



# EA Reform Update OGRA Conference

February 22, 2021



# Presenter



**Paul Knowles, P.Eng.**, is the MEA's MCEA Advisor. He graduated from Queen's University as a Civil Engineer and worked in the private sector for 9 years before joining the Town of Carleton Place as Town Engineer in 1989. His involvement with the Municipal Engineers Association (MEA) and the Municipal Class Environment Assessment (MCEA) began shortly thereafter. In 1993, Paul was promoted to CAO for Carleton Place but continued his engineering work and remained very active with the MEA as a Board member (2008 – 2018) and as its President in 2017, Throughout the years, Paul has been involved in all aspects of the MCEA document, including all re-writes and amendments. Paul officially retired from Carleton Place at the end of 2018 but is continuing to work with MEA as its MCEA Advisor, delivering training programs and pursuing improvements to the MCEA process



# New PIOR Process

- ~~Bump-Ups~~ ~~PIORs~~ now known as s.16 orders
- Requests for s.16 orders restricted to adverse impacts on constitutionally protected Aboriginal or treaty right
- Separate opportunity for MECP to (on their own initiative) consider MCEA project.
- Proponent must comply with EA Act (follow MCEA process). MECP enforces EA Act.

## **Process to Resolve Concerns identified after Notice of Completion**



## Resolve Concerns identified after Notice of Completion

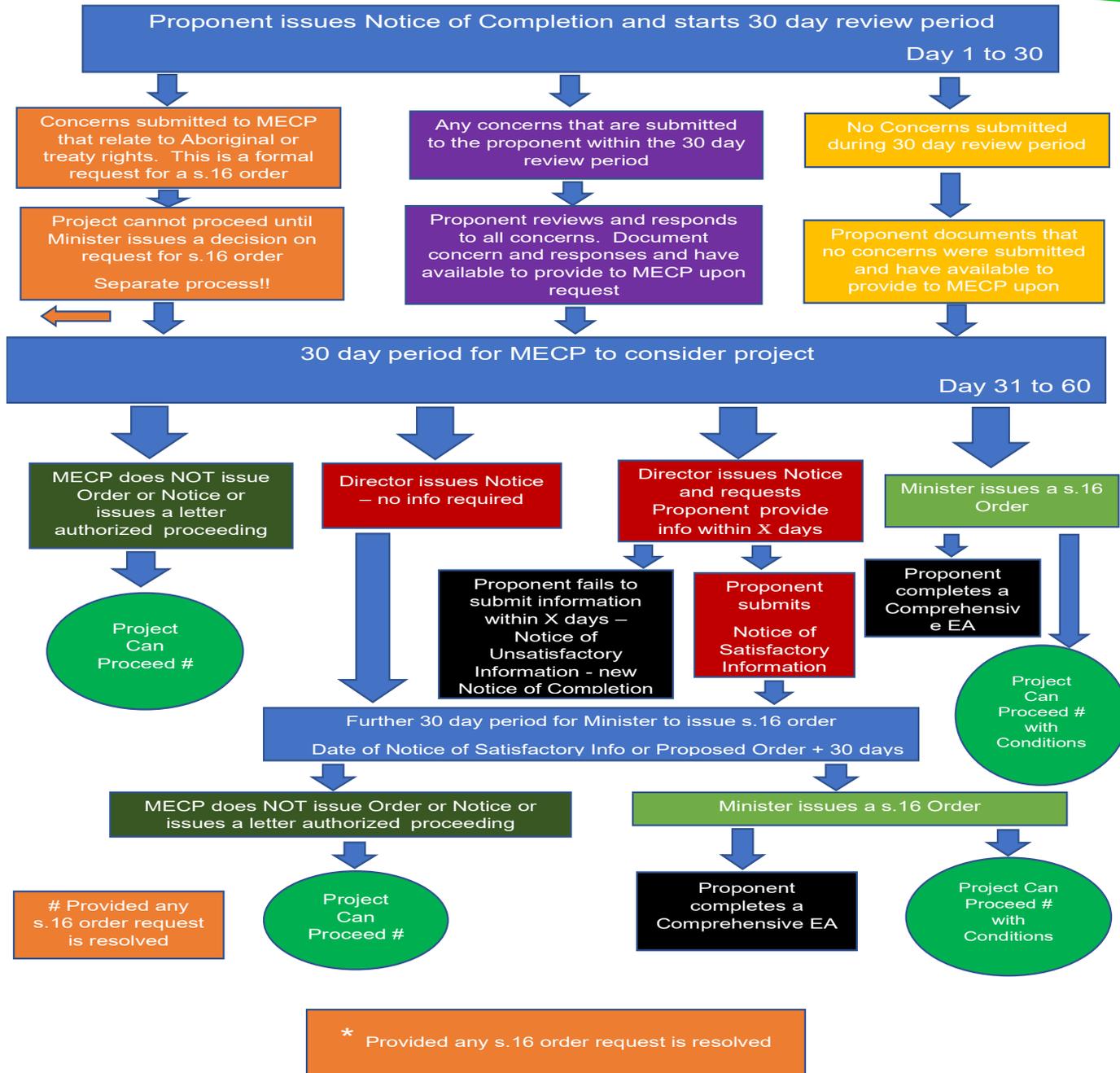
Proponent distributes Notice of Commencement



Proponent completes MCEA process with required technical studies and consultation and select Preferred Solution



Proponent issues Notice of Completion and starts 30 day review period  
Day 1 to 30





# Notice of Completion

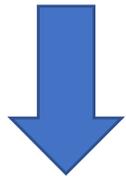
Interested persons may provide written comments to our project team by DATE. All comments and concerns should be sent directly to PROPONENT CONTACT at the COMPANY/MUNICIPALITY.

In addition, a request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e. requiring an individual/comprehensive EA approval before being able to proceed), or that conditions be imposed (e.g. require further studies), **only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on constitutionally protected Aboriginal and treaty rights.** Requests on other grounds will not be considered.



Proponent issues Notice of Completion and starts 30 day review period

Day 1 to 30



Concerns submitted to MECP that relate to Aboriginal or treaty rights. This is a formal request for a s.16 order



Any concerns that are submitted to the proponent within the 30 day review period



No Concerns submitted during 30 day review period

Proponent issues Notice of Completion and starts 30 day review period

Day 1 to 30



Concerns submitted to MECP that relate to Aboriginal or treaty rights. This is a formal request for a s.16 order

Any concerns that are submitted to the proponent within the 30 day review period

No Concerns submitted during 30 day review period



Use of PIOR form discontinued  
MECP will request information and meet Proponent explain how concerns addressed

Proponent issues Notice of Completion and starts 30 day review period

Day 1 to 30



Concerns submitted to MECP that relate to Aboriginal or treaty rights. This is a formal request for a s.16 order

Any concerns that are submitted to the proponent within the 30 day review period

No Concerns submitted during 30 day review period



Proponent works with MECP to resolve concerns. Project cannot proceed until Minister issues a decision on request for s.16 order

Proponent issues Notice of Completion and starts 30 day review period Day 1 to 30



Concerns submitted to MECP that relate to Aboriginal or treaty rights. This is a formal request for a s.16 order

Any concerns that are submitted to the proponent within the 30 day review period

No Concerns submitted during 30 day review period



Proponent reviews and responds to all concerns. Document concerns and responses and have them available to provide to MECP upon request



# Concerns/Responses

- Encourage use of MEA form to submit concerns
- Proponent's process to review concerns
- Who will respond
- Refer to how/where concern addressed
- Explain mitigation measures
- Offer commitments during design
- Respond in timely manner
- Phrase response to be complete



# Municipal Class Environmental Assessment Outstanding Concerns Form



The Municipal Engineers Association (MEA) developed the Municipal Class Environmental Assessment (MCEA) process to provide municipalities with a consultative approval process for routine projects with predictable, manageable environmental impacts. Stakeholders are expected to;

- Participate in the consultation opportunities provided to the public within the MCEA process
- Engage in discussions with the proponent to try to address and resolve concerns

The [Proponent] has now completed the MCEA process and issued the Notice of Completion for [Project Name]. While the Ministry of Environment, Conservation and Parks maintains the authority to issue an order related to this project, there is no appeals process. Instead, outstanding concerns are to be submitted to [Proponent] as indicated below using this form for final consideration. This form must be received by [Date].



1) Describe how and when you raised your concerns with the proponent and the proponent's response

---

---

2) Describe what concerns remain outstanding and why these concerns could not be resolved through discussions with [Proponent]

---

---

3) My unresolved concerns relate to:

- potential environment impacts
- the adequacy of the process for the Municipal Class EA
- other (specify)

Describe \_\_\_\_\_



3) My unresolved concerns relate to:

- potential environment impacts
- how the project is significantly different from other projects in its class
- the adequacy of the process for the Class Environment Assessment

Proponents must comply with the EA Act

Failure to follow the MCEA is to not comply with EA Act

MECP responsible to enforce compliance with EA Act

- Separate process from considering concerns



4) Describe the outcome you seek to address your concern.

---

---

Additional information is attached

All personal information included in your request – such as name, address, telephone number and property location – is collected, under the authority of section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the Freedom of Information and Protection of Privacy Act (FIPPA) does not apply (s.37). **Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential**

I hereby declare that, to the best of my knowledge, the information contained in this form and the information submitted in support of this form is complete and accurate.

Name	Signature	Date
<input type="checkbox"/> Individual		
<input type="checkbox"/> On behalf of Person/Group (specify) _____		
<input type="checkbox"/> Other (specify) _____		

Unit	Street Number and Name
------	------------------------

PO Box	City/Town	Province	Country Postal Code
--------	-----------	----------	---------------------

Telephone	Email
-----------	-------

Please keep my personal information confidential

**Submit this form to** [Name] [Address] [Email]



Proponent issues Notice of Completion and starts 30 day review period

Day 1 to 30



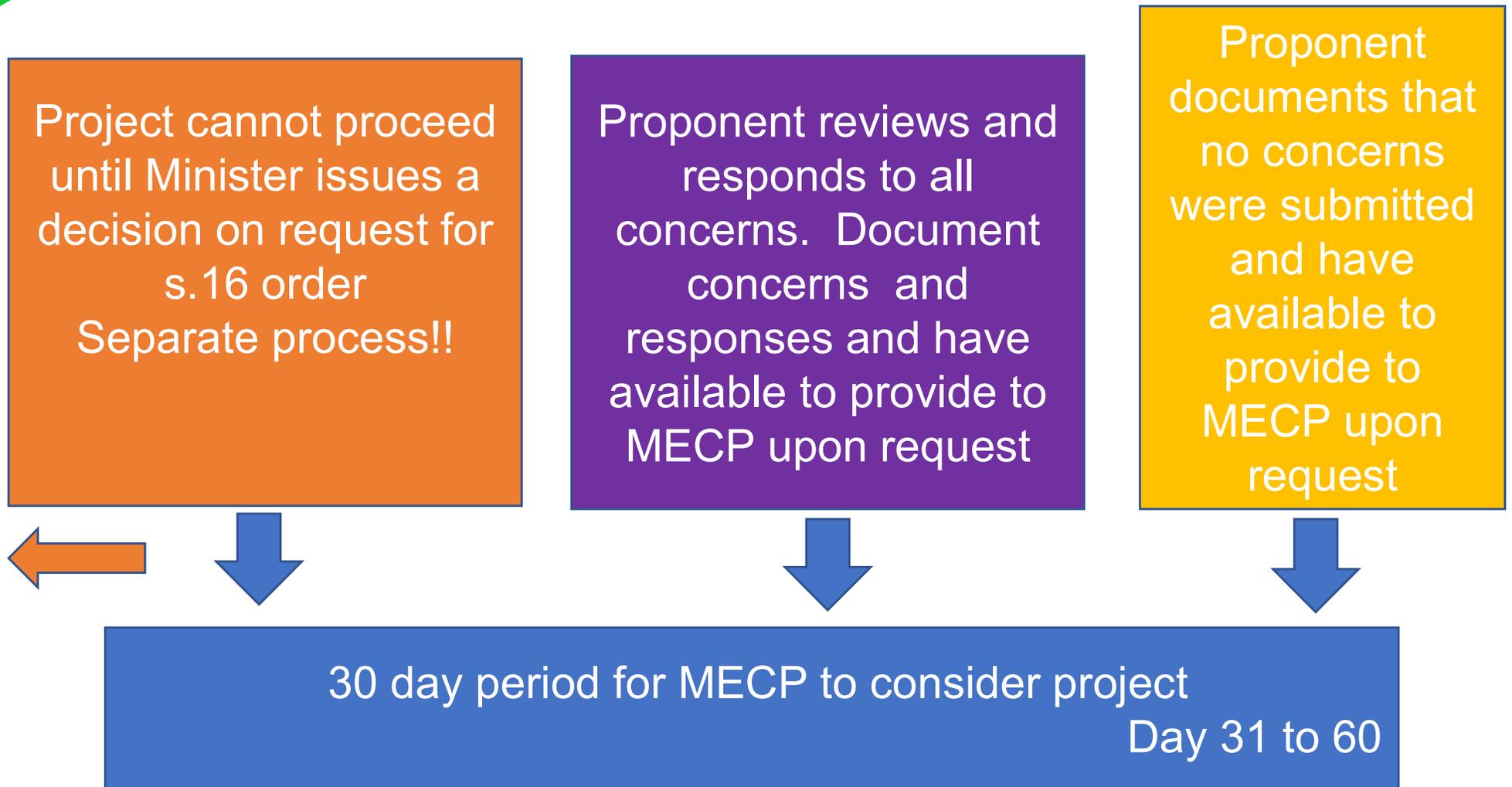
Concerns submitted to MECP that relate to Aboriginal or treaty rights. This is a formal request for a s.16 order

Any concerns that are submitted to the proponent within the 30 day review period

No Concerns submitted during 30 day review period



Document that no concerns were submitted and have available to provide to MECP upon request



30 day period for MECP to consider project  
Day 31 to 60



MECP does NOT issue an Order or Notice or issues a letter authorized proceeding



Director issues Notice and may request Proponent provide info within X days



Minister issues s.16 Order



Project Can Proceed \*

\* Provided any s.16 order request is resolved

30 day period for MECP to consider project  
Day 31 to 60

MECP does NOT issue Order or Notice or issues a letter authorized proceeding

Project Can Proceed \*

Director issues Notice and may request Proponent provide info within X days

Proponent completes a Comprehensive EA

\* Provided any s.16 order request is resolved

Minister issues a s.16 Order

Project Can Proceed \* with Conditions



30 day period for MECP to consider project  
Day 31 to 60



Director issues Notice of Proposed Order



Further 30 day period for Minister to issue s.16 order  
Date of Notice + 30 days



30 day period for MECP to consider project

Day 31 to 60



Director issues Notice and does request  
Proponent provide info within X days



Proponent fails to submit information within X  
days – Notice of Unsatisfactory Information -  
new Notice of Completion



Proponent submits  
info - Notice of  
Satisfactory Info



Further 30 day period for Minister to issue s.16 order

Date of Notice + 30 days



Further 30 day period for Minister to issue s.16 order  
Date of Notice of Satisfactory Info or Proposed Order+ 30 days



Minister does NOT  
issue Order or  
issues a letter  
authorized  
proceeding

Minister issues a s.16  
Order

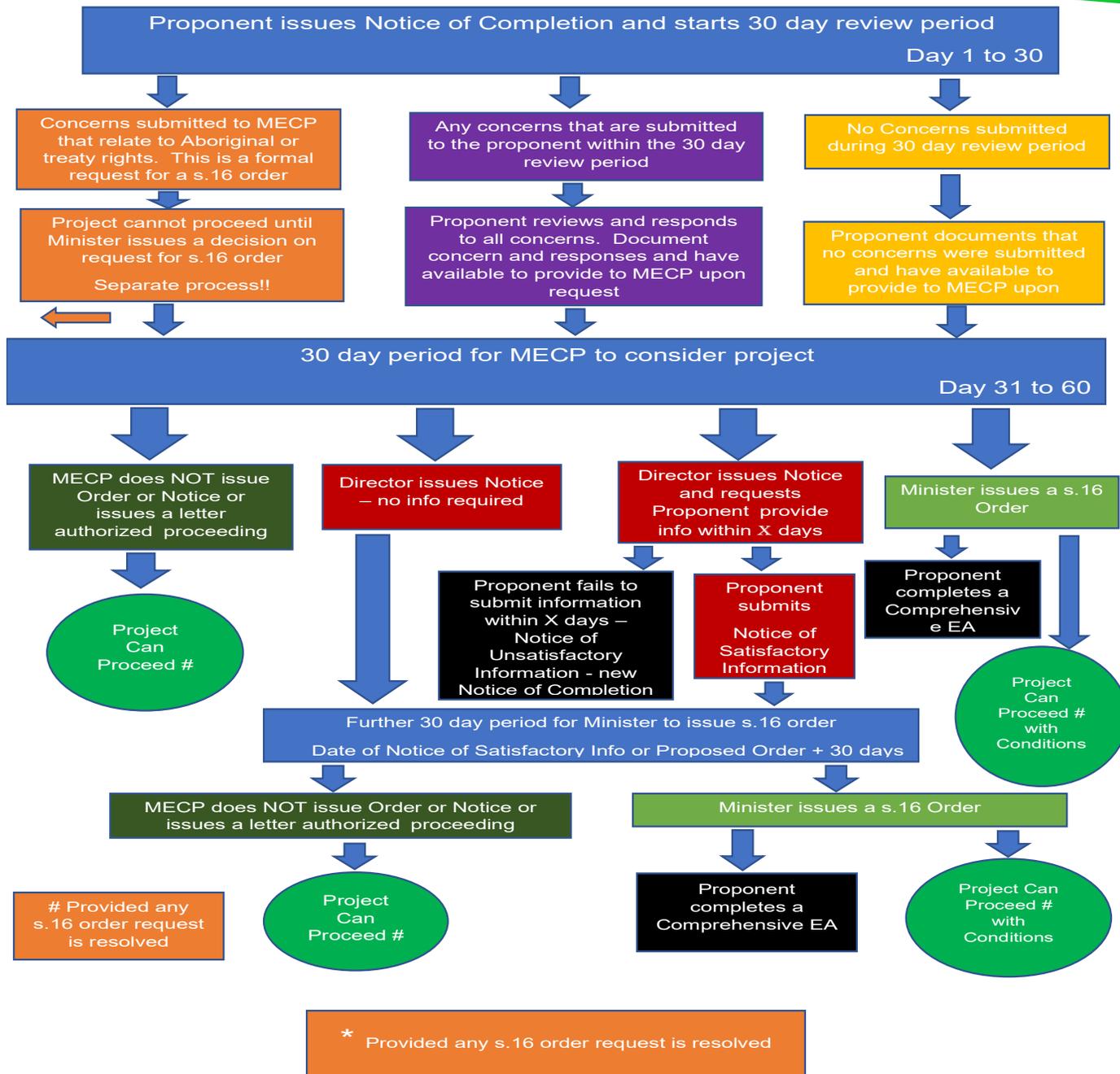


Project  
Can  
Proceed \*

Proponent completes a  
Comprehensive EA

Project  
Can  
Proceed \*  
with  
Conditions

\* Provided any s.16 order  
request is resolved





# Questions?