item	Commenter	Comments	MEA Response
15.	William Gerrard Ministry of Tourism, Culture and Sport	<p>Detail 4 under section A.2.8..2 <i>Procedure to Request a Part II Order</i> states the following:</p> <p>“The EAB may consult with other government agencies and/or other interested persons during the review of a Part II Order request. The EAB may also request additional documentation from the proponent. If there are critical deficiencies in the documentation submitted by the proponent, the EAB may require the proponent to submit additional information. The proponent will need to respond to the issues raised and provide a written record of their responses to the EAB.”</p> <p>It twice mentions a potential need for the EAB to request further documentation from the proponent. Is there a corresponding potential need for the EAB to request further documentation from the requestor? Is so, what will the possible requirements ?</p> <p>Subsection A.2.8.3, <i>Minister’s Decision</i>, includes a list of evaluation criteria that the Minister or delegate will consider when making a decision. One of the criteria is: “the timeliness of the request and the timeliness of the requester raising the issues and/or concerns with the proponent.” The document states that the criteria listed are consistent with those provided in subsection 16(4) of the EAA. However, the criterion mentioned above is not included in either subsection 16(4) of the EAA or the Code of Practice <i>Preparing, Reviewing and Using Class Environmental Assessments in Ontario</i>..</p> <p>The Class EA document already states that the public, government agencies and Aboriginal and Métis communities should bring concerns forward early in the planning process. It has been MTCS’s experience that, despite the consultation requirements included in the Class EA, sometimes interested parties do not receive all project notices. In other cases, such as in the case of the (often volunteer-led) groups that are involved with conservation of cultural heritage resources, the interested parties require additional time in order to be able to respond. It would be unfair and inconsistent with the intent of the EAA to include the timeliness of the request in such situations. In some cases, the requestor may only receive notice of the project after the Notice of Completion of the EA has been issued.</p> <p>Under the section <i>Part II - Additional Amendment Items</i>, MTCS would like to ensure that the new appendix listing all amendments that have been made to the Class EA will include the changes made to dealing with structures over 40 years old that were a part of the 2011 Major Amendments - Changes to A.2.9 and rescheduling of activities. As outlined in MTCS’s letter to you of January 22, 2013, these changes were not explicitly mentioned in the 2012 Five Year Report.</p>	<p>Acknowledged[jdea3].</p> <p>Section 16(4) of the EAA cites that such other matters may be considered by the Minister as well.</p> <p>This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.</p> <p>The five year review was completed after the 2011 amendments were completed. These amendments have already been incorporated into an updated version of the MCEA.</p>



Item	Commenter	Comments	MEA Response
16.	William Gerrard Ministry of Tourism, Culture and Sport	<p>The document suggests modifying item 3 in the table as follows:</p> <p>“Construction or removal or operation of sidewalks or <u>multi-purpose</u> bicycle paths or <u>cycling</u> bike-lanes within existing or protected rights-of-way.”</p> <p>The MEA is proposing to add additional, while maintaining all activities as a schedule A. MTCS has concerns with classifying the construction of these linear facilities within protected rights-of-way as a schedule A. While an area may have already been set aside for a type of development or use, there is no guarantee that the appropriate environmental work has been undertaken. The construction of these additional facilities has the potential to impact cultural heritage resources, archaeological resources in particular. Furthermore, existing multi-purpose paths, such as trails, may incorporate all types of cultural heritage resources. For example, across the province there are many examples where a historic rail corridor has been converted to a multi-purpose trail. The trail may be part of a cultural heritage landscape and other built heritage resources may be located on or adjacent to them. Therefore, the Class EA should provide for addressing potential impacts to cultural heritage resources when constructing or removing sidewalks, multi-purpose bicycle paths or cycling bike lanes within existing or protected rights-of-way.</p> <p>As a general comment, MTCS does not agree that the anticipated project costs is an appropriate method to determine the category of a project, particularly where projects are determined to be a category A, or in some cases even A+. It is possible for even low cost projects to impact cultural heritage resources. Acknowledging that MOE has allowed the MEA to categorize projects based on cost, MTCS is of the opinion that a number of the cost thresholds are too high, such as the case of the threshold for parking lots not associated with buildings. According to the table in Appendix 1, the construction of a new parking lot project costing less than \$9.5 million is a Category A. Regardless of whether the parking lot is proposed to be built on green-field property or involve the demolition of a structure, there is potential for the project to impact cultural heritage resources. Similarly, the construction or removal of a \$3.5 million sidewalk, multi-use path or cycling facility including water crossings outside an existing right-of-way could have an impact on cultural heritage resources. Also, the reconstruction of a water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location could have impacts if the new facility extends beyond the existing footprint. If MEA wishes to continue to use a cost threshold approach to categorize projects, additional factors should be applied to ensure the environmental effects are appropriately factored in. For example, for a new parking facility to proceed as a Category A project, there should also be no potential for presence of a cultural heritage resource at or adjacent to the project location.</p> <p>MTCS recommends that the cost thresholds be lowered and that the projects listed in items 3, 14, 24, as well as the addition of multi-purpose paths or cycling facilities, be subject to additional checks and balances to ensure the appropriate identification and protection of cultural heritage resources. At a minimum, they should proceed as a schedule A+, which would provide some level of public notification and the consideration of whether technical heritage studies should be completed.</p> <p>Should the amendments be approved, in the interest of promoting openness, transparency and understanding, the MTCS recommends that the MEA make the full approved Class EA available as a searchable Portable Document File. The MEA Municipal Class EA appears to be the only Class EA that requires membership in the MEA or payment of a fee to obtain a copy. The current HTML version that is freely available does not allow the text to be searched or navigated efficiently. [jdea4]</p> <p>We would also like to be kept informed regarding the manner in which MTCS’s input has been addressed, please. The ministry is also interested in reviewing and providing comments on the second phase of proposed amendments that MEA anticipates submitting later in the 2014. MTCS would like to remind the MEA of the comments the Ministry submitted in January of 2013. The principles and language in the Class EA document related to conserving heritage resources should reflect the most up-to-date language and provincial policy direction. Terminology related to cultural heritage as currently reflected in the Class EA is not coordinated. MTCS asks that MEA consider including these administrative changes as part of the Class EA amendment and would be pleased to work with the MEA to identify and recommend appropriate wording changes to ensure the Class EA is consistent with current cultural heritage policy. MTCS asks to remain on the circulation list for the second phase of proposed amendments.</p>	Acknowledged.

Item	Commenter	Comments	MEA Response
17.	James Yacoumidis City of Toronto Water	We will work with Jeff Dea, City contact, to submit comments if we decide to do so after more thoroughly reviewing the amendments. Thank you for the flexibility to provide comments beyond January 14, 2014. As per our discuss, we will provide comments next week if we determine it is necessary.	Acknowledged.
18.	Chitra Gowda Halton Region	<p>Page 1 (top of page) - <i>The purpose of the Clean Water Act (CWA) is to protect existing and future sources of drinking water.</i></p> <p>Change to</p> <p>The purpose of the <i>Clean Water Act (CWA)</i> is to protect existing and future municipal sources of drinking water.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
19.	Chitra Gowda Halton Region	<p>Page 1 (second last paragraph) - <i>Once a WHPA or IPZ has been delineated, the CWA provides a set of rules directing the necessary technical work that must be completed.</i></p> <p>The technical work includes the delineation of a WHPA, IPZ and the Identification of significant threats under section 15 of the CWA.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
20.	Chitra Gowda Halton Region	<p><i>Page 1 (last paragraph), page 2 (first paragraph) - The list of threats includes: the establishment, operation and maintenance of, sewage systems; the storage or application of road salt; the storage of snow, fuel, dense non-aqueous phase liquids, and organic solvents; management of de-icing chemicals; activities that take water from an aquifer or surface water body without returning it, or activities that may reduce the recharge of an aquifer, among others</i></p> <p>Operation or maintenance ...without returning the water taken to the same aquifer or surface water body Activities that may reduce the recharge Management of <u>aircraft</u> de-icing chemicals.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
21.	Chitra Gowda Halton Region	<p><i>Page 2 (bold text, 3rd paragraph) - ...new or expanded drinking water systems that are subject to the CWA may have the effect of creating new vulnerable areas</i></p> <p>New or expanded drinking water systems may create new vulnerable areas but could also impact vulnerability scores within existing vulnerable areas.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
22.	Chitra Gowda Halton Region	<p><i>Page 2 (last paragraph) - ...impact of the policies should be given adequate consideration during the planning stage.</i></p> <p>Suggest stronger wording than “adequate consideration” since policies could have significant impacts that projects must conform to under the CWA.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
23.	Chitra Gowda Halton Region	<p><i>Page 3 (first text box/sidebar) - Mapping will be available in municipal Official Plans and Source Protection Plans to assist proponents in determining whether or not the project is within a vulnerable area. For further clarity, the proponent can contact the local Conservation Authority/Source Protection Authority.</i></p> <p>Official Plans may not be updated (and may have outdated vulnerable area mapping) by the time the local Source Protection (SP) Plans come into effect. The local SP Plans must be specified as the primary mapping reference in the text box/sidebar, for the proponent to determine if the project is in a vulnerable area or not.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

Item	Commenter	Comments	MEA Response
24.	Chitra Gowda Halton Region	<p><i>Page 3 - If it is determined an undertaking may impact a vulnerable area, proponents will need to identify and document whether the project involves activities that are a significant drinking water threat and the effect of any policies in the source protection plan that apply to the project.</i></p> <p>The proponent, if not familiar with source protection technical work, may not identify or may not correctly identify if a significant threat activity will occur, in some cases, may also need to be aware of the impervious surfaces mapping. Specify that the proponent check with the local SP to determine this.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
25.	Chitra Gowda Halton Region	<p><i>Page 3 (second text box/sidebar) - To assist in determining whether the project is a drinking water threat the proponent can refer directly to the Tables of Circumstances, which are available on the Ministry of the Environment's website or consult with the local Conservation Authority/Source Protection Authority.</i></p> <p>Same as above</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
26.	Chitra Gowda Halton Region	<p><i>Page 3 (Second last paragraph) - Water projects may require amendments to the applicable Source Protection plan...completion of technical work to assess and address the significant drinking water threats in those areas.</i></p> <p>Clarification is needed on which significant threats the proponent will be addressing and how they will be addressed.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
27.	Chitra Gowda Halton Region	<p><i>Page 4 (top of page) - ...consult with those who may be affected by proposed amendment...</i></p> <p>Who is required to conduct consultation? Length of consultation time?</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
28.	Chitra Gowda Halton Region	<p><i>Page 4 - When a proponent is developing a new or expanded drinking water system, it is recommended that the technical work required by the CWA to identify the vulnerable areas and potential drinking water threats be undertaken concurrently with the MCEA process.</i></p> <p>It is unclear as to who will need to conduct the technical work for vulnerability and threats assessment, and who should cover the costs of these assessments. As well, consistency between technical work conducted in the past for the source water program and new technical work to satisfy the CWA under a new MCA, will need to be ensured. The timing of the updates of the Assessment Report and the Source Protection Plan to reflect this new technical work should not hinder the proponent's project timeline, especially with time-sensitive projects.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
29.	Chitra Gowda Halton Region	<p><i>Page 4 (second textbox/sidebar) - Proponents should contact the Source Protection Programs Branch at the Ministry of the Environment for further information on how to undertake the technical work required by the Clean Water Act.</i></p> <p>Same as above.</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
30.	Brian Stratton, Mississippi-Rideau Source Protection Region	As a project manager for the Mississippi-Rideau Source Protection Region, I acknowledge that the source protection process and requirements outlined in the <i>Clean Water Act</i> and the associated regulations are not simple. For this reason, in addition to the general information about source water protection included in the amendment, it is suggested that practitioners are also provided with additional training to make them aware of the source protection requirements. This could be done in a webinar format, similar to other topics on the Municipal Class Environmental Assessment (MCEA) website (see http://www.municipalclassea.ca/Training/TrainingModules.aspx).	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

Item	Commenter	Comments	MEA Response
31.	Carol Mee, Toronto Public Health	One concern raised by this amendment is the need to establish consistency in the interpretation of road infrastructure throughout the MCEA document. To this end, it may be beneficial to explicitly define in the MCEA what has been traditionally been meant by the term “road”, and how this definition is expanded through the proposed amendment to Appendix 1.	<p>The term "roads" is defined in the glossary of the MCEA. Additional guidance about municipal road projects is provided in Part B of the MCEA. The term "linear paved facility" will be amended as follows:</p> <p>Means facilities which utilize a linear paved or gravel surface including road lanes, bicycle lanes, multi-use trails or High Occupancy Vehicle (HOV) lanes. Linear paved facilities may be located within an existing right-of-way or in the case of bicycle lanes or multi-use trails be located outside an existing right-of-way.</p>
32.	Carol Mee, Toronto Public Health	<p>Capacity and inclusion of alternative modes of transportation. There is a need to incorporate language in Part B - Municipal Road Projects of the MCEA that is inclusive of active transportation¹ as an alternative mode of transportation. Some proposed language improvements to Section B, are offered in the table below.</p> <p>¹ Active transportation refers to all human-powered forms of transportation, in particular walking and cycling. It includes the use of mobility aids such as wheel chairs, and can also encompass the other active transport variations such as in-line skating, skateboarding, cross-country skiing; and even kayaking. Active transportation can also be combined with other modes, such as public transit.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
33.	Carol Mee, Toronto Public Health	<p>Consideration of safety for all road users. A “complete streets” approach should be adopted to guide, the redevelopment of existing communities and the creation of new communities throughout Ontario. Such an approach would require that any proposal give consideration to enhancing safety for all road users, and should include:</p> <p>Creation of cycling networks (incorporating strategies such as connected cycling lanes, separated bike lanes, bike paths and other models appropriate to the community).</p> <p>Designation of community safety zones in residential areas with reduced posted maximum speed limits and physical traffic calming measures;</p> <p>Creation or widening of sidewalks to improve pedestrian safety. The presence of sidewalks helps to reduce vehicle-pedestrian collisions along street segments.</p>	The MCEA is a planning and decision-making process for the proponents of municipal infrastructure projects to meet requirements under the Environmental Assessment Act. The MCEA is not intended to provide policy direction that is more appropriately established by municipalities.
34.	Carol Mee, Toronto Public Health	<p>Impacts to property. Impacts to property such as access and parking should not trump the consideration of alternatives to address conditions which give rise to a safety deficiency (e.g. creation of sidewalks in areas where there is high pedestrian-vehicle collision risk).</p>	It is up to a proponent to determine how to evaluate alternative solutions and designs and how much, if any, weighting should be applied to a specific criterion.
35.	Carol Mee, Toronto Public Health	<p>7. Property Proposed Improvement Reframe the need to avoid impacts on parking or access to account for alternatives that address safety conditions. It should add: “significant impacts to property should be avoided where possible, <i>unless it is necessary to address a safety deficiency</i>”.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.

36.	Carol Mee, Toronto Public Health	B.2.1 New Roads Proposed Improvement Expand the definition of “new roads” to include: <i>active transportation facilities such as bike lanes/cycle tracks, sidewalks, and multi-use trails.</i>	
37.	Carol Mee, Toronto Public Health	B.2.1.2 Purpose of the Project Proposed Improvement Add a 5 th purpose under B.2.1.2 for new road/active transportation facilities that specifies providing active transportation options and facilities.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
38.	Carol Mee, Toronto Public Health	B.2.1.3 Alternative Solutions Proposed Improvement Under 1) “widen or improve existing roads” - “road reduction/narrowing” should be added to enable other road uses. Under 2) “provide alternative transportation facilities...” - active transportation options and facilities, e.g. bike lanes, cycle tracks, sidewalks, and multi-use trails, should be explicitly added.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
39.	Carol Mee, Toronto Public Health	B.2.2 Road Widenings, Adjustments and Operational Improvements Proposed Improvement Expand the description of projects to include projects or measures that improve active transportation. For instance, “provision of additional traffic lanes” should be change to” <i>addition or reduction/narrowing of vehicular traffic lanes</i> ”.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.

Item	Commenter	Comments	MEA Response
40.	Carol Mee, Toronto Public Health	B.2.2.2 Purpose of the Project Proposed Improvement Under b) capacity deficiencies, active transportation should be explicitly mentioned. Under the reasons given for traffic congestion, single vehicle occupancy should be added. Increasing the modal share of active transportation is a viable solution for traffic congestion and helps increase the “people-moving capacity” versus “vehicular-moving capacity” of existing roads.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
41.	Carol Mee, Toronto Public Health	B.2.2.3 Alternative Solutions b) Capacity Deficiencies, c) Unsafe Conditions Proposed Improvement Under b) capacity deficiencies, active transportation should be recognized as an “alternative transportation mode” (second last bullet) to improve people-moving capacity deficiencies. Also under b) capacity deficiencies, add alternatives which are inclusive of active transportation. Some examples include: Reducing total number of vehicular traffic lanes (e.g. from four to three) to facilitate other road uses such as cycling and pedestrian crossing: Repurposing a shoulder or general purpose lane by introducing pavement markings that designate active transportation uses. Under c) unsafe conditions for pedestrian movements, “increased traffic lane widths” should be changed to <i>“addition or reduction/narrowing of vehicular traffic lanes:.</i> Also under c) unsafe conditions for pedestrian movements, “improved sidewalks” should be changed to <i>“improved or new sidewalks where none exist”.</i>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
42.	Carmen Ches & Margaret Fazio - City of Hamilton	We agree with inclusion of the Act’s (CWA) requirements in the MCEA process.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
43.	Carmen Ches & Margaret Fazio - City of Hamilton	The EA document seems to be referring to the Municipality as one entity. Because of the numerous sections within the City that coordinate their own MCEA studies, City of Hamilton staff would recommend that the MEA document identify/acknowledge certain areas of interest within a larger municipality, as is the case in the City of Hamilton, as when the CWA requires a planning application or a building permit within a vulnerable area to be preceded by formal comments / approval from the Risk Management Officer (also within the City). The MCEA document states that the proponent consult with the local Conservation Authority / Source Protection Authority. We are of the opinion that the Risk Management Officer should be the first point of contact as he/she is looking after the implementation of Source Protection Plans on behalf of a municipality.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
44.	Carmen Ches & Margaret Fazio - City of Hamilton	The proposed amendments suggest that the technical work required by CWA for a new well be undertaken at the same time as the MCEA process. We are of the opinion that it is possible to have most of the technical work completed at that time however the Well Head Protection Areas (WHPAs) cannot be finalized until a Permit to Take Water is issued for that new well and this permit is not obtained until the MCEA process is completed and City Council approved the study. Further, as part of the Source Protection Plan (SPP) process the new WHPAs will have to be approved by Council. Source Protection Committee and at a later date included in the Assessment Report and Source Protection Plan.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

45.	Carmen Ches & Margaret Fazio - City of Hamilton	Section A.2.10.6 page 4, sidebar box 3 rd paragraph - it is sometimes difficult to determine what Source Protection Area a certain system is located within. It would be useful to have a set of maps within the MCEA manual that show the Source Protection Areas as well as the municipal boundaries or to have the link to the map as follows, for greater clarity http://www.conservation-ontario.on.ca/source_protection/files/SourceProtectionAreas_Map_sm.pdf	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
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Item	Commenter	Comments	MEA Response
46.	Carmen Ches & Margaret Fazio - City of Hamilton	Section A.1.5.2 The section on Who Can Propose Amendments indicates that the process is intended to be very inclusive of anyone who conducts, or is affected by MCEA processes. This is only achievable if the MCEA document were readily available, at least on line. It is currently not available except in hard copy, for a fee that may be prohibitive for some members of the public to participate. If the process is to be truly transparent and open, and due to repeated requests received by our staff as to the location of the MEA's MCEA document we would like to strongly suggest that the document's availability be made easier to members of the public as well as other users, potentially online, and free, if possible, such as is the case with 3-laws website laws.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment.
47.	Carmen Ches & Margaret Fazio - City of Hamilton	A "party" includes proponents or MEA acting on behalf of proponents. In what circumstances would a proponent chose to act alone and when through the MEA? The process of when and how one would chose to act one way or the other would be helpful.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
48.	Carmen Ches & Margaret Fazio - City of Hamilton	<div>Minor and Major Amendments both include a provision that a proponent should conduct consultation prior to approaching MOE for changes to the process.</div> <div><div>I.</div><div>Under the Amending Process section b) Major Amendments and section c) Procedures to include...-section b) 2) and 3) state that consultation "may" be carried out, yet c) which is also stated as a Major amendment states that pre-consultation"will" be required; seems to be some inconsistency Please clarify.</div></div> <div><div>II.</div><div>A description of the consultation process would be helpful in determining timelines as well as associated costs. Although the doc intent is to include any member of the public, the costs associated with consultation on some amendments may indeed be a barrier to successfully bringing forth change. Will MEA assist in those cases?</div></div> <div><div>III.</div><div>There is a concern that a lay person's interpretation of the MCEA document would be different from that of a professional who has the time to read the entire document and has experience with its interpretation. Requests to change the document, by members of the public, may benefit the process in making the document easier to interpret, but also in potentially frivolous requests stemming from misunderstanding of the intent of the Class EA process.</div></div> <div><div>IV.</div><div>Under the Amending Process section c) "projects" needs some sort of better punctuation such as an apostrophe.</div></div>	<div>This process is administered by the Ministry of the Environment and these comments have been brought to their attention</div> <div>Changes to the MCEA may be proposed by anyone, however it is still the responsibility of the MEA and/or MOE to initiate the amendment process.</div> <div>Comment acknowledged. This has not been an issue to date and the MEA reserves the right to initiate the amendment process if it sees fit.</div> <div>Comment acknowledged[idea5].</div>

49.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>The Amending Process describes that notices will be sent to parties who made submissions and a copy of a notice will be placed on public record, and made available on MEA website.</p> <p>i. We would like to suggest that a consideration for a wider/additional distribution of such notification be made, so that for those who have not been part of a submission process, a comment period would be maximized, such as to municipalities, citizen groups, etc., i.e. via e-mail.</p>	Comment acknowledged. Consultation during the preparation of proposed amendments should be carried out at a broader level. Only those persons and organizations whom have expressed an interest in the proposed amendments need to be notified at this point.
50	Carmen Ches & Margaret Fazio - City of Hamilton	Section A.2.8,2 subsection 4 - appears to be lacking a time frame for the proponent to make a submission to address the issues raised in the Part II Order request.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
51.	Carmen Ches & Margaret Fazio - City of Hamilton	Section A.2.8.2 subsection 4 - there seems to be no provisions to address the situation where the concerns of the requestor are satisfied but they fail to withdraw the request for a Part II Order in writing.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
52.	Carmen Ches & Margaret Fazio – City of Hamilton	On the Part II Order request form there should be some indication as to who the requester represents: an individual, an organized group or collective... The process as it stands invites all community members to submit individual requests.	Comment acknowledged. The form will be modified accordingly.
Item	Commenter	Comments	MEA Response
53.	Carmen Ches & Margaret Fazio - City of Hamilton	Should there be some indication that additional pages can be appended (beyond the “supporting documentation”)?	Comment acknowledged. The form has been modified accordingly.
54.	Carmen Ches & Margaret Fazio - City of Hamilton	On the last page of the Form it states”...must be received by the Minister within 30 days of the published notice”. Should the name of the notice be explicitly stated?	Use of the form is discretionary. Accordingly, there is no requirement to submit 'the form' within the timeframe noted.
55.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>Due to the recent enactment of the Ontarians with Disabilities Act in Ontario, public as well as private sector proponents are now required to comply with aspects of the act in their notices.</p> <p>i. While it is the responsibility of each proponent to incorporate the Act’s requirements, it would be prudent to reinforce that compliance in the notices, with this act, from the point of view of font type or size and to include availability to assist them, as required. This can be added to the mandatory list requirements, and examples of working can be provided in the sample notices.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.

56.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>Most of the new sample notices have a name and association of who seems to be the author of the notice at the bottom.</p> <p>i We question whether this is not a duplication of information,, in that, usually the person that is placing the ad and leading its distribution is also the contact person whose full information will be included in the notice already. Suggest removal of this extra information due to the duplication.</p>	<p>The notices are sample notices only and should be customized by proponents to meet their specific needs. Some municipalities list a public consultation expert or facilitator as the project contact instead of the project manager.</p>
57.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>We agree with the mandatory placement of study area maps, where applicable.</p>	<p>Comment acknowledged.</p>
58.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>Suggest an introduction of new definitions for the following terms:</p> <p>i “Right of Way” (there is room for interpretation when we read “existing right-of-way” and “protected right-of-way;”)</p> <p>ii “Capacity” - we are questioning whether capacity is only referring to motor vehicle capacity or also to other modalities i.e. a cycling lane can potentially carry as many people as a general traffic lane. The way that Nos. 19, 20 read it appears that the document is auto-</p> <p>iii New Section - We agree with the incorporation of trails into the MCEA document/EA process in this way.</p>	<p>The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.</p> <p>Capacity refers to the number of motor vehicle and bicycle lanes The meaning of Operation has been adjusted to clarify..</p> <p>Comment acknowledged.</p>
59.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>Although parking lots that are associated with a building are not outside of the EA process, what is left is perplexing.</p> <p>i It is conceivable that a parking lot, on its own would potentially still carry a significant environmental impact. It would also be desirable to make standalone parking lot construction require at least as many public consultation steps as construction of other paved facilities, such as those described in section 20, due to similar or greater potential environmental impacts (“environment” as defined in the MCEA document). Therefore a limit of <\$2.4M may be more appropriate for Schedule B and the Limit of >\$2.4M for Schedule C projects, none being-pre-approved.</p>	<p>The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.</p>
60.	Carmen Ches & Margaret Fazio - City of Hamilton	<p>We would appreciate further opportunity for dialogue on the currently proposed amendments, an opportunity to receive answers to the above questions, as well as being included in the future consultation process.</p>	<p>Comment acknowledged.</p>

Item	Commenter	Comments	MEA Response
61.	Joe Vaccaro Home Builders' Assoc and BILD	<p>In response to the consultation on Proposed MEA Amendment to the Municipal Class EA, the Ontario Home Builders' Association (OHBA) would like to meet with the MEA and the Ministry of the Environment (MOE) to discuss the impact of the proposed amendments on the land development industry.</p> <p>As referenced in the MEA letter to Minister Bradley dated December 5th, the MOE will place the proposed amendments on the Environmental Bill of Rights Environmental Registry for a second 45-day public review period. It is important to recognize that as proponents of the Municipal Class EA, private sector developers' plan and deliver millions of dollars of municipal infrastructure in the province every year. As such, we are invested in improving the process efficiency of the Municipal Class EA to deliver better outcomes and value for taxpayers, municipalities and the province. Meeting before the second posting will provide OHBA with the opportunity to share our members' expertise, from across Ontario, in order to continue improving the process efficiency of the Municipal Class EA. In 2011, through Ontario's Open for Business Initiative, OHBA and the Building Industry and Land Development Association (BILD) worked with MEA and MOE to improve the Municipal Class EA, Section A.2.9, Integration with the Planning Act, and we are committed to the same collaborative improvements in this process.</p> <p>OHBA represents private sector developers who, in addition to municipalities, are proponents subject to the requirements of the Municipal Class in compliance with the Environment Assessment Act Regulation 345/93 when we plan and build municipal infrastructure. Our members are committed to improving new housing affordability and choice for Ontario's new home purchasers and renovation consumers by positively impacting provincial legislation, regulation and policy that affect the ability to build new homes and employment centres. Our members recognize that choice and affordability must be balanced with broader social, economic and environmental issues. As in the past, we are prepared to work with the government to comprehensively examine the issues and make constructive recommendations.</p> <p>The Ontario Home Building's Association (OHBA) is the voice of the new housing and professional renovation and land development industry in Ontario. OHBA represents over 4,000 member companies, organized through a network of 31 local associations across the province. Our membership is made up of all disciplines involved in land development and residential construction including: builders, renovators, trade contractors, manufacturers, consultants and suppliers. The residential construction industry employed over 322,000 people and contributed over \$43 billion to the province's economy in 2012. OHBA members are critical partners to the Provincial Government and municipalities in the creation of complete communities and transit-oriented development that will support the implementation of the Provincial Policy Statement and other Provincial Plans.</p>	MEA will be hosting a meeting to discuss MCEA issues with selected stakeholders
62.	Robin McDougall - Town of Georgina	The Town of Georgina has reviewed the proposed changes and are in support of the changes.	Acknowledged
63.	Robin McDougall - Town of Georgina	<p>Comments/questions</p> <p>1. whether a new crossing of a rail corridor for a trail is considered the same as a proposed road overpass or underpass for a trail/bike facility which requires a minimum Schedule B (C if over \$2.4m)?</p>	This would fall under activity No. 28, construction of underpasses or overpasses for pedestrian, recreational or agricultural use.

64.	Robin McDougall - Town of Georgina	2. In addition, if a bridge over a water course does not trigger a Schedule B Class EA if the project cost is below \$3.5m why does any new trail underpass or overpass of a road trigger a Class EA? One would think the potential environmental impacts of a “new” trail bridge over a water course might be greater than a new trail / ped bridge over an existing two-lane road or a tunnel/bridge over a rail corridor. Perhaps more clarity could be provided on these issues by the MEA.	In either situation described, the requirements are the same – a Schedule B where the work is less than 2.3 M; and a Schedule C where the work is greater than 2.3 M.
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Item	Commenter	Comments	MEA Response
65.	Robert Dunford, City of Peterborough	<p><u>Section A.2.3.2 Procedure to Request a Part II Order</u></p> <p>Part 4 - the MOE review will commence “upon receipt of all necessary and satisfactory information from the requester, the proponent, other government agencies and/or interested persons” - while this requirement is reasonable, the MOE should be able to dictate reasonable response times for all parties, otherwise a requester or other could use the process to simply delay a project they do not agree with. Ideally, the MOE would also retain some flexibility with respect to those response times should a Part II Order request be excessively long requiring a lengthy response.</p>	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
66.	Robert Dunford, City of Peterborough	<p><u>Sample Part II Order Request Form</u></p> <p>Last page, correct Freedom of Information and Protection of Privacy Act.</p>	Comment acknowledged. Change made.
67.	Robert Dunford, City of Peterborough	<p><u>Appendix 1 Project Schedule Tables</u></p> <p>Project 19 - underlined section requires correction.</p>	The description of this activity has been reviewed for clarity.
68.	Robert Dunford, City of Peterborough	<p><u>Appendix 1 Project Schedule Tables</u></p> <p>Project 20 - does this apply to a reconstructed road with reduced vehicle lanes? This is a change in capacity, but in some instances reducing capacity may have negligible effects...i.e. in a situation where a portion of a road was constructed with 4 lanes, however actual traffic volumes do not justify 4 lanes.</p>	Yes, this type of project would be subject to activity no. 20.
69.	Robert Dunford, City of Peterborough	<p><u>Appendix 1 Project Schedule Tables</u></p> <p>Project 22 - Similarly, there may be instances where a curb is being constructed to support a ‘road diet’ where the number of vehicle lanes is being reduced but a curb is being reconstructed to either provide a dedicated or separated cycling facility or instances where a traffic lane is replaced with a pedestrian refuge island to improve pedestrian movements.</p>	Activity no. 22 has been adjusted to enable minor localized operational improvements.
70.	Janet Amos, Amos Environment + Planning	<p><u>Road Cost Limits</u></p> <p>The new road cost limits for projects is confusing to users of the Class EA due to their annual updating. Some proponents incorrectly assume that their project costs must be re-examined with updated estimates each year to match the road cost limits thus creating unnecessary instability in the planning of projects.</p> <p>I recommend that this matter be further clarified in the road Schedules and further that a longer period of road cost stability be instituted with changes made every five years at the time of the MEA updates. Providing a direct link in the Municipal Class EA document to the road cost limits would greatly assist users.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified

Item	Commenter	Comments	MEA Response
71.	Janet Amos, Amos Environment + Planning	<p><u>Integrated Approach, Section A.2.9</u></p> <p>I recommend that two changes be made:</p> <p>clarify the text of Section A.2.9 Page 8, table should be reworded to match text of other relevant sections as follows: “*if using the integrated approach an appeal of the Planning Act Application and related infrastructure can be made to the OMB. A request for a Part II Order <u>for the related infrastructure projects addressed under the Municipal Class Ea</u> may also be made to the Minister of the Environment or delegate.”</p> <p>Correct the incorrect reference in Schedule A to the status of Section A.2.9. Items 42 (roads) and item 39 (water and wastewater) should be removed as they were deleted by the Minister of the Environment’s amendments in 2011. The items to be deleted read as follows: “Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.</p>	<p>The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified</p>
72.	Janet Amos, Amos Environment + Planning	<p><u>Appeals per Section 16.1 of the Environmental Assessment Act</u></p> <p>As discussed with MEA and MOE at the time of the passage of the 2011 amendments, this section of the Environmental Assessment Act is unfairly applied to the Municipal Class EA in contradiction to the Minister of the Environment’s long standing approval of projects as subject to Schedule A; that they are pre-approved. Unlike other Class EAs for other proponents, current discussion around the application of Section 16.1 seems to remove the pre-approved status of Schedule A projects by permitting Part II Order requests for projects which the Minister of the Environment has designated as pre-approved through the Environmental Assessment Act approval of the Municipal Class EA.</p> <p>Combines with this concern is the existing clarifications in Schedule A that four types of projects, usually carried out by private sector developers are not subject to the Municipal Class EA or the Environmental Assessment Act. These four types of projects include: local roads (#23), water and wastewater extensions (#17 and #10) and stormwater management facilities (#6) which are constructed for the purpose of satisfying a condition of Planning Act approval. The original inclusion , in practice the MEA issues of these four items by MEA was done only to clarify the status of these projects. As a result of the confusion over the application of Section 16.1 and the Minister of the Environment’s powers in this regard could result in Part II Order requests for these Schedule A projects when they are not subject to the Environmental Assessment Act.</p>	<p>The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified</p>

73.	Janet Amos, Amos Environment + Planning	<p><u>Clarification and Important Updates</u></p> <p>From time to time the MEA issues clarifications and updates regarding the Municipal Class Ea. While helpful in concept, in practice the MEA issues these documents without dates or apparent reference to their status. Further these are issued in a secretive manner.</p> <p>I recommend that going forward the MEA issue these clarifications in an open manner with notice to a list of Municipal Class EA stakeholders via email and that the clarifications include a date of issuance and the status of each clarification. For example, will they be matters addressed at the next five year review or are they notifications of changes which take effect immediately?</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
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Item	Commenter	Comments	MEA Response
74.	Janet Amos, Amos Environment + Planning	<p><u>Municipal Class EA Stakeholders</u></p> <p>The MEA has done a valiant job of maintaining and updating their Class EA but continues to disregard all the stakeholders who are subject to the Municipal Class EA including private sector developers.</p> <p>I recommend that an list of stakeholders including planners, private sector developers, agencies and so on who regularly access the Municipal Class EA. Such a list would enable the MEA and MOE to notify stakeholders of changes, clarifications and updates to the Municipal Class EA.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
75.	Janet Amos, Amos Environment + Planning	<p><u>O.R. 345/93</u></p> <p>Since the implementation of the Municipal Class EA relies on knowledge about O.R. 345/93, I recommend that a copy of this regulation be included and described in the Municipal Class EA and that the stakeholder list, noted above, be used to advise participants in any changes to this regulation.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
76.	Janet Amos, Amos Environment + Planning	<p><u>Master Plan Projects</u></p> <p>In my review of the 2007 Municipal Class EA, I noted that the definition of “project” and “piecemealing” is causing confusion to users who are employing one of the Master Plan approaches because it refers to an “entire project” consisting of “components”. In a Master Plan approach, the proponent addresses a group of projects and each one is able to retain its designation under the most appropriate Schedule (e.g. , Schedule A, A+, B or C) but be studied simultaneously.</p> <p>Also of note, the definition of project in the glossary incorrectly refers to road projects with a cost limit of \$1.5 million which is now out of date.</p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.

77.	Janet Amos, Amos Environment + Planning	<u>CEAA</u> While not intended to provide all matters in the Class Ea, not that there have been major changes to the CEAA legislation and regulations, this section must be updated.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
78.	Janet Amos, Amos Environment + Planning	It is time for the Class EA to be overhauled to streamline it. It can no longer be piecemealed with multiple, ad hoc additions.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified.
79.	Janet Amos, Amos Environment + Planning	Distribution and availability of the Class Ea is very poor. The greater use of electronic means and a website for the dissemination of this Class EA must be made so that users can readily and freely access the Class EA and related materials.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment.

Item	Commenter	Comments	MEA Response
80.	Janet Amos, Amos Environment + Planning	The road cost limits should be updated every five years, not annually since it has been shown to burden proponents and users with confusion.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
81.	Janet Amos, Amos Environment + Planning	Proposed addition of cycling projects requires further consideration to sufficiently incorporate cycling into the Schedules. The revisions are not appropriate as proposed (i.e. trails are considered to have similar effects to roads, separate cost limits are assigned to new trails and there is nothing to distinguish on road cycling from off-road cycling.)	Comment acknowledged. The proposed amendments have been developed with the participation of a working group and have been the subject of careful consideration and consultative efforts.
82.	Janet Amos, Amos Environment + Planning	Proposed mandatory form for Part II Order requesters and changes to Section A.2.8 require significant further consideration prior to adoption. I understand that of Part II Order requests are a great concern for MOE and I remain convinced that the best solution would be one which streamlines and improves the procedures; not merely adds to them.	The form is intended to assist requesters. Its use is not mandatory.

83.	Janet Amos, Amos Environment + Planning	New requirement for a proponent to adopt a “mutually acceptable” timeframe for the extension of the 30 day review period could grind the process to a halt and must be subject of significant additional deliberation.,	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention. Where a mutually acceptable timeframe cannot be agreed upon, the 30 day review period would apply.
84.	Janet Amos, Amos Environment + Planning	New procedures and protocols for the Minister’s review of Part II Order requests appear arbitrary and are not necessarily relevant to most requests. We should use caution adding an ad hoc manner to this section unless the result is to clarify it further.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
85.	Janet Amos, Amos Environment + Planning	The legal status of the March 2013 heritage bridge checklist is unclear although it goes beyond the scope of the original question which is ‘is a bridge historically significant and thus does it require a Schedule B or C study per the 2011 amendments for the municipal Class EA?’ This checklist must be streamlined and clarified before being adopted for use by proponents.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
86.	Janet Amos, Amos Environment + Planning	New section on Source Water Protection is educational but should not be inserted into the Class EA as there is no room for every new piece of legislation, regulation or practice to be fully articulated within the Class EA.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
87.	Janet Amos, Amos Environment + Planning	If not already, revisions including the heritage checklist, should be considered a Major Amendment to the Class EA so that additional discussion can occur with proponents, consultants and agencies.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified.

Item	Commenter	Comments	MEA Response
88.	Wendy Kemp, Water Resources, Region of York	The Risk Management Official should be engaged early in the Class EA process, similar to the local Conservation Authority/Source Protection Authority as noted in several of the sidebars and ‘review agencies’ section. In many circumstances, the Risk Management Official may be within the same municipal undertaking the work but not in all cases. The Risk Management Official has specified duties under the Act with respect to risk management plans and prohibition of some activities as identified in the Source Protection Plans.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

89.	Wendy Kemp, Water Resources, Region of York	There should be further clarification on the supporting documents to the Act. Specifically, the Source Protection Plan contains the policies that provide the mandatory voluntary actions required to protect municipal drinking water systems but the Assessment Report identifies where vulnerability areas are located and what are the significant drinking water threats to drinking water supplies. Given the complexity of this work, it is strongly recommended that consultation with Risk Management Official or Conservation Authority/Source Protection Authority be consulted early in the Class Environmental Assessment process.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
90.	Wendy Kemp, Water Resources, Region of York	A drinking water system is considered a ‘planned drinking water system; where the planning process has been conducted in accordance with an approved Class EA <i>and where no Part II order has been issued</i> . Modify the working in sidebar that states ‘Refer to Ontario Regulation 287/07 for the full list of drinking water threat <i>activities</i> .”	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
91	Wendy Kemp, Water Resources, Region of York	It should also be noted in the discussion on conformity that the Source Protection Plan will specify activities that are prohibited. The municipality cannot undertake work that is in conflict with the significant drinking water threat policy or Great Lakes policy as identified in the Act. Another relevant example that is worth noting is the storage of fuel, typically used in well houses and other municipal service buildings.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
92.	Wendy Kemp, Water Resources, Region of York	The text should be updated to include Schedule A projects under the New or Expanded Water Systems section. Vulnerable areas are determined using pumping rates from the water system. If drinking water systems are expanded (e.g. pumping is increased) or taken from a different source (e.g. deeper well), the vulnerable areas will change and will require notification to the Source Protection Authority. This is situation could apply in Schedule A projects in addition to Schedule B and C projects as noted in the amendment.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
93.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The word ‘reasonable’ be added before ‘resolved’ and ‘by means employed by’ be deleted in item 2 under section A.2.8.2 The proposed amendment wording suggests the Proponent would be required to amend the project for any and all requests. It is understood that at times not all requests are reasonable and can be addressed by the project.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.

Item	Commenter	Comments	MEA Response
94.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The wording ‘a higher level of review (e.g. moving from a Schedule B process to a Schedule C process) or’ be inserted after ‘proponent to undertake’ in the ninth bullet of item 3 under section A.2.8.2.	Comment acknowledged. This change has been made.

95.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The wording ‘as public information’ be inserted after ‘will be collected and maintained by the ministry’ in the last paragraph of item 3 under section A.2.8.2	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
96.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The 20 working day notification period under item 4 in section A.2.8.2 be revised to a five (5) working day notification period.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
97.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The wording ‘undertake a higher level or review (e.g. moving from a Schedule B process to a Schedule C process) or’ be inserted after ‘if they are prepared to’ in the first paragraph of item 4 under section A.2.8.2.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
98.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The wording ‘if the proponent elects to carry out an individual EA,’ be inserted before ‘The Director of the EAB’ in the first paragraph of item 4 under section A.2.8.2.	Comment acknowledged. This sentence has been edited for clarity.
99.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> Paragraph two (2) of item 4 under section A.2.8.2 indicates that when a Part II Order review will commence. What happens if the information noted in the section is not received? Is the project then in limbo or will the request be denied if the requestor fails to provide the necessary/satisfactory information?	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
100.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The Word ‘reasonably’ be inserted before ‘resolve the concerns locally’ in paragraph 5 of item 4 under A.2.8.2	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
101	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The wording “Notice of Completion” or Notice of Filing an Addendum” be inserted after ‘the 30 day’ in paragraph 5 of item 4 under section A.2.8.2	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
102.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> The word ‘immediately’ be inserted after ‘it is the requester’s responsibility to’ in the last paragraph of item 4 under section A.2.8.2	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
103.	Wendy Kemp, Water Resources, Region of York	<u>Amendments to A.2.8 Provision for Changing Project Status (Part II Order)</u> We suggest wording be included in the Sample Notices (for public comment and public consultation centre) advising the public to bring issues forward to the proponent and not satisfied, for the public to wait until the 30 day review period to bring a Part II Order request (as per section A2.8.2.	Comment acknowledged. It is the responsibility of the proponent to customize public notices to meet their specific needs and there is nothing that would prevent this language from being included in a notice. Advice about how members of the public should try and resolve their concerns is included in the MCEA and the Ministry of the Environment's Code of Practice for Preparing and Using Class EAs.

Item	Commenter	Comments	MEA Response
104.	Andrea Hicks, Trent Conservation Coalition Source Protection Region	<p>Of particular interest to the SPC are the amendments related to the <i>Clean Water Act, 2006</i>. The following comments relate to the proposed section A.2.10.6.</p> <p>Through the Source Protection Planning Process, two key documents have been produced which should be reviewed and considered by any proponent of a Municipal Class Environmental Assessment (MCEA) when undertaking a project within a vulnerable area or involving a municipal drinking water system:</p> <ul style="list-style-type: none">• Assessment Report - contains technical information related to the vulnerable areas and threats;• Source Protection Plan contains policies to address drinking water threats. <p>The proposed amendments make reference to the Source Protection Plans, but not the Assessment Reports. We feel it is important to include both these documents as together they provide the information that a proponent will request. For example, it is the Assessment Report which contains the vulnerable areas maps for drinking water systems. In addition, it is both the Assessment Reports and the Source Protection Plans which will need to be updated in the case of projects which expand existing or create new drinking water systems.</p> <p>In the fourth paragraph, the proposed amendments discuss the technical work that must be completed in order to identify the significant drinking water threats. As written, it indicates that the WHPA and/or IPZ areas are delineated before this technical work takes place. Technical work will be required both to delineate the WHPA and/or IPZ areas and to enumerate the significant drinking water threats existing in these areas. The paragraph should be revised to accurately reflect what the technical work will determine.</p> <p>For new or expanded drinking water systems, these projects will always result in the need for technical work and updates to both the Assessment Report and Source Protection Plan. While we understand that it is the intention of this amendment to remind proponents of Source Protection and the Clean Water Act, we are concerned that the use of soft language (i.e. “may have”, “may require”) regarding the consideration of these documents will lead proponents to believe that meeting the requirements of the Clean Water Act are optional.</p> <p>Furthermore, there has been a lack of clarity for municipalities regarding when the technical work for new or expanded drinking water systems must be completed. Requiring the technical work for Source Protection to be completed as part of the MCEA process would be efficient, collaborative, and effective at integrating these requirements and simplifying tasks for municipalities. We urge the Ministry of the Environment to consider how best to ensure that Source Protection requirements can be achieved in a timely way by municipalities.</p> <p>We appreciate the efforts made by the Municipal Engineers Association in proposing these amendments and are in favor of having clear, supportive information regarding Drinking Water Source Protection within these document.</p>	<p>Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.</p>
105.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	<p>The new section on the Clean Water Act regarding source water protection is informative however it is long and is not clear why this is being included as an informational item.</p>	<p>Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.</p>
106.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	<p>The new changes regarding the Minister’s review of Part II Order requests is wordy and difficult to follow and does not appear to add any clarification to the process. A number of timeframes are buried within these changes so that they are also difficult to find and follow. All timeframes should be based on a specific period and not be open-ended, e.g. extending the 30 day review period for a mutually agreed period.</p>	<p>This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.</p>

107.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	The proposed addition of cycling projects may need greater scrutiny that is available through this amendment process.	Comment acknowledged. The proposed amendments have been developed with the assistance of a working group and have been the subject of extensive consultation before the proposed amendments were submitted to the MOE.
Item	Commenter	Comments	MEA Response
108.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	Come but not all of the sample notices include a FIPPA disclaimer; I believe the intent was this requirement would be mandatory.	Comment acknowledged. The information about FOIPPA is provided when the Ministry of the Environment may be collecting personal contact information under the authority of the <i>Environmental Assessment Act</i> . Where personal information may be collected by a municipal proponent, the appropriate provisions of the <i>Municipal Freedom of Information and Protection of Privacy</i> should be referenced. The samples notices have been amended where appropriate.
109.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	Can the proposed mandatory form for Part II Order requesters which must be submitted to three addresses be also done electronically/	The form can be submitted electronically. Also, it is important to remember that use of the form is not mandatory.
110.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	The legal status of the March 2013 heritage bridge checklist is unclear.	Amendments to the MCEA with respect to bridge structures activities were completed in 2011. The accompanying checklist is a resource that supports the use of the MCEA to meet EA requirements associated with bridge structure activities that fall under activity nos. 30 and 31 of Appendix 1 (i).
111.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	The Class EA should be freely available on either the MCEA or MOE web-site for all potential users.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment.
112.	Dan Delaquis, Supervisor, APEP, MOE	<p>A.2.10.6 The Clean Water Act</p> <p>In Sidebars 1 and 2, it may be helpful to reference O.Reg. 287/07 to clarify the source of the definitions of Wellhead Protection Areas (WHPAs) and Surface Water Intake Protection Zones.</p> <p>Regarding the definition for WHPAs on the first sidebar, it may be helpful to add WHPA-F in the list of WHPAs. On page 32 of MOE's Technical Ruses: Assessment Report, dated November 2009, WHPA-F is described as “the area delineated in accordance with the rules in Part VI that apply to the delineation of an IPZ-3, as if an intake for the system were located in the surface water body influencing the well at the point closest in proximity to the well.”</p>	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

113.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	<p>Projects Located Within a Vulnerable Area</p> <p>In the first paragraph, second line, we recommend that “the policies should be given...” be changed to “impact of the proposed project, as well as applicable policies, should be given...”</p> <p>In Sidebar 1 on Page 3, we recommend that “and Source Protection Plans” be changed to “and/or Source Protection Plans” to reflect that not all municipalities have incorporated policies from Source Protection Plans into their Official Plans.</p>	<p>Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.</p>
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Item	Commenter	Comments	MEA Response
114.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	New or Expanded Drinking Water Systems For the fourth paragraph on Page 4, it may be helpful to clarify that MCEA projects will not be considered complete until the technical work required by the Clean Water Act has been completed to the satisfaction of the MOE.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
115.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	A.2.8.1 Part II Order We recommend that the second sentence in the third paragraph should be changed from "Any interested persons...within the public review period for a Project Plan..." to Any interested persons...within the public review period for a Project File...".	Comment acknowledged. Proposed wording has been changed.
116.	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	A.2.8.2 Procedure to Request a Part II Order Under Item 3, it is recommended that "considers elevation of the undertaking's status to be inappropriate' be change to denies the request to elevate the undertaking's status" for clarity.	Comment acknowledged, Proposed wording has been amended to clarify.
117	Kim Eaton, Senior Environmental Planner, Morrison Hershfield	A.2.8.3 Minister's Decision It is recommended that the first sentence in the first paragraph should be changed from "The Minister or their delegate considers...or government agency, the Minister or delegate chooses to consult..." to "The Minister or delegate considers...or government agency, and chooses to consult..." Both "EAB" and "EAAB" are used in the sample notices. "EAAB" in this Class EA should be replaced by "EAB" for consistency.	Comment acknowledged. Proposed wording has been changed for clarity.
118.	Robert Grimwood, Sustainable Transportation, City of Ottawa	The proposed "note to be included just prior to Table in Appendix 1" appears to be missing a word: <i>"Note: Phase in Provision - Any data gathered or consultation related to a cycling or multi-use path completed prior to approval of the amendment, including projects in the MCEA, can be used as part of the MCEA process provided the proponent has followed the requirements of the MCEA."</i>	Comment acknowledged. Proposed wording has been changed for clarity.
119.	Robert Grimwood, Sustainable Transportation, City of Ottawa	In the proposed revised Project Schedules Table, more generic terminology should be used to refer to cycling facilities in the "Description of the Project" column. We suggest replacing the term "cycling lanes" with a more inclusive term such as "cycling facilities"/ The rationale for this suggestion is that new forms of cycling facilities are being introduced in Ontario municipalities and also included in the new cycling facility design guidelines (such as the Draft Ontario Traffic Manual Book 18), such as physically separated cycle tracks. Users of the MCEA may interpret the term "cycling lanes" not to include such new facilities because they are not "traditional" bicycle Lanes. The revised Project Descriptions should include such new facilities, which for Environmental Assessment purposes are negligibly different from traditional bicycle lanes.	Comment acknowledged[idea6]. The term cycling facilities has been incorporated where appropriate.
118A	Jacquelyn Hayward Gulatl, Cycling Office, City of Mississauga	The proposed amendments provide additional clarity on the Municipal Class EA process with regard to cycling projects - the proposed revisions to the Project Schedules table clearly indicate that most sidewalks and cycling projects are pre-approved as Schedule A/A+ except where outside of the Right of Way in which case they are pre-approved unless over \$3.5 million in cost (Schedule B) or \$9.5 million (Schedule C). The proposed amendments will serve to streamline and improve the environmental assessment process for municipalities for most cycling and multi-use path projects. The proposed changes are in-line with comments we previously provided to the MOE as part of the five year review of the Municipal Class EA in December 2012.	Comment acknowledged.

Item	Commenter	Comments	MEA Response
119A	Jacquelyn Hayward Gulatl, Cycling Office, City of Mississauga	<p><u>Item 22</u></p> <p>In some projects, the redesignation of a linear paved facility to parking and/or cycling lanes can be completed through signage and pavement marking modifications, however minor physical construction may also be required in the form of localized operational improvements at specific locations (i.e. curb bump-outs or other curb modifications at intersections). We would request that the type of localised operational improvements which are categorized as pre-approved A+ in item 12 a) be able to be combined with redesignation projects as outlined in the amendments to item 22. As a suggestion, item 22 could read as follows:</p> <p><i>“Redesignation of a Linear Paved Facility through signage or pavement marking modification (i.e. not requiring physical construction beyond the construction of localized operational improvements as outlined in No. 12)...</i></p> <p>There appears to be an error in item 22, as these projects are shown to be categorized as both Schedule A and A+. The MEA and the MOE are requested to ensure the amendment is corrected regarding which schedule should be applied.</p>	<p>Comment acknowledged. Activity No. 22 has been amended as suggested.</p> <p>Comment acknowledged. Activity No. 22 is subject to Schedule A+.</p>
120	Jacquelyn Hayward Gulatl, Cycling Office, City of Mississauga	<p><u>Item 28</u></p> <p>We would ask that the MEA and the MOE also consider a revision to Item 28 “Construction of underpasses or overpasses for pedestrian, cycling,, recreational or agricultural use” to allow projects which are under \$3.5 million to be pre-approved as Schedule A, over \$3.5 million but under 49.5 million to be classified as Schedule B and over 9.5 million to be classified as Schedule C. This revision would be consistent with the schedule categorization proposed for Construction or removal of sidewalks, multi-use paths or cycling facilities including water crossings outside existing right of way”.</p>	<p>The categorization of these activities is consistent with the categorization of new water crossings and is appropriate.</p>
121	Jacquelyn Hayward Gulatl, Cycling Office, City of Mississauga	<p><u>Terminology</u></p> <p>For consistency in terminology used, we would ask that you use the term “multi-use paths” in item 1 and item 2 as is used in the new item instead of using two similar terms i.e. “multi--purpose paths” and “Multi-use paths”. For consistency in the terminology used in items 19 and 22, we would ask that you use the term “addition or removal of cycling...” rather than the terms “addition or reduction of cycling” (item 19) and “create or remove cycling” (item 22) respectively.</p>	<p>Comment Acknowledged, This change has been made, where appropriate. In some circumstances, removal is more accurate than reduction..</p>
122	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	<p>Thank you for this opportunity to provide input to the current consultation of the proposed amendments to the Municipal Class Environmental Assessments (MCEA). We have recently been asked to provide comments on Environmental Assessments (EA) completed through the MCEA and have found that a number of these EA (including new proposed municipal wells, trunk sewers through vulnerable areas and upgrades to sewage treatment facilities, etc.) have not given appropriate consideration to the impact of projects on drinking water sources as defined under the Clean Water Act. We therefore support the MEA and the MOE for proposing amendments to the MCEA to consider the CWA and local Source Protection Plans. We would also like to provide some additional suggestions which could be incorporated into the proposed amendments.</p> <p>While the proposed amendments encourage consideration of Significant Drinking Water Threats (SDWT), of primary concern is that the proposed amendments do not give mention to the municipal responsibilities related to Moderate and Low Drinking Water Threats. While these threats do not have the same conformity requirements under the acct that the SDWT, the CWA requires that municipalities and the Government of Ontario have regard to other policies in the SPP in their decisions under the Planning Act (s39). Further, the Provincial Policy Statement (PPS) under the Planning Act requires that municipalities ‘protect designated vulnerable areas’ and “protect, improve or restore” sensitive surface and groundwater features (2.2.1). The MCEA process offers the municipality the opportunity to give these designated vulnerable areas and features consideration through the alternative selection and thereby document how these vulnerable areas and features have been considered. It is therefore recommended that appropriate discussion of Moderate and Low Drinking Water Threats and the vulnerable areas where they may occur (including HVA and SGRA) should be highlighted in the MCEA document.</p>	<p>Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.</p>

Item	Commenter	Comments	MEA Response
123.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	Sidebar descriptions of WHPA and IPZ are proposed but do not include any reference to WHPA-Q1, WHPA-Q2, IPZ-Q or ICA. These areas can result in SDWT, therefore it is important that they also be referenced in the document.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
124.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	More accurate wording should be considered for paragraph 3 on page 1 which suggests that the rules apply after the WHPA/IPZ is delineated, while the rules actually define how the WHPA/IPA are delineated.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
125.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	The first full paragraph on page 2 correctly points out that a SPP must have policies which address SDWT but it fails to point out that the SPP may also include policies on moderate and low drinking water threats which municipalities must have regard for.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
126.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	In the paragraph before the section on “Projects Located Within A Vulnerable Area” it suggests that the province is only required to consider SDWT policies, however in decisions related to prescribed instruments they must conform with SDWT policies and have regard for other policies. Although this may not specifically relate to decisions under the EA process this level of conformity will apply to prescribed instruments which will follow on many of these proposals. It is therefore suggested that more clarity be given to the weight of the SDWT policies on provincial decisions.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
127.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	In the section on “Projects Located Within A Vulnerable Area” wording suggests that policies <i>should</i> be considered while the act requires that municipalities <i>conform to</i> some of the policies and <i>have regard</i> for others. It is suggested that more appropriate wording be used to reflect the regulatory requirements and the importance of considering these implications in the EA process.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
128.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	The proposed revisions include providing a number of examples of how projects (or alternatives) may be considered drinking water threats, however it is also possible that the proposed may remove or better mitigate against drinking water threats (have a positive impact). An example of this would be a proposed extension of municipal sewage servicing to an area where private sewage disposal systems are SDWT. Another example would be upgrades or replacement of older infrastructure with newer infrastructure which better manages the risk from SDWT. It is important to include consideration of this in the assessment of alternatives being considered through the MCEA.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.

Item	Commenter	Comments	MEA Response
129.	Chris Tasker, Thames-Sydenham and Region Drinking Water Source Protection	The proposed amendments suggest that a project may require amendments to a SPP however it is more likely that those amendments would be required to the AR although it is possible that amendments to the SPP may also be required.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
130.	Nancy Smith Lea, Toronto Centre for Active Transportation	<p>Thank you for the opportunity to comment on the proposed major amendment to the cycling, waling and trail provisions in the Municipal Class Environment Assessment (Class EA).</p> <p>The Toronto Centre for Active Transportation (THAT), a project of the registered charity Clean Air Partnership, conducts research, develops policy recommendations, and creates opportunities for knowledge sharing, all with the goal of providing evidence and identifying workable active transportation solutions.</p> <p>THAT and Duncan Rogers, Clerk. Paul Hess at the University of Toronto are currently working together on a research project funded by Metrolinx that is investigating the implementation of Ontario's provincial and municipal policies that seek to encourage walking, cycling and public transit use, with a particular focus on the provision of streets and roadways that improve the accommodation of walking anc cycling. We have performed a comprehensive study of the factors that guide the technical details or roadway and street design including the EA process. We found that the current EA process can present an undue barrier for municipalities to improving conditions for walking and cycling on streets and roadways.</p> <p>Two of the barriers we documented in the EA process are:</p> <ol style="list-style-type: none">1. Projects that involve minimal change to the motor vehicle environment are streamlined without consideration of the negative environmental impacts associated with maintaining current levels of motor vehicle capacity. These projects are pre-approved without consideration of alternative designs that accommodate walking, cycling and public transit. The existing design of most Ontario's streets typically provides only basic pedestrian facilities and rarely bicycle facilities. <p><i>Within the amendment, projects that do not change the number of motor vehicles lanes are still streamlines (#19 in the Appendix 1 Table). While we acknowledge that it would be neither practical nor advisable to slow down road resurfacing projects, nevertheless regularly scheduled projects such as these do present an opportunity to reduce negative environmental impacts and to conform more closely to provincially mandated priorities (e.g. Growth Plan). In some cases minor changes can improve the active transportation experience and are cost-effective to implement while the road is being resurfaced (e.g. providing wider curb lane widths for cyclists). We recommend that for streamlined projects that municipalities be required to review whether there are any identified plans in place (e.g. Bike Plans) to improve active transportation that could be feasibly implemented at the same time.</i></p> <ol style="list-style-type: none">2. New facilities for active transportation that can change the motor vehicle environment (e.g. reconstruction and widening projects) require a more rigorous process which can effectively limit the potential for active transportation facilities to be added to the street. <p><i>This is addressed in the amendment in #19 in the Appendix 1 Table. See Below.</i></p>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
131.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 1. We are supportive of cycling lanes, multi-purpose paths and sidewalks being included within the definition of linear paved facilities.	Comment acknowledged.

Item	Commenter	Comments	MEA Response
132.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 3: We are supportive of pre-approving the inclusion of multi-purpose paths and cycling lanes within the construction of the right-of-way. However we do not support the <i>removal</i> of sidewalks, multi-purpose paths or bike lanes being included in the same schedule. The potential removal of bike lanes should trigger a more rigorous process due to the negative environmental and public health impacts.	Comment acknowledged. The decision to remove a bike lane is a local issue that should be determined by municipal council.
133.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 19: We are supportive of the clarification that the inclusion of bike lanes does not trigger a higher schedule if the number of motor vehicle lanes is unchanged. However we do not support the <i>reduction</i> of bike lanes being included in the same schedule for reasons noted above in No. 3.	Comment acknowledged. The decision to remove a bike lane is a local issue that should be determined by municipal council.
134.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 20: We are supportive of the clarification that changes to motor vehicle capacity warrant a higher level of review.	Comment acknowledged.
135.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 22: We are supportive of the clarification that re-designation of a linear paved facility includes cycling lanes. However we do not support the <i>removal</i> of bike lanes being included in the same schedule for reasons noted above in No. 3.	Comment acknowledged. The decision to remove a bike lane is a local issue that should be determined by municipal council.
136.	Nancy Smith Lea, Toronto Centre for Active Transportation	New: We are supportive of the new category that includes under the Class EA the construction of sidewalks, multi-use paths and cycling facilities outside the right-of-way that cost more than \$3.5 million, rather than having these projects trigger an individual EA. However we do not support the <i>removal</i> of sidewalks, multi-use paths or cycling facilities under \$3.5 million being included in Schedule A for reasons noted above in No. 3.	Comment acknowledged. The decision to remove a bike lane is a local issue that should be determined by municipal council.
137.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 24: We are unclear about the implications of this recommendation specific to reconstruction of water crossing facility and therefore cannot comment.	Comment acknowledged.
138.	Nancy Smith Lea, Toronto Centre for Active Transportation	No. 28: We are supportive of the clarification to ensure cycling is included in the construction of underpasses or overpasses. We would suggest a revision to this item to allow projects which are under \$3.5 million to be pre-approved as Schedule A, over \$3.5 million but under \$9.5 million to be classified as Schedule B and over \$9.5 million to be classified as Schedule C. this would be consistent with the new proposed category “Construction or removal of sidewalks, multi-use paths or cycling facilities including water crossings outside existing right-of-way.”.	Construction of an underpass or overpass involves considerations that are separate and distinct from the construction of a linear sidewalk, multi-use path or cycling facility.
139.	Nancy Smith Lea, Toronto Centre for Active Transportation	To summarize, overall we are very supportive of the changes recommended by MEA with the notable exception of the proposal to streamline the removal or reduction of sidewalks, multi-purpose paths or bike lanes. We also recommend that a review of opportunities to improve active transportation be required for streamline road projects.	No comment
140.	Jim Antler, Ministry of Tourism, Culture and Sport	Thanks for sending along the MEA proposed amendments. On behalf of our Ministry's Northern Policy and Planning Unit we have not identified any significant concerns relating to the proposed amendments. For your information, our Unit function is to provide strategic tourism policy and planning expertise to industry, other ministries and other levels of government. We also support activities that protect,, diversify and enhance tourism industry interests on patented/Crown lands and waters in Northern Ontario. As such our comments relay a tourism perspective.	No comment

Item	Commenter	Comments	MEA Response
141.	Kyle Davis, Risk Management Official - Wellington County	<p>Page 3 - both sidebars - For further clarity about mapping or other source water related question, proponents can also contact the municipality's Risk Management Official.</p> <p>Page 4 - Section A.3.6 - Review Agencies</p> <p>I would suggest the additional of the following bullet:</p> <ul style="list-style-type: none">A municipality's Risk Management Official as applicable to the study area. a Risk Management Official is responsible for the enforcement of the <i>Clean Water Act</i> for a municipality and should be contacted to provide input to a Municipal Class EA process.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
142.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	We support amendments to the MCEA that would reduce barriers to the <u>construction</u> of cycling lanes, multi-purpose paths, sidewalks and streetscaping such as those proposed for rows 1, 3, 19, 22 and 24 of the table in Appendix 1 A. cycling and walking have the potential to reduce negative impacts from transportation on the natural, social and economic environments, particularly when they replace trips made by motor vehicles. Several current provincial policies acknowledge this - <i>#Cycle ON: Ontario's Cycling Strategy</i> (2013), the <i>Provincial Policy Statement</i> (2005) and the <i>Growth Plan for the Greater Golden Horseshoe</i> (2006), for example. We support MCEA amendments that will assist municipalities in implementing these policies.	Comment acknowledged.
143.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	We oppose amendments to the MCEA that would expedite the <u>removal</u> of cycling lanes, multi-purpose paths and sidewalks, or their <u>re-designation</u> for other purposes, such as those proposed for rows 3, 19, 22 and 24 of the Table in Appendix 1 A. Loss of this infrastructure will discourage walking and cycling and cause an increase in the use of motor vehicles and the negative environmental impacts associated with them.	Comment acknowledged. The decision to remove a bike lane is a local issue that should be determined by municipal council.
144.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	We recommend that content pertaining to walking and cycling be increased in Section B of the MCEA manual: explicit acknowledgment of walking and cycling as <u>alternatives</u> to motor vehicles, for example, and the potential they have to help address <u>capacity deficiencies</u> and <u>noise problems</u> .	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified. Suggestions are welcome and this issue can be considered during future amendments to the MCEA.
145.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	We suggest that the Clarification on Project Identification and Piecemealing be revised to allow cycling lanes, multi-purpose paths, sidewalks and streetscaping to be assessed separately from other elements of road projects because they are unlikely to have significant negative impacts on the environment.	Piecemealing is discouraged when the practice is used to reduce the applicable requirements under the MCEA for a single component of a bigger project. It would be inappropriate to exclude cycling facilities from a project for the purposes of reducing EA requirements.
146.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	We suggest that the MCEA be amended so that unused capacity for motor vehicles can be more easily re-designated for other purposes: e.g. the "road diet" concept. The capacity to move people should be prioritized over the capacity to move any particular type of vehicle. Consider that bike lanes have the capacity to move more people than general purpose lanes because bicycles move more slowly than motor vehicles and have a shorter following distance.	Comment acknowledged. The amendments proposed are supportive of this approach.

Item	Commenter	Comments	MEA Response
147.	Elizabeth Kay-zorowski, Sustainable and Innovative Transportation, MTO	<p>We also have two questions we hope you can answer so we can have a better understanding:</p> <ul style="list-style-type: none">What guidance are practitioners given about considering the impacts of physical inactivity and motor vehicle collisions on the social and economic environment in a Municipal Class EA? When there is a proposal to add a general purpose lane to a road, for example, or to remove a bike lane, are they encouraged to consider the potential for increased health care costs, or productivity losses due to illness and injury?What is the rationale for the \$3.5 million threshold for requiring municipalities to conduct an EA? Given that Ontario municipalities come in a wide variety of sizes is a single threshold appropriate for all?	Under the Environmental Assessment Act, proponents are required to consider the environment as broadly defined, which includes: the natural, social, cultural and economic environments. It is up to a proponent to determine how these specific issues are considered in the evaluation of alternatives and the recommended solution/design.
148.	Monika Turner, Director of Policy, AMO	Thank you for the opportunity to comment on 2014 amendments to the Municipal Class Environmental Assessment (EA) as proposed by the Municipal Engineers Association (MEA). AMO is encouraged by MEA's efforts to improve the Class EA process and we support the proposed amendments for cycling and multi-use facilities as well as revisions to source protection guidance.	Comment acknowledged.
149.	Monika Turner, Director of Policy, AMO	Capturing such infrastructure within the Class EA process will help municipalities build critical cycling and multi-use infrastructure by streamlining approvals for common and routine projects while ensuring that larger projects continue to be captured in a robust framework for public consultation. Streamlining will reduce costs, thus ensuring that municipalities can efficiently and effectively build infrastructure to meet the needs of our citizens. This is essential as the sector works to support the Province's Cycling Strategy (#CycleON) while tackling the \$60 billion infrastructure deficit that exists in our communities.	Comment acknowledged.
150.	Monika Turner, Director of Policy, AMO	The proposed references to the <i>Clean Water Act</i> and source protection guidance provides proponents with further clarifying information that will help protect municipal drinking water systems from potential threats. The proposed amendments will assist proponents in considering source water protection implications as part of their project planning processes as well as the requirements under the <i>Clean Water Act</i> to protect existing and future sources of drinking water. Aligning the definitions of a Wellhead Protection Area (WHPA) and a Surface Water Intake Protection Zone (IPZ) with those defined in Ontario Regulation 287/07 s also appropriate.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
151.	Monika Turner, Director of Policy, AMO	Directing proponents to mapping information available in municipal Official Plans and Source Protection Plans will assist proponents in determining whether their project is or is not located within an area deemed vulnerable. The local Conservation Authority and/or the Source Protection Authority are the appropriate review and technical agencies to help proponents in this matter.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
152.	Hamish Wilson,	<p>A very quick reaction is that we never really do an EA for the existing crap; including oil spills which are endemic.</p> <p>There's also complete avoidance of assessing the materials throughputs - both existing and proposed. The tonnage and embodied energy and resource of roadworks etc., is apparently above and beyond out built environment. How many millions of tons of road and sub-base etc. are there in Caronto? Per meter of two lane carterial and sidewalk; what is that tonnage and embodied energy/CO2??</p> <p>Delusion is often the preferred solution; you have lots of company.</p> <p>How many Ea appeals have every been successful?</p> <p>After something more urgent now, through I'm responding ASAP, I may get to going through the more detailed changes to at least sent something to the politicians.</p> <p>Thankfully there's a bit more sensitivity with a minority and elections looming.</p>	No comment

Item	Commenter	Comments	MEA Response
201.	Janet Amos, Amos Environment + Planning	For over 20 years the Municipal Class Ea has been amended and added to with the result that it is overly confusing for its readers and contains passages which inadvertently contradict the desired results of both the Ministry and the MEA. The 2014 proposed amendments add to the strain of using this complex document. I believe that the time has come to modernize and streamline the MEA Class EA in its entirety.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
202.	Janet Amos, Amos Environment + Planning	If the MEA Class EA was revised using plain language, the Class EA process could be promoted more easily and this would assist users and to use common terms around the Class EA process. Currently, the use of puzzling language is a major hurdle for users. Also, I suggest that consideration be given to editing the Class EA into three streams for background, directions for proponents on how to use the Class Ea process and guidance for public, stakeholders and agencies on how to participate. Cross-referencing would be a helpful addition. Overall the Class EA could be clarified to reduce the verbiage. This would greatly assist users.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
203.	Janet Amos, Amos Environment + Planning	Users can readily access all other Class EA's and related materials on-line. The Municipal Class EA process is managed and used by many types of environmental professionals relying on their professional judgment. Engineers, planners, scientists, municipalities, private sector developers as well as public, stakeholders and agencies rely on this vital document and its current status may have the effect of driving users away from its use.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment.
204.	Janet Amos, Amos Environment + Planning	While I understand, sympathize with and support the efforts of the MEA as volunteers, the greater use of digital materials and websites must be examined. As proponents also using and relying on the Class EA, private sector developers could be better incorporated into the Class EA reviews and used to share some of the Class EA maintenance burden. The Ministry needs to intercede and alter the ad hoc method of updating this Class EA.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
205.	Janet Amos, Amos Environment + Planning	Frustrating to Class EA practitioners and users, MEA has been haphazard in their documentation or revisions, clarifications and formal amendments to the Class EA and this needs to be addressed. A systemic method or recording there important elements is required. Some examples of current concerns include: Clarifications on the MEA website are undated with no sources provided and no page numbers leaving the reader to wonder when clarification occurred and what, if any status these have; Proposed amendments provided by MEA to the Minister are given in letters without page numbers and a variety of numbering systems leaving commenters to devise their own protocol for comments and concern; Apparently recent (July 2013)errata have been issued to municipalities only, leaving other users and practitioners unaware of the changes and unable to piece together the means to have a clear understanding of the Class EA; and MEA website is unclear as to the status of amendments, proposed amendments, etc.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified

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206.	Janet Amos, Amos Environment + Planning	As an example of the inability of users to access the resources needed to have a comprehensive understanding of the Class EA, I offer my personal experience. Currently, the MEA website and the paper copy contain inaccurate versions of the Minister's approved 2011 amendments to the Class EA. Once I noted this discrepancy I contacted MEA and after many months it would appear that they could not respond to my requests for clarification.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
207.	Janet Amos, Amos Environment + Planning	One example of the uncertainty that has been created in the annually changing cost limits for road projects. In itself this annual change is a good idea but the resulting confusion in the implementation of the road cost changes may not be worth the effort. In my experience, many proponents incorrectly assume that their project costs must be re-examined with updated estimates each year to match the road cost limits. In the 2014 proposed revisions, Mr. Knowles December 5, 2013 letter references the road cost limits as \$2.4 and \$9.5 million. These cost limits are from 2011 and are now out of date. I addressed the overall issue of changing road cost limits in my attached 2012 letter.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
208.	Janet Amos, Amos Environment + Planning	Since the initial 1983 Class EAs, the Class EA procedures have matured and it is incumbent upon us to assist a new generation of users by providing clear meaning and process in the 2014 version.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
209.	Janet Amos, Amos Environment + Planning	The goal of including cycling projects in the Class Ea is a laudable one. In my view the cycling projects should not be merely added on to the existing road projects. Instead, these projects would be best addressed in new items in the “Roads Schedule” of the Class EA in order to provide clarity. If that is unacceptable, then at a minimum the newly proposed cycling projects must be clarified.	Comment acknowledged. The proposed amendments have been developed by a working group and have been the subject of significant consultative efforts. The method in which cycling facilities is recognized in the MCEA is appropriate.
210	Janet Amos, Amos Environment + Planning	<p>My comments on the cycling projects are listed by project description number, as follows:</p> <p>1. Addition of “within existing right-of-way or located outside right-of-way” is not helpful since it is the construction of the project that will trigger the requirements of the Class EA and not the ultimate land requirements ideally, cycling projects should be a separate item.</p> <p>19. Reconstruction with the addition or reduction of cycling lanes in this item would be the same project as #22, pavement and signage re-assignment.</p> <p>22. There is too much in this item. Ideally, cycling projects should be a separate item.</p> <p>“new”: This item is confusing for the same reasons as #19 above. The cost figures, while presumable based on Ontario Reb. 334 which is now over 25 years old, are arbitrary and serve to penalize municipalities with larger, higher quality or longer trails. It should not be necessary to prepare a Class EA. Study when proponents undertake these cycling works on their own sites such as parkland. Surely, park cycling trails should be considered differently from on road cycling routes?</p> <p>24. There is too much in this item. Ideally, cycling projects should be a separate item.</p>	<p>Comment acknowledged. There are a number of different ways in which cycling activities could have been caught under the MCEA. Adjusting the roads appendix is the manner in which the MEA has decided to proceed.</p> <p>Comment acknowledged. Activity No. 19 involves reconstruction of the linear paved facility as a component of the project, activity no. 22 does not.</p> <p>Comment acknowledged.</p> <p>Off road cycling facilities and multi-purpose trails are exempt from EA requirements when the project cost is less than 3.5 M. When the cost exceeds this amount, it is appropriate that an MCEA be carried out.</p> <p>Comment acknowledged.</p>

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211.	Janet Amos, Amos Environment + Planning	As in all cases where Schedule C projects are altered, private sector developers should be directly consulted on such changes as they are proponents in their own right per Ontario Reg. 345.	Comment acknowledged. The proposed amendments have been made available for review and comment and private sector developers and representatives engaged.
212.	Janet Amos, Amos Environment + Planning	Comments on May 7, 2013 MEA Letter A.1.4.2a) and b) Class EA Amending Procedures The revisions to Section A.1.5.2 provide an opportunity to streamline the text of this section and to reflect current practice. Since the main audience for A.1.5.2 a) and b) is the MEA, and not most municipal proponents, surly this could be more compact?	Comment Acknowledged. No changes recommended.
213.	Janet Amos, Amos Environment + Planning	A.1.5.2 c) Class EA Amending Procedures A.1.5.2 c) may be used move broadly by municipalities and municipal groups but similar comments as noted above in a) and b) would apply to the proposed revisions. The existing Class EA directs the proponent to speak with the MOE wording in the case of a proposed addition to a class of undertakings. I believe that a much more streamlined could be found to direct the proponent to speak with the MOE.	Comment Acknowledged. No changes recommended.
214.	Janet Amos, Amos Environment + Planning	A.1.6.1 Amendments to the Class EA Creating an Appendix with a list of over twenty years of revisions to the MEA Class EA is a reasonable idea but I Aboriginal and Métis unsure of the value or necessity of doing that. Other Class EA's do not use that practice and it could prove to be onerous and unnecessarily confusing. I believe that if MEA created and maintained a comprehensive list of amendments on their website (including dates and their status) that be sufficient for most purposes.	Comment Acknowledged. Proposed appendix will be replaced with materials provided on the MEA website.
215.	Janet Amos, Amos Environment + Planning	In my view many of the current troubles with adhering to up-to-date municipal Class EA practice stems from the inadequacy of the Class EA to reflect the Minister's changes and quickly disseminate these changes to users. The amendments are proposed and then linger for months, then the Minister approves the changes, then the changes are later posted to the MEA website to which one must pay a fee to follow, then some years later a paper copy becomes available for sale. This is quite different from the free services provided by other proponents (e.g., Ministry of Infrastructure, MNR, etc) While I understand the original rationale for this MEA approach, I suggest that this model no longer serves the public, agencies and stakeholders who rely on this document to plan and to participate in the planning of multi-million dollars infrastructure investments. An advantage of a streamlined Class EA would be that it requires less frequent updating.	The MEA uses the proceeds from the sale of the MCEA books to fund the costs associated with maintaining and amending the MCEA document. If another funding source could be identified the document could be made more freely available. Suggestions are welcome. This issue is not directly related to the proposed amendment. The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
216.	Janet Amos, Amos Environment + Planning	A.2.8 Changing Project Status Further to my comments above regarding the overall complexity that is unnecessarily being incorporated into the Class EA, this proposed section would benefit greatly from a deep editing prior to publication. The key audience for this section will be public, stakeholders and agencies who are grappling with a request for a Minister's Part II Order - many for the first time. It would be beneficial to revise this section using clear and well-recognized terms. For example, as is the case in other sections of Class EA's it may be beneficial to provide quotes from the Environmental Assessment Act.	Comment acknowledged. This section will be reviewed for opportunities to add further clarity.
217.	Janet Amos, Amos Environment + Planning	In paragraph three, the term for a Schedule B study is a "Project File", not a "Project Plan".	Comment acknowledged. The proposed wording has been changed.

218.	Janet Amos, Amos Environment + Planning	A.2.8.2 Procedure to Request a Part II Order This section is rambling and unclear and will benefit from additional editing to clarify the steps in chronological order and use commonly accepted terminology. For example, the bolded paragraph 3 under item #1 would be better in a preface to this section. Paragraph four in item #1 incorrectly states, “on the other hand” when this is clearly not the meaning of the paragraph. Also in that paragraph the last sentence should read “minister <u>or</u> delegate:”. Item #2 intends to refer to a Part II Order but fails to mention the term. Ideally, each item should stand on its own and build from the ones beforehand.	Comment acknowledged. This section will be reviewed for opportunities to add further clarity.
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219.	Janet Amos, Amos Environment + Planning	The new criteria which are proposed to be addressed in a Part II Order request (see item #3) appear arbitrary and are not necessarily relevant to most requests. This list should be edited to be more concise and to offer only key points to guide requesters. For example, the requester may have concerns with the project, environmental impacts or with the adequacy of the planning process, or all of the above.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
220.	Janet Amos, Amos Environment + Planning	While I recognize the difficulties and quandaries that the Part II Order requests present to proponents and the Ministry alike, I see little value in the introduction of a form. A form will not resolve the intractable problems inherent in this process. The proposed Part II Order form would require too little from a requester (while at the same time resulting in an objector's agreement with packaged statements that will almost always make any request look like a valid request).	The use of the form is not mandatory. It is intended to provide requesters with information about the Part II Order request process (e.g. what should be included in a request).
221.	Janet Amos, Amos Environment + Planning	The Class EA revisions provide the opportunity for updating directions to requesters without introducing a form which may have the unintended effect of being too effortless to submit. Following the introduction of the form, the Ministry and proponent may still be without the information that is desired but have an official looking form which must be addressed or, alternatively, a letter and no form because the person did not know that it was required to be filled out. Instead of a form, which may be difficult to locate and complete by requesters, have you considered a sample letter to guide Part II Order requesters? One of the key features of the Part II Order procedure has always been that requesters were required to compose their thoughts and this section is their main point of guidance to do so. (See also notes on Sample Notices, below)	The use of the form is not mandatory. It is intended to provide requesters with information about the Part II Order request process (e.g. what should be included in a request).
222.	Janet Amos, Amos Environment + Planning	The original three point list in A.2.8.4 (deny, mediate or part II Order) provided a clearer approach to this section and should be revisited and updated.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
223.	Janet Amos, Amos Environment + Planning	Item #4 does not appear to belong in this list as it not one of the Minister's decisions. Possible it could be revised and inserted earlier in this section. Also, item #4 references the proponent making their decision to carry out an Individual EA within one week of receiving a Part II Order. This is neither possible not practical and should be removed at it sets up expectations that cannot reasonably be met.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
224.	Janet Amos, Amos Environment + Planning	Paragraphs tow to five in item #4 appear to veer off into a more general summary of the ministry's activities. This should be edited and inserted in a preface to this section.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
225.	Janet Amos, Amos Environment + Planning	In paragraph 4, item #4 the reference to a "mutually acceptable" period of time for the extension of the review period is unreasonable and likely to initiate a never ending cycle of negotiation. Experience tells us that the proponent will make an offer of a reasonable timeframe for the continued dialogue and that duty should be left solely in their power. In my experience, most often this is a simple matter determined by the proponent on a case-by-case basis. Pursuant to the proposed mutual acceptance approach aa requester would need only to initiate a dialogue and never be satisfied with an acceptable timeframe. This would endlessly tie up the proponent from building needed and expensive infrastructure to the detriment of the community.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.
226.	Janet Amos, Amos Environment + Planning	A.2.8.2 Minister's Decision This section introduces additional and unacceptable criteria for the Minister's decision on Part II Orders that do not appear in the Environmental Assessment Act nor in the remainder of the Class EA. Importantly, Section 16(4) of the Act sets out the matters for the Minister's consideration of a part II Order. Section 16(4) item #6 allows the Minister to add other matters to this list as prescribed by regulation and item #7 allows the Minister to add such matters as the Minister considers appropriate. These matters should not be altered lightly and there appears to be no consistency or forethought to many of the items that are proposed to be added.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes should be brought to their attention.

227.	Janet Amos, Amos Environment + Planning	The proposed revisions and other recent revisions will result in an overall diminution of the original, well-enshrined obligations of the proponent to direct the Class EA study and take responsibility for its success. Section A.1.2.3 of the Class EA states: <i>If a proponent incorrectly determines that the Class EA does not apply, or if a proponent selects the incorrect Schedule, it is the responsibility of the proponent to rectify the matter and meet the requirements of the Class EA</i> ".	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
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228.	Janet Amos, Amos Environment + Planning	The criterion outlined under “nature of the request” implies that a requester has the right to identify (or argue for) the most appropriate Schedule for the project. Page 1-1 of the Class EA Schedules clearly states that: <i>While the Class EA document defines the minimum requirements for the environmental assessment planning, the proponent is responsible for “customizing” it to reflect the complexities and needs of a specific project. [emphasis added]</i>	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes have been brought to their attention.
2 2 9 .	Janet Amos, Amos Environment + Planning	As noted on Page 1-2 of the Class EA it is also the responsibility of the proponent to decide which set of schedules to use (e.g., Roads schedule versus the Water and Wastewater schedule). The Class EA notes that this decision “shall not be open to challenge nor be grounds for a request for a Part II Order”. The addition of this criterion in A.2.8.3 is unnecessary.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes have been brought to their attention.
2 3 0 .	Janet Amos, Amos Environment + Planning	In another example, the criterion of ‘timeliness of the request’ has been added as a factor for the Minister to consider in this proposed revision. How would timeliness be a consideration when all parties are provided with a 30 day minimum opportunity to request a part II Order? Further, “timeliness of the requester raising the issues” has been added. This factor does not improve upon the existing criterion of “involvement of the person or party in the planning of the project”.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes have been brought to their attention.
2 3 1 .	Janet Amos, Amos Environment + Planning	An experienced practitioner with experience working for multiple proponents, a variety of project types and with direct Part II Order request experience should be sought to review and revise these proposed amendments.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes have been brought to their attention.
2 3 2 .	Janet Amos, Amos Environment + Planning	Throughout this section “interested person, Aboriginal community or government agency” is used numerous times. I recommend instead that parties may submit a Part II Order request (i.e., anyone) be clearly stated at the outset and this surplus wording be eliminated. This is an example of how the whole Class EA would benefit from an overhaul to update terminology and provide clearer wording.	This process is administered by the Ministry of the Environment. The changes proposed to this section of the MCEA reflect the ministry's process and any concerns about these changes have been brought to their attention.
2 3 3 .	Janet Amos, Amos Environment + Planning	SAMPLE NOTICES Part II Order Form The proposed Part II Order Request Form is referred to in the proposed revised Sample Notices as a “ minimum mandatory requirement ” and it is left unsaid what would be the results of not completing a form or incorrectly completing a form. I Aboriginal and Métis not aware of any regulatory provision for this to be a mandatory requirement. If MEA and MOE believe that a form will result in a more efficient or streamlined approach to the submission and review of Part II Order requests, then significantly additional effort in the preparation of this form is required to ensure its success.	Note No. 2 applies to all of the sample notices, not just the Part II Order request form.
234.	Janet Amos, Amos Environment + Planning	Schedule A+ Notice Schedule A+ notices have been crafted by municipalities for many years. The proposed sample notice is particularly awkward and it is in letter format. A letter format is only one of many formats for this notice (as noted in a very small footnote in the amendment). Examples include website notices, on-site signs, newspaper ads, hand delivered notices, reports to Council or inclusion in a Notice of Study Completion for related projects. this sample notice therefore is misleading when presented solely in the form of a detailed letter.	Comment acknowledged. The sample notices are intended to be customized by proponents for their specific needs.
235.	Janet Amos, Amos Environment + Planning	The sample Schedule A+ notice provides many unnecessary details that are not relevant to most Schedule A+ projects. Such a notice creates the anticipation that a formal letter with many details and a public meeting will be presented in every Schedule A+ notice which is neither required nor is it normally the case. At a minimum, a Schedule A+ notice should provide the name/location of the project in the subject line which is missing here. For example the subject line could read, “Reconstruction of Smiths Street in Townsville”.	Comment acknowledged. This notice will be reviewed for opportunities to streamline the content.

237.	Janet Amos, Amos Environment + Planning	Schedule B and C Notices These revisions provide an ideal opportunity to modernize and update these notices. For example consistently adding the actual expiry date instead of saying “30 calendar days of this Notice” so that every notice would look like this: <u>fill in date</u> (30 days from the date of Notice).	Comment acknowledged. The sample notices are intended to be customized by proponents for their specific needs.
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238.	Janet Amos, Amos Environment + Planning	Details for submission of a Part II Order request as proposed inn this revision are too lengthy to reasonably expect every proponent to print in every advertisement. As these ads already cost many hundreds, if not thousands, of dollars I recommend that only the Minister's address be included in the advertisements. This has been carried out successfully for many years and there is no reason to believe that the Minister's office cannot continue to share the correspondence. Perhaps, adding a requirement in the advertisement to include "Part II Order Request" in the subject line would be a helpful addition to the Notice of Study Completion to improve the sharing of correspondence.	Comment acknowledged. The sample notices are intended to be customized by proponents for their specific needs.
239.	Janet Amos, Amos Environment + Planning	Amendments to the Class EA should result in improving and enhancing the process, not merely adding to the proponents' and participants' burden.	Comment acknowledged.
240.	Janet Amos, Amos Environment + Planning	Comments of December 5, 2013 MEA Letter The addition of valuable information on Source Water protection is educational. However the only relevant portion to the Class EA process is the statement in bold on page 3, as follows: Proponents undertaking a Municipal Class Ea project should identify early in their process whether a project is or could potentially be occurring within a vulnerable area; this would fall within Phase 2 of the Class EA process and should be clearly documented in the project file or ESR, as may be appropriate.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
241.	Janet Amos, Amos Environment + Planning	The most useful and relevant locations for this statement of information in the Class EA are as follows: <ul style="list-style-type: none">• Section A.2.10 add to provincial legislation (note: this section needs to be updated given recent legislative changes;• Parts A, B and C where key considerations are outlined by project type (e.g., C.1.1 Key Considerations for Water and Wastewater Projects, page C-1);• Appendix 2, Typical Mitigating Measures with a reference for which mitigation measures are most appropriate to consider; and• Appendix 3, Screening Criteria with a reference for which agency to contact in the case of proximity to a source water protection area. Additions of the relevant considerations with regard to source water protection to these sections will be ample to address the relevance of source water protection as a consideration in a Class EA Study.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
242.	Janet Amos, Amos Environment + Planning	Since the municipalities are one of the leaders in the development and implementation of source water protection plans, it should be relatively straightforward for them to conduct relevant consultation within their municipal and watershed boundaries.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
243.	Janet Amos, Amos Environment + Planning	If the Class EA inserted major new sections for each new trending topic, legislation or regulation which a proponent may consider in carrying out a Class EA study, the document would be overloaded. That is why these above-noted sections were created. Carrying out a Class EA study requires the knowledge and professional judgment on a variety of environmental considerations including source water protection policies. To name each of the considerations is practical. To have lengthy descriptions of each new topic is not practical. Added to this is the burden to MEA and MOE to revise the Class EA as each new update occurs to new topics, legislation and regulations. Other proponents do not do this.	Following the format for other legislation identified in this section of the MCEA, the Source Water Protection section will be re-written to just briefly identify the importance of this legislation. MEA will then produce a training module that provides further information and guidance to proponents.
244.	Janet Amos, Amos Environment + Planning	Comments on Municipal Heritage Bridges Checklist This checklist was originally conceived as a method to assist proponents to determine if a bridge has "cultural heritage value" and thus requires additional attention pursuant to the 2011 amendments for the Municipal Class EA. If a bridge over 40 years of age has "cultural heritage value" then the reconstruction or alteration of it, dependent on its cost, would be either a Schedule B or C project. If not valued, such a bridge would be a Schedule A.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified

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245.	Janet Amos, Amos Environment + Planning	This checklist has grown far from its original intent into matters that have no bearing on the goals of the MEA to determine the Schedule for a bridge reconstruction. I know of no explanation for this overstepping of the original intention of this checklist and I recommend that it be dialed back to address the question. Apparently the net result of the convoluted and complex chart is to say: “conduct a cultural heritage assessment and abide by the results which should be attached to the Class EA Study”. I think that that could be said in the MEA Class EA document quite simply by amending the terms in item #30 in the Roads Schedules.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
246.	Janet Amos, Amos Environment + Planning	The introduction of requirements for cultural reports, HIA's and archaeological assessments is superfluous for non-culturally significant structures. When completing a Class EA Study, the proponent is bound to review the social/cultural/heritage value in potentially affected structures or even potentially valuable landscapes. In addition, each Class EA Study will result in a Stage One archaeological assessment being undertaken in the event of any expect disturbance to sites which have the potential for archaeological resources. Being clear in the Class EA instructions that “cultural heritage value” must be assessed <i>prior</i> to the proponent making a determination on the Schedule to be followed for a bridge reconstruction (items #30 and 31 of the roads schedules) would seem to be straight forward that the proposed checklist.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
247.	Janet Amos, Amos Environment + Planning	Also if an arbitrary 1956 cut-off date eliminates the need to additional cultural heritage studies of modern bridges, then it should be adopted in place of “over 40 years old”.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
248.	Janet Amos, Amos Environment + Planning	The definition of a bridge was discussed and clarified by the MEA and is now enshrined in the definition of “bridge” in the Class EA (page G-2). It is unclear why all the other types of road projects were incorporated into this checklist when it is intended to apply to bridges? The addition of the reconstruction of water crossings is not useful. This appears to be a further cluttering of the Class EA document when the process inherently requires the proponent to assess the archaeological, cultural, heritage and social significance of structures that are to be reconstructed or replaced.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
249.	Janet Amos, Amos Environment + Planning	Further complicating this matter is the arbitrary introduction of the term “or Study Area” into the bridge checklist. If there is a cemetery or heritage structure <i>in the Study Area</i> , the Class EA Study is bound to address this matter where it is <i>potentially affected by the project</i> in accordance with the Class EA. However, requiring proponents to carry out such studies gratuitously without a linkage to the bridge structure or other elements of the Class EA (e.g. other alternatives) is onerous.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
250.	Janet Amos, Amos Environment + Planning	<div>The revisions to item #30 could be worded simply as follows:<div>Reconstruction or alteration of a bridge (and its adjacent grading) built prior to 1956, where the proposed work would alter the overall structure, configuration or appearance of the bridge <u>and</u> a cultural heritage review results in a determination that the structure has cultural heritage value. Schedule B or C, dependent on cost</div></div>	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified

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251.	Janet Amos, Amos Environment + Planning	At any time, upon review of the project, alternatives to the project of upon learning new information about the Study Area, a proponent is bound to consider the appropriateness of the Schedule in the Class EA and elevate the Schedule to match the information or community concerns. This is well documented in Appendix 1 in the introduction to the Schedules.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
252.	Janet Amos, Amos Environment + Planning	Other Comments CEAA At this time the CEAA references should be deleted in Section A.2.10 and Appendix 7 can be deleted since CEAA was rewritten in 2012 to eliminate most, if not all, municipal triggers.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified
253.	Janet Amos, Amos Environment + Planning	Section A.2.9 Schedule A Wastewater Project In my previous comments dated December 20, 2012 (letter attached) on the MEA five year review, I asked the MEA to correct references in Schedule A to the status of Section A.2.9 projects. It appears that former item #42 (roads) and item #39 (water and wastewater) were removed to reflect the Minister of the Environment's amendments in 2011. However, there still exists an inaccuracy in item #18 on page 1-11 (Wastewater, Schedule A). This must be removed since it was also deleted by the Minister's amendment in 2011.	The proposed amendment is to address specific issues only. MOE is currently drafting a new regulation that will exempt Schedule A and A+ projects from Part II Order Requests. When this regulation is in place MEA will be filing a comprehensive amendment to incorporate this new regulation and address other issues which have been identified