

## **Supplementary Information – MCEA Data Analysis**

### **December 2025**

**MECP has recently provided data related to the use of the MCEA. MEA has analysed this data and the following should replace section 3.2 in the October 2024 and October 2025 Annual Monitoring Report.**

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

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

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

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

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

Project Type		Number of Projects					Orders
		2021	2022	2023	2024	2025	
Roads	Schedule A+	8	6	7		1	None
	Schedule B	36	33	37	19	8	None
	Schedule C	61	25	44	14	13	None
	Master Plan	18	9	36	18	16	None
	Addendum			1			
W/WW	Schedule A+	2	2				None
	Schedule B	50	60	70	31	25	None
	Schedule C	6	18	26	14	20	None
	Master Plan	26	26	22	17	27	None
	Addendum			1			
Total		177	179	244	114	110	None

It is important to note that MECP did not issue any Notices or Orders for any of the projects in any of the years 2021 - 2025.

The analysis of the earlier reported data on MCEA projects revealed a problem which was reported in 2023..— proponents were not always classifying projects correctly. In 2022, it appeared that a number (27) projects may not have been properly classified or not reported properly. Some projects that qualified to be classified as Schedule A+ were elevated by the proponent and classified as Schedule B or C. However, MECP advises that, since these projects are now exempt from the Act, a proponent cannot simply decide to elevate the project. That would require the proponent overruling the exempt status of the project. Also, some of the projects reported dealt with transmission lines, beaches and other recreation facilities, mobility, and climate change – all of which are outside the traditional roads, water/wastewater, transit project types.

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

*Dear Municipal Class Environmental Assessment (MCEA) Project Proponent,*

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

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

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

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

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

Good luck with your project!

Any questions should be directed through MEA's Ask-An-Expert portal at [www.MunicipalEngineers.on.ca/Resources/Ask-An-Expert](http://www.MunicipalEngineers.on.ca/Resources/Ask-An-Expert)

Examining the 2024 and 2025 data, only one Schedule A project was reported (a culvert rehabilitation project) and the total number of projects reported has declined. This suggests that proponents may be more accurately classifying and reporting MCEA projects. Furthermore, it is worth noting that if MECP had proceeded to revoke the MCEA and implement their proposed MPAP regulation, only the following projects would be captured and required to follow the MPAP process.

Project Type	Number of Projects that would be subject to MPAP	Orders
--------------	--	--------

		2021	2022	2023	2024	2025	2021-25
Roads	Schedule A+						NA
	Schedule B						NA
	Schedule C						NA
	Master Plan						NA
	Addendum						
W/WW	Schedule A+						NA
	Schedule B						NA
	Schedule C	6	18	26	14	20	NA
	Master Plan						NA
	Addendum						
Total		6	18	26	14	20	NA



**MUNICIPAL CLASS EA PROCESS  
ANNUAL MONITORING REPORT**

**October 2025  
Recognizing Over 30 Years of Application**

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

## TABLE OF CONTENTS

<b>PART 1</b>	<b>INTRODUCTION AND BACKGROUND .....</b>	<b>3</b>
1.1	Introduction .....	3
1.2	Background Re: Municipal Class EA Parent Document.....	4
1.3	Approve Municipal Class EA .....	5
1.3.1	Conditions of Approval.....	5
1.3.2	Municipal Class EA Training Sessions .....	6
1.4	Development of MCEA Process Monitoring Program .....	6
1.4.1	Study of Organization and Approach.....	6
1.4.2	Issues/Considerations.....	7
1.4.2.1	Definition of “Monitoring” .....	7
1.4.2.2	What Has Been Done In The Past.....	7
1.4.2.3	What Are Other Proponents Doing .....	8
1.4.2.4	Administration/Implementation Issues Associated With MEA .....	8
1.4.2.5	Other .....	9
1.4.2.6	Conclusion .....	9
<b>PART 2</b>	<b>MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM ...</b>	<b>11</b>
2.1	Monitoring Program Framework .....	11
2.1.1	Commitments Already Included In the Municipal Class EA .....	11
2.1.2	What Is To Be Monitored .....	12
2.1.3	Who Is Undertaking the Monitoring .....	12
2.1.4	Tools For Collecting Data.....	13
2.1.5	Monitoring Framework .....	13
2.2	Implementation and Schedule .....	14
2.3	Annual Report .....	14
2.4	Program Administration .....	14
<b>PART 3</b>	<b>RECENT ACTIVITIES .....</b>	<b>19</b>
3.1	MCEA Reform .....	19
3.1.1	Amendment to the MCEA .....	19
3.1.2	February 2024 version of MCEA.....	19
3.1.3	MECP Announces plans to Revoke the MCEA .....	20
3.1.4	MEA forms EA Working Group.....	21

3.2	Success of EA Reforms.....	21
3.3	Digitizing EA Processes .....	21
3.4	Section 16 Orders (Replaces Part II Order Request Process) .....	22
3.5	Training and Outreach.....	22
3.5.1	Eblasts – Keeping MEA Members Informed.....	22
3.5.2	Training.....	22
3.5.2.1	Proposed Training .....	22
3.5.3	Ask an Expert .....	23
3.6	Recent Accomplishments .....	23
<b>PART 4</b>	<b>SUMMARY.....</b>	<b>24</b>
4.1	Plan to Move Forward .....	24
4.2	Conclusion .....	24

**Appendix**

- 1 ERO 019-6693 - MEA's May 9, 2023 Letter to MECP  
(re: Project List & New Regulation)

## PART 1 Introduction and Background

### 1.1 Introduction

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

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

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

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

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

## 1.2 Background Re: Municipal Class EA Parent Document

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

On April 9, 1987, the first Municipal Class EA parent documents, prepared by MEA on behalf of proponent Ontario Municipalities, were approved under the EA Act. At that time, two Class EAs were to address: i) municipal road projects, and, ii) municipal water and wastewater projects. In 1993, the Municipal Class EAs were reviewed, determined to be working well, updated and their approval extended until May 31, 1998.

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

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

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

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

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

These amendments were approved on September 6<sup>th</sup>, 2007.

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

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

### **1.3 Approve Municipal Class EA**

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

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

#### **1.3.1 Conditions of Approval**

Condition of Approval #4 states that:

*The proponents, or the Municipal Engineers Association on behalf of the proponents, shall work to further define and implement a Municipal Class Environmental Assessment Monitoring Program. Details of this Program and its implementation shall be developed by the proponents, and/or the Municipal Engineers Association acting on behalf of the proponents and approved by the Director of the Environmental Assessment and Approvals Branch of the Ministry of the Environment. These details shall be submitted to the Director of the Environmental Assessment and Approvals Branch for approval within one year of the date of this approval. Yearly Monitoring Reports will be submitted to the Director of the Environmental Assessment and Approvals Branch commencing two years after the date of this approval and then every year thereafter. In order to*

*ensure compliance with the Class environment assessment process and the implementation of the projects under the Class process, the monitoring program shall provide clear documentation of how the Municipal Class Environmental Assessment is consistent with Class Environmental Assessment program objectives.*

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

Consequently, the following time line has been identified:

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

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

### **1.3.2 Municipal Class EA Training Sessions**

In 2023, MEA delivered the following training;

#### General

- Introduction to the MCEA Process June 19-21, 2023
- Introduction to the MCEA Process Oct 17-19, 2023 (Scheduled)

#### Specific to the 2023 Amendment to the MCEA

- MCEA 2023 Appendix 1 – Roads May 12, 2023
- MCEA 2023 Appendix 1 – W/WW May 15, 2023
- MCEA 2023 Appendix 1 – Transit Oct 25, 2023 (Scheduled)
- Heritage Bridge Checklist May 16, 2023
- Archeology Screening Process (ASP) Oct 24, 2023 (Scheduled)
- MCEA 2023 Part A Oct 25, 2023 (Scheduled)
- Collector Road Screening Process Oct 24, 2023 (Scheduled)
- Annual MCEA Fall update Oct 25, 2023 (Scheduled)

## **1.4 Development of MCEA Process Monitoring Program**

### **1.4.1 Study of Organization and Approach**

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

McCormick Rankin Corporation and Ecoplans Ltd were retained by MEA to assist in preparing

the Monitoring Program.

The basic steps in the process were:

- review of Conditions of Approval of the Order in Council
- review key issues and considerations including purpose of “monitoring”, what has been done in the past, what are other proponents currently doing, commitments already in place, and available tools for collecting data;
- develop basic approach and prepare draft framework;
- July 24, 2001 meeting with MECP-EAAB to review basic approach and draft framework. MECP indicated that the basic approach in general was acceptable.
- expand draft framework (with additional background information and explanatory notes and incorporate comments from MECP) to become the “Draft Monitoring Program”;
- September 12, 2001 meeting with the MEA Monitoring Committee, MECP-EAAB and MMAH to review draft Monitoring Program; and,
- revise and submit to the Director of the MECP-EAAB by October 4, 2001. Once submitted to MECP-EAAB, there may be some further discussions between MEA and MECP which may result in minor refinements to the document.

#### **1.4.2 Issues/Considerations**

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

##### **1.4.2.1 Definition of “Monitoring”**

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

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

##### **1.4.2.2 What Has Been Done In The Past**

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

It should be noted that MECP's review of bump-up requests for specific projects was and is a

form of compliance monitoring. Accordingly, it was recognized that, in the future, the conclusions of the MECP's review of Part II Order requests would be useful input to the Monitoring Program.

#### **1.4.2.3 What Are Other Proponents Doing**

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

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

- MTO is the key proponent for their projects and consequently has control over the use of their parent Class EA
- MTO has "in-house" staff and resources to implement their Monitoring Program; and
- MTO's new Class EA was changed substantially from their previous Class EA document. In essence, MTO developed a new approach for their Class EA which is principal-based, not prescriptive. Consequently, MTO's Monitoring Program has been developed to monitor the "effectiveness" of this new approach. This is different from the Municipal Class EA process which has already been proved to be effective and working well from many years of use and based on the results of previous comprehensive reviews.

#### **1.4.2.4 Administration/Implementation Issues Associated With MEA**

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

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

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

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

#### 1.4.2.5 Other

Other points raised during discussions with MECP are noted below:

- *Ability to quantify the number of Schedule 'A' projects carried out under the Municipal Class EA* - The Schedule 'A' classification (i.e. pre-approved) is used extensively by all municipalities with some estimating that approximately 90% of projects/activities undertaken by a typical municipality are likely Schedule 'A' because they generally entail maintenance and operational activities for existing facilities. The number of Schedule 'A' projects cannot accurately be measured since the Schedule 'A' classification could apply not only to projects but programs as well. Given that Schedule 'B' and 'C' projects have greater potential for environmental effects, Notices of Completion are now required to be sent to MECP for the record. A question, however, has been added to the questionnaire for proponent municipalities of the Municipal Class EA parent document, to obtain information as to the percentage of the municipalities project/activities which are considered to be Schedule 'A'.
- *Ability to monitor the application of the Class EA requirements to the private sector* - The private sector is subject to the EA Act for Schedule 'C' projects servicing residential land use. As a result, private sector proponents would be required to submit copies of their Notice of Completion to MECP for these projects.
- *Auditing of specific projects* - This is outside of the scope of the Order in Council approval. Furthermore, there is no legal authority for MEA to audit municipalities.
- *Compliance monitoring of specific project activities* - MECP has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MECP will be addressing this as an initiative to be carried out by MECP.
- *Clarification of the reference in the last sentence of Condition of Approval #4 "... and the implementation of the projects under the Class process..."* - M. Harrison, formerly with MECP, participated in the drafting of the Conditions of Approval and confirmed that this is referring to the ability to quantify the order of magnitude of projects being implemented under the Class EA process. To this end, proponents are to submit Notices of Completion for Schedule 'B' and 'C' projects and, memos re: Master Plans and the Integrated Approach to MECP for the record.

#### 1.4.2.6 Conclusion

Beginning in early 2018, MEA has cooperated with the Ministry's efforts to consult with

stakeholders regarding improvements to the MCEA process. Since this consultation has been ongoing since the spring of 2018, it would not have been productive to follow the usual MCEA monitoring process to re-contact stakeholders to repeat gathering feedback and then prepare the annual monitoring report. Instead, for 2018 - 2025, MEA has prepared a report that summarizes the work to date towards MCEA improvements. This report will become MEA's Annual Monitoring Report for 2025 and be submitted before the October 4 deadline.

## PART 2 MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

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

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

### 2.1 Monitoring Program Framework

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

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

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

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

#### 2.1.1 Commitments Already Included In the Municipal Class EA

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

the integrated approach whereby proponents are to advise MECP by a memo upon completion of an applicable project.

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

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

### **2.1.2 What Is To Be Monitored**

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

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

**Compliance** - Does the Municipal Class EA continue to meet the requirements of its EA Act approval and the conditions of that approval?

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

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

### **2.1.3 Who Is Undertaking the Monitoring**

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

preparing the Annual Monitoring Report and reviewing it with MECP and MMAH.

#### **2.1.4 Tools For Collecting Data**

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

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

#### **2.1.5 Monitoring Framework**

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

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

## **2.2 Implementation and Schedule**

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

## **2.3 Annual Report**

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

## **2.4 Program Administration**

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

**Table 1 - SAMPLE MATRIX FOR SUMMARIZING NOTICES OF COMPLETION RECEIVED BY**

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

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

<b>What will be Monitored</b>	<b>What Indicators will be Used</b>	<b>How Measured</b>
<b>Use</b> of Municipal Class EA process	Use of Municipal Class EA process as represented by number of projects reported to MECP including: <ul style="list-style-type: none"> <li>• Schedule 'B' projects</li> <li>• Schedule 'C' projects</li> <li>• Master Plans</li> <li>• projects which followed</li> <li>• the Integrated Approach</li> </ul>	Numerical summary of <ul style="list-style-type: none"> <li>• no. of Schedule 'B' projects which copy of Notice of Application provided to MECP</li> <li>• no. of Master Plans</li> <li>• no. of projects which followed the Integrated Approach</li> </ul>
<b>Compliance</b> of municipal proponents for Municipal Class EA, or MEA on their behalf, with: <ul style="list-style-type: none"> <li>• Conditions of Approval for parent Class EA document</li> </ul>	Fulfilment of Conditions of Approval for parent Class EA document	Describe how fulfilled
<b>Compliance</b> with Class EA process requirements	General assessment of representative projects as to whether they are in compliance with the approved process	Compare number of Licences granted because of projects requiring a Class EA
<b>Effectiveness</b> of Municipal Class EA process in meeting requirements of: <ul style="list-style-type: none"> <li>i) EA Act</li> </ul>	Continued ability of Municipal Class EA process to meet statutory requirements of EA Act.	Identify any changes including regulations and implications to Municipal Class EA process

**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
ii) Class EA Program objectives	<p>Continued ability of Municipal Class EA process to meet generic/ broad Class EA program objectives:</p> <ul style="list-style-type: none"> <li>• assessment of environmental effects</li> <li>• consultation</li> <li>• documentation of decision-making</li> </ul> <p>Streamlined approvals</p> <p>Self-assessment</p> <p>effectiveness of Integrated Approach (see Section A.2.9 of Municipal Class EA document)</p>	<p>Summary of Minister's rationale for granting Part II Orders</p> <p>Information received at annual MEA meeting</p> <p>discussions with MEA Monitoring Committee and MECP-EAAB</p> <p>feedback from training sessions</p> <p>no. of projects which would otherwise be individual EAs</p> <p>Qualitative assessment of Part II Order review process</p> <p>Qualitative review of memos sent to MECP-EAAB and information received</p> <p>qualitative review of questionnaire responses</p> <p>Qualitative review of related Ontario Municipal Board (OMB) decisions</p>	<p>Summary of Notices of Completion sent to MECP</p> <p>Questionnaire responses from proponent municipalities</p> <p>Questionnaire responses</p> <p>Memos sent to MECP-EAAB</p> <p>Discussions with MEA, MECP and MMAH</p> <p>Questionnaire responses</p> <p>Feedback from MMAH re: OMB decisions regarding municipal infrastructure.</p>	Identify potential changes, enhancements, trends to be considered

**Table 3 - 12 MONTH CALENDAR**

<b>Date</b>	<b>MEA</b>	<b>MECP</b>	<b>MMAH</b>
January	Send questionnaires to proponent municipalities, government review agencies and other key stakeholders requesting information by March 1	Co-ordinate MECP Regions' response to questionnaire	Co-ordinate MMAH's response to questionnaire and collection of information pertaining to the Integrated Approach
February	Feb 1 to May 1 - MEA summarizes information received from MECP re: Notices of Completion and Part II Order requests	Provide MEA with summary or copies of previous year's Notices of Completion and any memos re: Master Plans and the Integrated Approach received by MECP  Provide summary of projects which received Part II order requests and Minister response letters	Provide information about Integrated Approach to MEA
March	Receive questionnaires from proponent municipalities, agencies and other key stakeholders  Review/interpret questionnaire responses		
April	Arrange annual meeting of Monitoring Committee to be held by June 30)  Complete draft Annual Monitoring Report		
May	Circulate draft Annual Monitoring Report to MEA Monitoring Committee and MECP/MMAH	Review draft Annual Monitoring Report	Review draft Annual Monitoring Report
June	Hold annual meeting by June 30	Attend meeting and provide comments	Attend meeting and provide comments
July	July 1 to Sept 1 - revise report		
August			
September			
October	Submit report to Director of MECP-EAAB for approval by October 4		
November			
December			

## PART 3 RECENT ACTIVITIES

### 3.1 MCEA Reform

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

#### 3.1.1 Amendment to the MCEA

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

#### 3.1.2 February 2024 version of MCEA

MECP released an amended version of the MCEA in February 2024.

MECP felt the amendments (changes from March 2023 to February 2024) to the MCEA were essential to align it properly with the EAA amendments and associated regulatory changes and related actions which came into force on February 22, 2024. The following are the examples of complementary amendments made to the MCEA at this time:

- Clarifying that the municipal expressway projects are subject to the Class EA for Provincial Transportation Facilities and Municipal Expressways.
- Adding references to new regulations and removing references to regulations that are revoked, including:
  - O. Reg. 101/07 (Waste Management Projects), O. Reg. 116/01 (Electricity Projects), Regulation 334 (General) and O. Reg. 345/93 (Designation and Exemption - Private Sector Developers)
    - Certain provisions of the O. Reg. 345/93 are carried forward in O. Reg. 53/24 General and Transitional Matters Regulation.
- Addressing regulatory changes to municipal transit projects including:
  - Updating definitions and designations to better align with the new Comprehensive EA Project Regulation (O. Reg 50/24) including removing municipal transit projects which are exempt.
  - Aligning the content of the MCEA with other provisions of the EAA that came into force in recent years, as well as other legislation. For example:
    - Removing references to A and A+ projects as those project schedules no longer exist and A and A+ projects became exempt projects.

The February 2024 MCEA remains in effect until a new regulation is made. However, since MECP is proposing the revoke the MCEA, no efforts are underway to publicize this latest version. A black line version that highlights the changes is available on the MCEA web site.

### **3.1.3 MECP Announces plans to Revoke the MCEA**

In ERO-019-7891, the province has proposed to revoke the MCEA and the Private Sector Developers Regulation (O. Reg. 345/93) and enact a Municipal Project Assessment Process (MPAP) regulation. The new MPAP regulation would only apply to a limited number of higher risk projects.

Currently, the MCEA process is used by municipalities to move a project from project identification to approval of conceptual design and Reg 345/93 is used to impose certain EA requirements on Developers. If MECP does proceed to enact MPAP and revoke the MCEA and Reg 345/93, this would result in many complex infrastructure projects (for example a new arterial road, a new bridge, replacing a heritage bridge, a new water tower or pumping station proposed by a municipality, or a new sewage treatment plant proposed by a Developer) becoming exempt. The current MCEA and the associated Users Guide provides advice for exempt projects which is general - EA consideration and consultation effort should match the complexity of the project. However, this existing general advice does not really provide sufficient advice for these newly exempted complex projects.

Although the proposed change is significant, MEA supports this change because, as outlined in MEA's May 9, 2023 and March 12, 2024, submissions related to ERO 019-6693 and 7891, if the MCEA is revoked, MEA intends to:

- Form a committee of municipal representatives/practitioners with the purpose of preparing a municipal standard or best practice document for municipalities to use as a template when undertaking municipal infrastructure projects that are currently addressed under the MCEA and not covered by the MPAP. We believe the document would be a simpler version of the current MCEA with improvements to focus on increasing efficiency, effectiveness, transparency, and complete integration with Planning Act processes.
- Encourage municipalities to adopt and comply with this new document so there is consistency and standardization province wide. This would be similar to the construction standards (Ontario Provincial Standards - OPS) currently maintained by MEA, and
- Encourage municipalities to use their authority and the Planning Act process to require appropriate consideration of the environment and long-term cost impacts to the municipality by Developers before they are authorized to proceed with major infrastructure projects. If a project is to be assumed by a municipality, then it should be subjected to the same evaluation process regardless of whether it is constructed by a Developer or by a municipality.

The March 17 deadline to provide comments related to ERO 019-7891 to MECP has passed and we are now waiting on MECP to act.

### **3.1.4 MEA forms EA Working Group**

As outlined in MEA's May 9, 2023 and March 12, 2024, submissions related to ERO 019-6693 and 7891, if the MCEA is revoked, MEA intends to:

- Form a committee of municipal representatives/practitioners with the purpose of preparing a municipal standard or best practice document for municipalities to use as a template when undertaking municipal infrastructure projects that are currently addressed under the MCEA and not covered by the MPAP.
- A Working Group with wide representation has been established to prepare a municipal standard or best practice document for municipalities to use as a template when undertaking municipal infrastructure projects that are currently addressed under the MCEA but would not be covered by the MPAP.
- The MEA Working Group, established in June 2024, is working to determine the format and general content of a new Scoping Tool for Assessing Municipal Projects (STAMP) that MEA would recommend to municipalities when MECP revokes the MCEA. This STAMP's intent is to strike a balance between offering streamlining opportunities and maintaining environmental controls.
- The new STAMP process would likely be so similar to the existing MCEA that most of the streamlining provisions could potentially be implemented within the MCEA structure. This would require updating MEA's User Guide. However, it would be confusing if MEA amends the MCEA User Guide and then, shortly thereafter, MECP revokes the MCEA

## **3.2 Success of EA Reforms**

MECP has not yet revoked the MCEA so the success of this reform cannot be evaluated.

## **3.3 Digitizing EA Processes**

Earlier MECP announced their goal to create a centralized digital location for applicants and the ministry to provide interested persons with information about environmental assessments is proposed. Proponents are now required to file all Notices of Commencement and Notices of Completion electronically with MCEA. In the past year proponents reported Notices of Completion as summarized above. No further digitizing efforts have progressed.

### **3.4 Section 16 Orders (Replaces Part II Order Request Process)**

With the announcement that the MCEA will be revoked, this process has not been monitored as it will cease to exist.

### **3.5 Training and Outreach**

#### **3.5.1 Eblasts – Keeping MEA Members Informed**

Eblasts are sent to MEA Members at selected times throughout the year. In 2024, a number of Eblasts were sent advising MEA members that MECP intends to revoke the MCEA

In 2025, little has changed as MECP has not proceeded to revoke the MCEA and enact MPAP.

#### **3.5.2 Training**

“Intro to MCEA Workshop” was held June 10-12/25 with approximately 90 attending. Course material was updated to include discussion about MECP’s proposal to revoke the MCEA and replace it with a new MPAP regulation. Attendees were shown how the EA system may evolve with MPAP and discovered how best to proceed with MCEA projects in these changing times. The outline of a replacement for the MCEA, potentially called Screening Tool for Assessing Municipal Projects (STAMP), was introduced.

No training is currently planned for fall of 2025.

If MECP does revoke the MCEA and enacts MPAP, MEA should organize to quickly deliver training;

##### **3.5.2.1 Proposed Training**

One ½ Day (for those already familiar with EA processes) significant numbers will likely attend.

- process, customize
- Project List
- STAMP MPAP process

Two ½ Days

- Expanded discussion of STAMP process
- Expanded discussion of MPAP process
- Follow example projects through the process
- Sample notices and report

### 3.5.3 Ask an Expert

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

*MCEA Frequently Asked Questions (FAQs)*

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

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

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

### 3.6 Recent Accomplishments

- EA Working Group is developing a municipal standard or best practices document (STAMP) that would replace the MCEA when it is revoked.
- Completed and submitted this Annual MCEA Monitoring Report.

## **PART 4 SUMMARY**

### **4.1 Plan to Move Forward**

- MEA will encourage MECP to enact their plan to revoke the MCEA:
- MEA will continue to push for prompt inflation increases to the cost thresholds in Appendix 1
- MEA will continue to participate in MECP's EA reform process.
- MEA will continue to advise proponents through formal training sessions, MEA's 'Ask an Expert' function and issuing Clarifications as required.

### **4.2 Conclusion**

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

### **ATTACHMENTS**

None