

MEA Clarification July 2023

Issues that Relate Directly to Tables A (Roads) and B (W/WW) in Appendix 1 Including:

- A1-1 Snow Storage Facility**
- A1-4 Property Acquisition**
- A1-5 Road Diet Clarification**
- A1-6 Same purpose, use, capacity and location**
- A1-8 Utility Corridor**
- A1-10 Incidental Works is Inclusive Project type 37**
- A1-11 Recreation Projects Not in MCEA**
- A1-12 MCEA Projects that Cross a Municipal Boundary**

A1-1 - Snow Storage Facility

Snow storage is not currently addressed in the MCEA and, it needs to be defined before it is discussed. Snow is commonly plowed and 'stored' along the sides of roads and in selected areas near or within parking lots. This type of snow storage should be specifically excluded from any EA requirements. A proposed definition is **Snow Storage Facility** means a central location where snow, that is loaded and hauled, is stored until it melts in the summer.

Because Storage of Snow is not currently addressed in the MCEA, O Reg 331/90 applies and, creating a snow storage facility is exempt provided the cost of the facility is <\$3.5m. Proponent should follow appropriate guidelines and consult with community outside the EAA regime.

When the MCEA is amended at some future date, consideration should be given to including Snow Storage Facilities and using a trigger other than cost. For example, a new Snow Storage Facility could be Schedule A+ if storage area was <2.0 Ha and Schedule B if the storage area was >2.0 Ha.

A1-4 Property Acquisition

No EA process is required for property purchase. If the proponent acquires property through separate process (negotiation with owner or planning policies for minimum width of road allowances) such that the proponent owns the property required for a project before the Notice of Completion then no property acquisition is required for the project. For many project types, this could mean the project would be classified as Schedule A or A+ (exempt). If there is dispute about the property acquisition then a Schedule B process should be followed to support the acquisition (expropriation).

A1-5 Road Diet Clarification - Under Activity 21 of the Roads Schedule of the Municipal Class Environmental Assessment, reconstruction of a roadway, where the reconstructed road will be used for the same purpose, use and capacity is a Schedule A+ activity. Where the reconstructed roadway is not reconstructed for the same purpose, use and capacity (e.g. additional travel lanes), Activity No. 33 requires a Schedule C process is required where project costs exceed \$3M and a Schedule B process required where project costs are under \$3M.

There may be situations, particularly in densely populated urban areas where the pedestrian volumes may compete with vehicular traffic volumes, where there is a desire to reconstruct a roadway with fewer travel lanes. Reconstruction projects of this nature are frequently referred to as Road Diets and involve the reduction of through lane capacity with the retention of turn lanes at intersections. Where it can be demonstrated through the completion of a traffic study that sufficient capacity in the roadway will remain following the removal of travel lanes (e.g. the capability of the roadway remains the same), project proponents may determine, through the use of their engineering judgement, that the objective and application of the roadway remain unchanged and the volume, size and capability do not exceed the minimum municipal standard, or the existing rated capacity, and that on this basis, a road diet may be more appropriately subject to a Schedule A+ process under Activity No. 21

A1-6 Same purpose, use, capacity and location

From Glossary – 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 in glossary), or the existing rated capacity (defined in glossary), and there is no substantial change in location

Example a) a change from 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.

Example b) a treatment plant system which was approved under the Ontario Water Resources Act to operate at 30,000 cubic metres per day (m³/d) but which was only constructed to operate at 20,000 m³/d, can be expanded by up to 10,000 m³/d, at its existing site, and that expansion would qualify as an Operations activity.

Same location means there is not a substantial change in location. A substantial change could be considered a change of more than approximately 10%. For example, a road allowance 20m wide and 1km long has an area of 20,000 sq m and a change less than 2,000 sq m would be <10%.

MECP staff have made a suggestion that a significant % increase in traffic volumes results in a change in purpose & use. Nothing in MCEA suggests there is a link between % increase in traffic volumes and purpose/use of road.

Traffic studies used to predict traffic movements/volumes. If predicted volumes identify need for increase in travel lanes - Schedule B/C

On the fringe of developing areas

- very low volumes of traffic will increase to medium volume
- this could be a very high % increase but no change to purpose/use

If MECP staff's suggested trigger was used – numerous projects across the province impacted.

MECP staff have made a suggestion that a change in road classification (Local to Local/Collector) results in a change in purpose & use.

Nothing in MCEA suggests there is a requirement for a MCEA Schedule B/C process when designating a road's classification.

Roads are classified through OP or TMP process. MCEA Schedule B/C process is only triggered if work proposed on newly classified road is categorized as Schedule B/C. If MECP staff's suggested trigger was used – numerous projects across the province could be impacted.

The MCEA is a self assessment process. To challenge the proponent's selection of project schedule there must be clear evidence the proponent has made a mistake. The MCEA would need to be amended to clearly define that the purpose and use of a road relates to the % increase in traffic and the designation of the road before a proponent should be expected to subject these projects to the MCEA process.

Please see MEA Clarification June 2023 Administration and Amending the MCEA (above) for further information.

A1-8 Utility Corridor

A utility corridor may include property that is non-linear, for example a rectangular area for a Stormwater Management Pond.

A1-10 Incidental Works is Inclusive Project type 37

Some have suggested that Roadside ditches, culverts and other such incidental stormwater works is not inclusive of all works required for a typical simple road project like paving a gravel surface or adding pave shoulders. Any technical issues with stormwater works would be addressed by the requirement for permission from MECP and/or the Conservation Authority. The MCEA is a self-assessment process. To challenge the proponent's selection of project schedule there must be clear evidence the proponent has made a mistake. The above clause would need to be amended to clearly state which incidental stormwater works were included (and excluded) before a proponent should be expected to subject routine road projects an excessive MCEA process.

A1-11 Recreation Projects Not in MCEA

Some have suggested that recreation facilities such as a dock, marina, beach or boat launch are included in this clause. However, these recreation facilities are not similar to the identified shore line works. The MCEA is a self-assessment process. To challenge the proponent's selection of project schedule there must be clear evidence the proponent has made a mistake. The above clause would need to be amended to clearly state that certain recreation facilities were included before a proponent should be expected to subject recreation projects to the MCEA process

Please see MEA Clarification June 2023 Administration and Amending the MCEA (above) for further information.

A1-12 MCEA Projects that Cross a Municipal Boundary

The preamble to Appendix 1 of the 2017 MCEA included:

Schedule A activities are Pre-approved. The proponent may proceed without following the procedures set out in any other part of this Class EA. Projects which take place partly outside the proponent's municipal boundary shall be planned at least under Schedule B, other than normal or emergency operational activities which shall be Schedule A.

However, the new 2023 MCEA does not include an equivalent clause and, now that Schedule A and A+ projects are exempt rather than pre-approved, they cannot be elevated to Schedule B or C.