

Reform of the Municipal Class EA MOECC's Review of the EA Permitting Process MEA's Position November 2015 Executive Summary

Earlier this year, Glen Murray, Minister of the Environment, said the he would be turning his attention to the administration of Environmental Assessment in Ontario and reviewing the "EA Permitting Process", with an interest in looking for efficiencies. The Municipal Class EA is a large part of the current EA system in Ontario, and the Municipal Engineers Association, as custodian of the MCEA document, has a keen interest in the Ministry's upcoming review. To prepare for this, MEA has prepared this paper which outlines MEA's position and describes the improvements which MEA recommends.

General

The Municipal Class Environmental System in Ontario is governed by the *Environmental Assessment Act* ("EA Act"). The EA Act applies to all activities undertaken by municipalities including infrastructure projects and the operation and maintenance of these facilities.

Whatever EA system is to be used in Ontario, **MEA thinks the system must be;**

- **Efficient** so proponents can deliver needed activities and infrastructure projects without undue delay or cost;
- **Consultative** so the community is appropriately engaged;
- **Transparent** so stakeholders can understand decisions;
- **Thorough** so that all reasonable alternatives are considered Protective of the environment;
- **Fair** such that both proponents and stakeholders are respected within the process; and
- **Protective** of the environment.

Project Classification

In order to streamline the EA Act, Ontario established the Class EA system in which a Class EA document identifies routine types of projects and activities where the impacts of these projects and mitigation of those impacts are readily understood. Under the Municipal Class EA system, projects and activities are categorized into specific "schedules" of projects.

Whatever EA system is to be used in Ontario, **MEA thinks the EA system must include the five classifications generally as recommended in 2004 with pre-approval or exemption for certain projects and more rigorous requirements for projects with more potential for environmental impact.**

Stakeholder Input and Appeal

Appropriate stakeholder input is critical for successful implementation and is a cornerstone of the MCEA. However, input is not appropriate or practical for certain routine projects and activities.

Whatever EA system is to be used in Ontario, **MEA believes the EA system must;**

- **allow certain routine projects and activities to proceed without any requirement for consultation or documentation**
- **allow selected routine projects and activities to proceed after notice is provided to stakeholders**
- **ensure that the final decision for any concerns raised related to these projects or activities (Schedule A and A+) is determined locally by the municipal proponent – i.e. no ability for a Part II Order Request**

Project Schedules

Appendix 1 of the Municipal Class EA lists the various activities and projects covered by the MCEA and places them in the appropriate Schedule (A, A+, B or C). This information has been reproduced in Appendix A to this report with the recommended changes.

MEA has no particular preference regarding the legal framework that implements the EA Act provided whatever EA system is to be used in Ontario, **the EA system must classify projects and activities as outlined in the charts included in Appendix A.**

Part II Order Process

Section A.2.8 of the MCEA outlines the appeal process for unresolved concerns and 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. For many years, the MEA has been monitoring the Ministry's performance and asking for improvements. From 2000 through 2006 the delay caused by waiting for the Minister's decision was increasing but in 2007-08, the Ministry improved their system. They cleared the backlog of PIIORs (older requests took as long as 976 days) and the Ministry's improved system did process incoming PIIORs in about 100 days (2008 – 118 days, 2009 – 95 days, 2010 – 108 days) but even this improved process still exceeded the required 66 days. However, since that time, the delays have been increasing again. The average time for a decision has increased until it reached 304 days in 2013, and continued to increase to 347 in 2014, over 5 times the allotted 66 days. This performance is obviously unacceptable and must be addressed for the sake of good and efficient government.

The PIIOR process needs to be improved by;

- encouraging the use of a standard form for PIIORs
- referring PIIORs properly – local issues to the local Council, provincial interests to the Ministry
- scoping the review to deal only those issues raised in the PIIOR, and
- delegating the decision to the Director so the decision can be issued without delay or political interference.

Whatever EA system is to be used in Ontario, the **EA system must include an appeal system that works efficiently and delivers decisions in a timely manner. MEA believes this can best be accomplished by;**

- **First, classifying the appeal. If the appeal relates to a provincial interest (the EA process, First Nations Consultation or issues addressed in other provincial legislation such as Source Water Protection, Heritage Act, Rare Species Act) then the appeal is directed to the Director of the EA branch of MOECC for a decision. The review would be scoped to considering only those issues raised in the appeal and the Director would issue a decision within the allotted 66 days.**
- **If the appeal relates to a local issue, the appeal would be directed to the proponent municipality's Council (or their delegate) for a decision. The review would be scoped to considering the issues raised in the appeal.**
- **Secondly, modifying the options for a decision on an appeal as below;**
 - **To deny the request for a Part II Order, with or without conditions, and permit the proponent to proceed with the project;**

- **Refer the matter to mediation if both the proponent and the appellant agree;**
- **Order the Proponent to complete an individual Environmental Assessment before proceeding with the project; or**
- **Order the proponent to back up in the process, complete further work and then re-issue the notice of completion if there is clear evidence work has not been properly completed.**

Scope Creep

The scope and cost of completing Schedule B and C EA's has increased considerably over the years despite the fact that the basic legislation has not changed. Two key causes for this scope creep have been identified;

- Undertaking more investigation and consultation work than really required to meet the MCEA; and
- Completing more design work than really required during the first 4 Phases of the MCEA project in order to select a preferred solution or design.

Whatever EA system is to be used in Ontario, the **EA system must include flexibility that would allow a proponent to add extra public engagement or more consideration of alternatives if appropriate for the project but this extra effort on a particular project must not create a new expectation for other projects and must not include practices that introduce extensive delays to the process.**

Amendments to the Municipal Class EA

The MCEA document needs to be amended from time to time to implement improvements and keep it current. Since 2000, the MCEA has been amended in 2007, 2011 and, most recently, in 2015.

The amendments in 2007 and 2011 were both processed in a reasonable time. However, the 2015 amendment faced significant delays.

MEA has two major concerns with the 2015 amendment process;

- 1) It took almost 3 ½ years of work with the Ministry staff to get a reasonably simple, non-controversial amendment onto the Minister's desk for a decision. This delayed important active transportation projects.

- 2) It took the Minister 7 months to make a decision on the amendment that his staff had already work on for almost 3 ½ years. Ironically, one of the additional amendments which MOECC insisted be included with the cycling amendment is a revised section A.1.5.2. This revised section A.1.5.2 continues to include the 60 day deadline for the Minister to make a decision on an amendment.

Whatever EA system is to be used in Ontario, **MEA thinks the system must include a process where amendments to implement improvements and keep the MCEA current are processed with genuine cooperation and in a timely manner. This can best be accomplished by delegating authority for approval of amendments to the Director and ensuring MOECC and MEA work cooperatively throughout the amendment process.**

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MOECC’s Review of the EA Permitting Process
MEA’s Position
October 2015**

Table of Contents

General.....	7
Project Classification.....	8
Stakeholder Input and Appeal.....	9
Project Schedules	12
Part II Order Process.....	13
Scope Creep	16
Amendments to the MCEAA.....	20
Appendix A: Project/Activity Classification Charts.....	

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Earlier this year, Glen Murray, Minister of the Environment and Climate Change, said that he would be turning his attention to the administration of Environmental Assessment in Ontario and reviewing the "EA Permitting Process", with an interest in looking for efficiencies. The Municipal Class EA is a large part of the current EA system in Ontario, and the Municipal Engineers Association (MEA), as custodian of the MCEA document, has a keen interest in the Ministry's upcoming review. To prepare for this, MEA has prepared this paper which outlines MEA's positions and describes the concerns and the improvements which MEA recommends.

GENERAL

The Municipal Class Environmental System in Ontario is governed by the *Environmental Assessment Act* ("EA Act"). The EA Act is administered and enforced by the Ministry of the Environment and Climate Change ("MOECC" or "the Ministry"). The EA Act was passed in 1976 in response to public concern that protection of the natural environment was not adequately addressed by the then-existing planning legislation and procedures for new government projects and infrastructure. The EA Act applies to all activities undertaken by municipalities including infrastructure projects and the operation and maintenance of these facilities.

Whatever EA system is to be used in Ontario, **MEA thinks the system must be;**

- **Efficient** so proponents can deliver needed activities and infrastructure projects without undue delay or cost;
- **Consultative** so the community is appropriately engaged;
- **Transparent** so stakeholders can understand decisions;
- **Thorough** so that all reasonable alternatives are considered Protective of the environment;
- **Fair** such that both proponents and stakeholders are respected within the process; and
- **Protective** of the environment.

PROJECT CLASSIFICATION

In order to streamline the EA Act, Ontario established the Class EA system in which a Class EA document identifies routine types of projects and activities where the impacts of these projects and mitigation of those impacts are readily understood. Under the Municipal Class EA system, projects and activities are categorized into specific “schedules” of projects. Originally there were four classifications – Schedule A, Schedule B, Schedule C and Individual EA. In 2004, the Ministry’s Expert Panel on EA Reform recommended a five “Class” framework for guiding EA process reviews – specifically;

Class 1 - generally includes normal or emergency operational and maintenance activities; the environmental effects of these activities are usually minimal and therefore these projects are pre-approved. Essentially existing Schedule ‘A’.

Class 2 - generally includes rebuilding facilities with minor changes or introducing operational changes which are either consistent with provincial policy or not covered by provincial policy; the environmental effects of these activities are usually minimal and confined locally; therefore these projects are approved locally after public input. Possibly a new Schedule, generally between existing A and B.

Class 3 - generally includes improvements and minor expansions to existing facilities. There is the potential for some adverse environmental impacts of interest to the province; therefore, the proponent is required to proceed though a screening process including consultation with those who may be affected. Similar to existing Schedule ‘B’ but projects fewer in number, reflecting the creation of “Class 2”.

Class 4 - generally includes the construction of new facilities and major expansions to existing facilities. These projects proceed through the EA planning process as outlined in the existing Class EA, Schedule C.

Class 5 - generally includes construction of major new facilities and major expansions with the potential for significant impact to the environment. Effectively the existing individual EA process”

The MCEA was then amended to create Schedule A+ to conform to this recommendation. The schedule of the project or activity depends on the potential environmental impact of the project. The EA requirements are more rigorous for projects with more potential for environmental impact.

In other jurisdictions, their environmental legislation is not as broad and they have either created a list of specific projects that are subject to some form of environmental assessment or provided a list of excluded or exempted projects with many local municipal infrastructure projects such as municipal road widening, bridge replacements and sanitary sewer extensions not subject to a formal environmental assessment. (See the Residential Civil Construction Alliance of Ontario (RCCAO's) February 2015 report titled "Comparing Ontario's Municipal Class EA System to Other Jurisdictions: Public Intervention in Local Infrastructure Projects") These exclusions are made under the premise that these types of projects are themselves subject to other regulatory requirements and municipal processes that duplicates much of the assessment work that happens under EA processes.

For example, many municipalities carry out consultation with the public and stakeholders when completing detailed design work for a municipal road or bridge project. The detailed design process also involves the development and consideration of alternative designs for the project being considered.

The existing EA planning process has and generally continues to work very well. Thousands of municipal projects have been successfully implemented throughout Ontario by following this process.

Whatever EA system is to be used in Ontario, **MEA thinks the EA system must include the five classifications generally as recommended in 2004 with pre-approval or exemption for certain projects and more rigorous requirements for projects with more potential for environmental impact.**

STAKEHOLDER INPUT AND APPEAL

Appropriate stakeholder input is critical for successful implementation and is a cornerstone of the MCEA. However, input is not appropriate or practical for certain routine projects and activities. For example, road maintenance activities – the level of service for road maintenance is established by municipalities each year through their budget process. The Ministry's Expert Panel on EA Reform recognized it would not be practical or appropriate to seek input each time maintenance activities are performed (see Class 1 in their recommendation). These projects and activities are therefore identified in the MCEA in Schedule A and classified as pre-approved.

Stakeholder notification is appropriate and practical for selected routine projects and activities. For example, road re-surfacing. The Ministry's Expert Panel on EA Reform recognized this and recommended a new Class for projects (see Class 2 in their recommendation). These projects and activities are identified in the MCEA in Schedule A+ and are also classified as pre-approved, subject to stakeholder notification that the projects are being implemented.

Notwithstanding the above, in 2011, MEA was advised that Ministry legal staff had arrived at a new interpretation of Section 16 of the EAA – that stakeholders could submit a Part II Order Request at any time (for example after the 30 day notice period) and on any project (including pre-approved Schedule A and A+ projects or activities). This interpretation is in direct contravention of the MCEA and of the practices which have been applied over the past 25 years. It is also inconsistent with the recommendations of the Ministry's Expert Panel on EA Reform and alters the fundamental principle on which the Class EAs were built.

Furthermore, we understand that MOECC thinks that this legal interpretation would apply to **all** pre-approved projects, in **all** Class EAs.

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. Imagine if anyone could submit a Part II Order regardless, of their reasons, to stop the repair of a broken water main delivering safe drinking water and fire protection to the members of the public that it serves.

This would put the 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 the Minister has authorized that the activity or project may proceed. What will the Minister's 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 or allow their water supply system to be compromised while a decision about a Part II Order request was made?

Over the past four years we have communicated numerous times with both Ministry staff and directly to the Minister but this issue remains unaddressed. During the fall of 2013 MEA cooperated with Ministry staff as they worked to prepare a regulation under the EA Act that would close the loophole this new interpretation had created. Unfortunately work on this regulation has stalled and it is frustrating to learn that this issue has little priority with the Ministry because the loophole has not yet created serious problems.

There have not been problems yet because the MCEA document still reflects the practices prior to 2011 so few people are aware of the loophole the Ministry's new interpretation has created. However, this is changing. MEA has received written comments from an Environmental Solicitor making it clear he understands this new interpretation and he will be using it for his clients.

We predict serious problems when the public discovers they can obstruct an infrastructure project (for example the construction of a street in a new subdivision even after all OMB appeals have been addressed or an important resurfacing project) just because they are dissatisfied with something.

The Part II Order process has been used by members of the public to obstruct and unnecessarily stall and/or halt municipal infrastructure projects. The obstruction of the St. Clair Avenue Transit project through the Part II Order process in the City of Toronto is widely regarded as being responsible for triggering the development of Ontario Regulation 231/08 – the Transit Regulation made under the EA Act. This regulation limits the ability of stakeholders to raise concerns about a project to matters of provincial importance. The limited appeal rights were implemented recognizing the broader public interest in planning and implementing public transit.

As a municipal service, public transit is clearly of critical importance. However, so too are municipal winter maintenance activities, normal operation of a road, water or sewage system. The MEA believes that these critical activities that are routinely carried out by municipalities should be exempt from obstructions attempts through the Part II Order process.

The current MCEA document clearly states that there is no ability for a Part II Order request on pre-approved projects. Ministry staff have suggested that this section of the MCEA needs to be deleted (so it does not conflict with their new interpretation) leaving the document silent regarding the public's rights.

MEA cannot support a non-transparent strategy that relies on silence so that hopefully people do not find out about a new way to obstruct municipal infrastructure projects.

Whatever EA system is to be used in Ontario, **MEA believes the EA system must;**

- **allow certain routine projects and activities to proceed without any requirement for consultation or documentation;**
- **allow selected routine projects and activities to proceed after notice is provided to stakeholders; and**
- **ensure that the final decision for any concerns raised related to these projects or activities (Schedule A and A+) is determined locally by the municipal proponent- i.e. no ability for a Part II Order Request**

PROJECT SCHEDULES

Appendix 1 of the Municipal Class EA lists the various activities and projects covered by the MCEA and places them in the appropriate Schedule (A, A+, B or C). This information has been reproduced in Appendix A to this report with the following recommended changes;

- the water and wastewater projects have been combined into a chart for easier review.
- the roads projects have been updated to include the amendment that was approved by the Minister on October 17, 2015 to include cycling facilities within the MCEA
- redundant projects have been deleted
- revisions to reflect clarifications that MEA has issued in the past
- shifted some projects from Schedule B to A+
- added items to deal with pilot projects and restoration after an emergency

As discussed earlier, project classification could be accomplished through exemptions, regulation or retaining the Class EA system. MEA has no particular preference regarding the legal framework that implements the EA Act provided that the EA Act whatever EA system is to be used in Ontario, **the EA system must classify projects and activities as outlined in the charts included in Appendix A and;**

Allow projects and activities in the Schedule A column to proceed without any requirement for consultation or documentation. Note – Proponents may choose to undertake selected consultation with the community if they deem it appropriate. The final decision for any concerns raised related to these projects or activities is determined locally- no ability for a Part II Order Request (currently Schedule A)

Allow the projects and activities in the Schedule A+ column to proceed after notice is provided to stakeholders. The final decision for any concerns raised related to these projects or activities is determined locally- no ability for a Part II Order Request (currently Schedule A+)

Allow the projects and activities in the Schedule B column to proceed after completing consultation with stakeholders through a screening process. Any concerns raised related to these projects or activities that remains unresolved at the conclusion of the process are referred externally for a final decision - ability for a Part II Order Request (currently Schedule B)

Allow the projects and activities in the Schedule C column to proceed after completing consultation with stakeholders through an EA planning process. Any concerns raised related to these projects or activities that remains unresolved at the conclusion of the process are referred externally for a final decision - ability for a Part II Order Request (currently Schedule C)

PART II ORDER PROCESS

Section A.2.8 of the MCEA outlines the appeal process for unresolved concerns and 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. For many years, the MEA has been monitoring the Ministry's performance and asking for improvements. From 2000 through 2006 the delay caused by waiting for the Minister's decision was increasing but in 2007-08, the Ministry improved their system. They cleared the backlog of PIIORs (older requests took as long as 976 days) and the Ministry's improved system did process incoming PIIORs in about 100 days (2008 – 118 days, 2009 – 95 days, 2010 – 108 days) but even this improved process still exceeded the required 66 days. However, since that time, the delays have been increasing again. The average time for a decision has increased until it reached 304 days in 2013, and continued to increase to 347 in 2014, over 5 times the allotted 66 days. This performance is obviously unacceptable and must be addressed for the sake of good and efficient government

MEA has just compiled the recent feedback on the Municipal Class EA for the annual monitoring report and, again this year, both proponent municipalities and the public have expressed dissatisfaction with the Part II Order review process.

Waiting for a decision related to a Part II Order Request can cause significant delays for both municipal and private developer proponents. Implementation of road improvements that improve safety or wastewater upgrades to improve environmental impacts can be delayed. Delays also 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 significantly. 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.

MEA has repeatedly raised this issue with Ministry staff and directly with the Minister, asking that the PIIOR system be improved. To process PIIORs within the allotted time, improvements are needed to both steps in the process – the EAA branch must efficiently review the information and prepare a recommended decision regarding the Part II Order Request and then the decision must be issued in a timely manner.

EAA branch staff have been cooperating with MEA and we are hopeful that, together, we can improve the first step in the process. We intend to prepare guidance material for proponents that details the information that proponents need to provide to the EAA branch so they can complete their review without delay.

Upon receipt of a PIIOR, the Ministry asks the proponent to provide information. Until recently, this information has been limited to the proponent's response to the issues identified by the requestor but since 2013, the Ministry has been asking for the following additional information even if the information is not related to the PIIOR;

- Stage 1 and Stage 2 Archaeological Assessment work required to demonstrate no impacts on Aboriginal archaeological resources and other issues that may be identified in the requests.
- Consultation Record for Public, Agency and Aboriginal Note: Proponents will be required to justify why notification and/or consultation was not undertaken with Aboriginal communities or that consultation was adequate. Inadequate justification (when potential interest or effects anticipated) or inadequate consultation may require the proponent to provide a notice and/or undertake consultation or additional consultation as may be applicable in the appropriate circumstance prior to a decision being rendered on a Part II Order request
- Source Water Protection- in all cases. Information to support how proponent has considered source protection (e.g. source protection plan area and whether any policies would be applicable, comments and consideration by the Conservation Authority, potential threats, well head protection areas, water intakes etc, if any).
- Adaptive Climate Change- how considered-as may be applicable depending on the nature of the projects
- Species at Risk under Endangered Species Act included as part of Transition List for new MNR Regulation regarding protection of habitat
- Statement of Environmental Values Considerations
 - Cumulative effects, as may be appropriate
 - Related predominately to projects with waste Environmental Compliance Approvals (ECAs) and other ECAs
 - Ecosystem approach, as may be appropriate

Rather than limiting the PIIOR process to a consideration of the issues raised, MOECC is conducting an audit of the entire MCEA process to see if the proponent has complied with selected legislation and politically topical unofficial policies, some of which are not even clearly defined. Why? For every other appeal process (mediation, arbitration, civil litigation, OMB) the first step is to scope the issues and then deal with only those issues with disagreement.

Even after this additional information is provided, it appears a significant part of the delay results from waiting for the Minister to issue the decision. 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 these decisions is approximately 150 days, half of the average time for a decision from the Minister. We believe that after the MOECC staff have prepared a recommendation it generally takes an additional 6 – 8 months for the Minister to issue a decision.

In MEA's Companion Guide to the MCEA, it is explained to proponents that Section A.2.8.3 does a good job outlining the responsibilities of the public. However, this is not helpful if the public is not made aware of these responsibilities. Providing a form for the public to use while they prepare their PIIOR will assist the public with understanding their responsibilities. Although the Ministry will accept a Part II Order Request in any form, proponents should encourage the use of the standard form to assist those filing a PIIOR to better organize their request.

Also, why is the Ministry even involved in a decision which only involves local issues? The community elects representatives that are locally accountable that should be responsible for local issues. Only those PIIORs that involve a provincial issue should even be referred to the Ministry. PIIORs that involve local issues should be determined by the local Council.

The PIIOR process needs to be improved by;

- encouraging the use of a standard form for PIIORs;
- referring PIIORs properly – local issues to the local Council, provincial interests to the Ministry
- scoping the review to deal only those issues raised in the PIIOR, and
- delegating the decision to the Director so the decision can be issued without delay or political interference.

Whatever EA system is to be used in Ontario, the **EA system must include an appeal system that works efficiently and delivers decisions in a timely manner. MEA thinks this can best be accomplished by;**

- **First, classifying the appeal. If the appeal relates to a provincial interest (the EA process, First Nations Consultation or issues addressed in other provincial legislation such as Source Water Protection, Heritage Act, Rare Species Act) then the appeal is directed to the Director of the EA branch of MOECC for a decision. The review would be scoped to considering only those issues raised in the appeal and the Director would issue a decision within the allotted 66 days.**

- **If the appeal relates to a local issue, the appeal would be directed to the proponent municipality's Council (or their delegate) for a decision. The review would be scoped to considering the issues raised in the appeal.**
- **Secondly, modifying the options for a decision on an appeal as below;**
 - **To deny the request for a Part II Order, with or without conditions, and permit the proponent to proceed with the project;**
 - **Refer the matter to mediation if both the proponent and the appellant agree;**
 - **Order the Proponent to complete an individual Environmental Assessment before proceeding with the project; or**
 - **Order the proponent to back up in the process, complete further work and then re-issue the notice of completion if there is clear evidence work has not been properly completed.**

SCOPE CREEP

The scope and cost of completing Schedule B and C EA's has increased considerably over the years. According to a 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 directly 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.

During 2013 and 2014, various groups (Peel, RCCAO, BILD, Consultants) approached MEA complaining that the scope of preparing an MCEA had, over the years, expanded and they were 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. The practices and expectation of proponents, commenting agencies, the public and MOECC have all changed. Two key causes for this scope creep were identified;

- Undertaking more investigation and consultation work than really required to meet the MCEA; and
- Completing more design work than really required during the first 4 Phases of the MCEA project in order to select a preferred solution or design.

A specific example of Scoop Creep is the Minister's PIIOR review process. In the 1980's, this began with the Minister having 45 days to review the request. During this 45 days, the Minister acted if warranted, or more commonly took no action and the project proceeded after the 45 days. This process has morphed into the Ministry conducting a detailed review of the entire MCEA process before making a decision which results in a year's delay. Even with this work, cost and delay, virtually 100% of the PIIORs are denied and the MCEA projects are permitted to proceed. Is this extra work, cost and delay worthwhile? What has it really accomplished?

To respond, MEA is pursuing changes to MOECC's current practices and developing an MCEA Companion Guide that will provide useful tips for proponents and illustrate minimum requirements with examples. This guide will provide a similar service to proponents using the MCEA that the MEA's Course on the subject provides. This Guide will provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples. It will 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 or should be considered. It will 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 MOECC but formal MOECC approval would not be needed. A sample section from this proposed Companion Guide follows.

Sample Section from MCEA Companion Guide

Quote from the MCEA

A.2.1.1 Level of Complexity

The process is flexible to meet the specific needs of a project

The following sections describe the planning process in this Class EA. It is important, however, to recognize that there is flexibility within the process to be responsive to specific project and consultation needs, while ensuring that the requirements of the Class EA are met.

Level of complexity or sensitivity can relate to the nature of the problem or opportunity being addressed, the level of investigation required to assess alternatives and environmental effects, and public and agency issues and concerns. The level of complexity may affect the selection of the project schedule, and the scope of each phase in the Class EA process as well as the need to revisit steps in the process. **The level of complexity will therefore affect the manner in which a project proceeds through the process.**

Determination of level of complexity is an inherent function of the management of a project.

The complexity of a project is based on many components, including environmental effects, public and agency input and technical considerations, and how these interrelate on a specific project. **Accordingly, the determination of complexity (and its ongoing assessment) requires sound professional judgement, is an inherent function of the management of a project and, is the responsibility of the proponent.**

Divisions amongst project schedules are often not distinct.

Given the varying levels of complexity, the divisions amongst Schedules A, B and C projects are therefore often not distinct. For example, a Schedule B project with many issues and broad community interest could approach the complexity of a Schedule C project. As a result, some proponents may choose to follow the process for a Schedule B, while others may decide to follow the process for a Schedule C. **While the Class EA document defines the minimum requirements for environmental assessment planning, the proponent is responsible for “customizing” it to reflect the specific complexities and needs of a project.**

The proponent is responsible for taking the minimum requirements and “customizing” them to meet a specific project’s consultation and technical needs.

The foregoing should be considered not only at the outset of project planning but as one proceeds through the process and reviews and confirms the project schedule

All activities undertaken in the planning process must be documented and records maintained in a form which can be presented to the public for review. However, the proponent need only gather and document information which is likely to have a direct bearing on impacts and mitigating measures. The level of detail of the information to be inventoried should reflect the potential severity of the impacts predicted

Lastly, it should also be noted that the process outlined in the following sections is not necessarily sequential. It can be an iterative process whereby the results of one Step may necessitate re-evaluation of a previous Step.

Related section in Companion Guide

Section A.2.1.1 states “is flexibility within the process to be responsive to specific project and consultation needs”. Proponents should use this flexibility to better serve the community. For example, a particularly complex or controversial Schedule A or A+ project would likely warrant efforts beyond the minimum described in the MCEA. However, before deciding to elevate the project to a Schedule B process, the proponent should ask - For this particular project, would the community benefit from;

- 1) more opportunity for public engagement? If so, then the proponent should organize more opportunities for public engagement. But this can be accomplished without elevating to a Schedule B process – just organized the public engagement.
- 2) a very detailed consideration of alternatives? If so, then the proponent should complete a detailed evaluation of alternatives. But this can be accomplished without elevating to a Schedule B process – just complete the detailed consideration of alternatives.
- 3) through documentation of the preferred solution and associated mitigating measures? If so, then the proponent should complete the documentation. But this can be accomplished without elevating to a Schedule B process – just complete the documentation.
- 4) having the ultimate decision regarding the project made outside the community? If so, then the proponent should elevate the project to a Schedule B or C process and allow the community the opportunity to file a Part II Order Request and the Minister will make the final determination regarding the project.

In summary, there is no need to arbitrarily follow all of the steps of an elevated process. Instead, expand the process to incorporate the components that will actually provide benefit to the community.

IMPORTANT NOTE – When a proponent has a particularly complex or controversial project and decides to add extra public engagement, more consideration of alternatives, extensive documentation or even to elevated a project to a high level, **do not make this extra effort the norm.** Remember that this extra effort was justified for a specific project because of the unique circumstances. Unless the next project also has unique circumstances the process should follow as outlined in the Municipal Class EA.

Also, in an effort to bring back Class EA's to their original intent and scope, the MEA is working with the MOECC and the County of Brant on a pilot project 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. Brant County is planning projects following a streamlined model where the final MCEA approval will provide flexibility so the project could be constructed as an AFP/P3 project. It is anticipated that the final ESR will focus on impacts to the environment and related mitigations but will contain limited design details so maximum flexibility is available during detailed design/construction and a design build construction model could also 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 when completed likely in early 2016.

Whatever EA system is to be used in Ontario, the **EA system must include flexibility that would allow a proponent to add extra public engagement or more consideration of alternatives if appropriate for the project but this extra effort on a particular project must not create a new expectation for other projects and must not include practices that introduce extensive delays to the process.**

Amendments to the Municipal Class EA

The MCEA document needs to be amended from time to time to implement improvements and keep it current. Since 2000, the MCEA has been amended in 2007, 2011 and, most recently, in 2015. Section A.1.5.2 of the MCEA describes the procedure for amending the MCEA document.

Minor amendments can be approved by the Director with relatively little effort. Major amendments require consultation with stakeholders, usually by both the MEA prior to submitting the amendment and then by MOECC after the amendment has been submitted. The Minister (or his/her delegate) is then to make a decision within 60 days after submission of the results of the consultation.

The amendments in 2007 and 2011 were both processed in a reasonable time. However, the 2015 amendment faced significant delays. This amendment began in 2011 as a simple amendment to incorporate cycling facilities into the MCEA. Active

transportation options like cycling facilities were not included when the MCEA was first created in the 1980s so municipalities must either:

- rely on the exemption provided in Ont. Reg. 345 if the project is less than \$3.5m;or
- complete an individual EA if the project is greater than \$3.5m.

This means that the approval process, for larger cycling projects, is more onerous than for a similar sized road project. In late 2011, MEA recognized that cycling and multi-use facilities are now common infrastructure for municipalities and therefore should be included in the Municipal Class Environmental Assessment. Throughout 2012, MEA worked extensively with Ministry staff and on January 23rd, 2013 submitted an amendment, to include cycling facilities in the MCEA. During 2013, the Ministry twice required the inclusion of additional amendments and on December 5th, 2013 MEA again resubmitted (for a third time) the cycling amendment. During the next 15 months, the Ministry completed consultation and an extensive review of the proposed amendment and on March 10th, 2015, the final amendment with the results of the consultation was submitted to the Minister. As outlined in A.1.5.2, MEA expected the Minister would be making a decision by May 10th, 2015, 60 days after our submission. The Minister finally approved the amendment on October 7th, 2015.

MEA has two major concerns with the 2015 amendment process;

- 1) It took almost 3 ½ years of work with the Ministry staff to get a reasonably simple, non-controversial amendment onto the Minister's desk for a decision. This delayed important active transportation projects.
- 2) It took the Minister 7 months to make a decision on the amendment that his staff had already work on for almost 3 ½ years. Ironically, one of the additional amendments which MOECC insisted be included with the cycling amendment is a revised section A.1.5.2. This revised section A.1.5.2 continues to include the 60 day deadline for the Minister to make a decision.

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			
	Pre Approved		B	C
	A	A+		
GENERAL OPERATION AND MAINTENANCE OF LINEAR PAVED FACILITIES AND RELATED FACILITIES				
1. Normal or emergency operation and maintenance of linear paved facilities cycling lanes & multi-purpose paths, sidewalks, parking lots and related facilities within existing right-of-way or located outside rights-of-ways.	NL	-	-	-
2. Shaping and cleaning existing roadside ditches	NL	-	-	-
3. Construction or removal of sidewalks or multi-purpose paths or cycling lanes within existing or protected I rights-of-way		NL	-	-
4. Gravel replacement and reshaping on existing roads	NL	-	-	-
5. a) Urban: Resurfacing, with no change to horizontal alignment b) Urban: Patching and frost heave treatment c) Rural: Resurfacing, patching and frost heave treatment with no change to horizontal alignment	- NL NL	NL	-	-
6. Plowing and sanding	NL	-	-	-
7. Stockpiling sand, gravel and fill	NL	-	-	-
8. Stockpiling of de-icing material at existing service facility where stockpiling has previously taken place	NL	-	-	-
9. initial stockpiling of de-icing material at existing service facility		NL		
10. Snow and de-icing operations that comply with MOE's Guideline B-4 "Snow Disposal and De-icing Operations in Ontario"	NL	-	-	-
11. Streetscaping (e.g. decorative lighting, sidewalk improvement, benches, landscaping not part of another project)	-	NL		-
12. a) Construction of localized operational improvements at specific locations (e.g. the addition of a ramp to an existing interchange; turning lanes at an intersection, but not a continuous centre left turning lane) b) Installation of guide rail		NL		-
13. Installation, construction or reconstruction of traffic control devices (e.g. signing, signalization)		NL		-
14. Construction of new parking lots not associated with a building.	<10.0m	-	>10.0 m	
15. Installation of safety projects (e.g. lighting		NL		-

including “high mast”, grooving, glare screens, safety barriers, energy attenuators)				
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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			
	Pre Approved		B	C
	A	A+		

GENERAL OPERATION AND MAINTENANCE OF LINEAR PAVED FACILITIES AND RELATED FACILITIES				
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16. Establishment of a roadside park or picnic area		NL		-
17. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in drainage area	NL	-	-	-
18. Construction of a new culvert or increase culvert size due to change in the drainage area	-	NL		-
19. Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location (e.g. addition or reduction of cycling or parking lanes, permitted provided NOTE – vehicle lanes can be reduced if the remaining lanes will accommodate traffic demands.	-	NL	-	-
NEW 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 but is generally at the same location as the facility being reconstructed and the road does not cross or is adjacent to an environmentally sensitive area (PSW, water crossing)		NL		
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 and the road crosses or is adjacent to an environmentally sensitive area (PSW, water crossing)	-	-	<1.0 km	>1.0 km
21. Construction of new roads or other linear paved facilities (e.g. HOV lanes)	-	-	<1.0 km	>1.0 km
22. Re-designation of a Linear Paved Facility through signage or pavement marking modifications (i.e. not requiring physical	NL	NL	-	-

<p>construction):</p> <ul style="list-style-type: none"> • addition or removal of parking or turning lane markings on an existing roadway • conversion of one-way or two-way streets • redesignation of existing General Purpose Lane GPL or on-street parking to High Occupancy Vehicle HOV; or cycling lanes; vice versa; • create or remove cycling lanes; 		<p>NL</p> <p>NL</p>		
<p>23. Construction of local roads which are required as condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road. [Note – Reference to “local” roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA.]</p>	<p>NL</p>	<p>-</p>	<p>-</p>	<p>-</p>
<p align="center">Description of the Project <i>(Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)</i></p>	<p align="center">Cost Limit for Project Approved Under Schedule</p>			
	<p align="center">Pre Approved</p>		<p align="center">B</p>	<p align="center">C</p>
	<p align="center">A</p>	<p align="center">A+</p>		
<p align="center">GENERAL OPERATION AND MAINTENANCE OF LINEAR PAVED FACILITIES AND RELATED FACILITIES</p>				
<p>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. Alterations to include or remove facilities for cycling, pedestrians or to support utilities are not considered changes to capacity.) This includes ferry docks.</p>	<p>-</p>	<p>NL</p>	<p>-</p>	<p>-</p>
<p>New - Construction or removal of sidewalks, multi-use paths or cycling facilities on existing rights of way.</p>		<p>NL</p>		
<p>New Construction or removal of sidewalks, multi-use paths or cycling facilities including water crossings outside existing right of way.</p>	<p><3.5m</p>		<p><1.0 km and >3.5m</p>	<p>>1.0 km and >3.5m</p>
<p>25. Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, capacity or at the same location. (Capacity refers to either hydraulic or road capacity.) This includes ferry docks.</p>	<p>-</p>	<p>-</p>	<p>NL</p>	

26. Construction of new water crossings. This includes ferry docks.	-	-		NL
27. Construction of new grade separations	-	-	NL	
28. Construction of underpasses or overpasses for pedestrian, cycling, recreational or agricultural use	-	-	NL	
29. Construction of new interchanges between any two roadways, including a grade separation and ramps to connect the two roadways	-	-	NL	
<p>30. Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old (where the proposed work will alter the basic structural system), which after appropriate evaluation is found to have cultural heritage value.</p> <p>Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.</p>	-	-	NL	
<p>31. Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old which after appropriate evaluation is found not to have cultural heritage value.</p> <p>Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.</p>	NL			

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			
	Pre Approved		B	C
	A	A+		
MISCELLANEOUS PROJECTS				
32. Construction of noise barriers, i.e. structures such as walls and berms or a combination of the two	-	NL	-	-
33. New fence installations not associated with another project	NL	-	-	-
34. Utility removal, modification or relocation for safety or aesthetic purposes	NL	-	-	-
35. Restoration of a facility immediately after a natural disaster, provided the facility is for the same purpose, use, and at the same location Capacity may be increased to address impacts of natural disasters and accommodate documented needs.	NL	-	-	-
36. Projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of Municipal Class EA)	NL	-	-	-
37. Establish new or expansions, improvements and modifications to existing patrol yards and maintenance facilities where land acquisition is required provided project conforms to Planning Act requirements and with municipal and other requirements.	NL	-	-	-
		-		
40. Retirement of existing roads, laneways and road related facilities	-	NL	-	-
42. All other road related works	-	-	NL	
NEW - Construct new or modify existing facilities on a temporary basis as a pilot project to assess impacts or to accommodate temporary circumstances such as construction project where facilities will be in place for some time. Note – all other approvals are required prior to proceeding	In place 30 days or less	In place more than 30 days		
NEW – Implement the results of a successful pilot project by not returning the modified facility to the original condition.		NL		

PROJECT /ACTIVITY CLASSIFICATION - WASTEWATER

Activity	A	A+	B	C
Maintenance	<p>A1 Normal or emergency operational activities (see Glossary definition for Operation). Such activities may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • modify, repair, reconstruct existing facilities to provide operational, maintenance or other improvements such as reducing odour, insulating buildings to reduce noise levels and conserve energy, landscaping • on-going maintenance activities • normal operation of sewage treatment plants • installation of new service connections, catch basins and appurtenances from existing sewers • maintenance and/or minor improvements to grounds and structures • addition of minor buildings, sheds and equipment and materials storage areas • repairs, cleaning, renovations or replacement of sewage treatment facilities, pumping plant equipment or outfalls • cleaning, relining, repairs and renovations to existing sewage collection system • accepting hauled wastewater, including septage, at existing facilities • . <p>A4 Install chemical or other process equipment for operational or maintenance purposes in existing sewage collection system or existing sewage treatment facility.</p>			
Collection System	<p>A10 Establish, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage outlet, where it is required as a condition of approval on a site plan, consent plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the collection system</p>	<p>A+1 Establish, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage or natural drainage outlet, provided all such facilities are in either an existing road allowance or an existing utility corridor, including the use of Trenchless Technology for water crossings.</p>	<p>B1 Establish, extend or enlarge a sewage collection system and all works necessary to connect the system to an existing sewage outlet where such facilities are not in an existing road allowance or an existing utility corridor.</p> <p>B11 Communal sewage systems (new or expanded) with subsurface effluent disposal subject to approval under Section 53 of the Ontario Clean Water Resources Act.</p>	<p>C1 Construct new sewage system including outfall to receiving water body and/or a constructed wetland for treatment</p>

Activity	A	A+	B	C
Collection System			B14 Water crossing by a new or replacement sewage facility except for the use of Trenchless Technology for water crossings.	
Pumping Station	A2 Increase pumping station capacity by adding or replacing equipment where new equipment is located within an existing building or structure and where the existing rated capacity is not exceeded.	A+3 Increase pumping station capacity by adding or replacing equipment and appurtenances, where new equipment is located in an existing building or structure and where its existing rated capacity is exceeded	B7 Construct new pumping station or increase pumping station capacity by adding or replacing equipment and appurtenances, where new equipment is located in a new building or structure.	
Treatment Plant	<p>A3 Expand / refurbish / upgrade all components of a sewage treatment plant including outfall up to existing rated capacity where no land acquisition is required.</p> <p>A5 Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including expanding lagoon capacity up to existing rated capacity, provided no land acquisition nor additional lagoon cells are required.</p> <p>A6 Expansion of the buffer zone between a lagoon facility or land treatment area and adjacent uses where the buffer zone is entirely on the proponent's land.</p> <p>A7 Dispose of, utilize, or manage biosolids on an interim basis (e.g. further treatment in drying beds, composting, temporary holding at transfer stations), at: a) An existing sewage treatment plant where the biosolids is generated, or b) An existing landfill site, incinerator or organic soil conditioning site, where the biosolids is to be utilized or disposed of.</p> <p>A8 Establish a new biosolids organic soil conditioning site</p>	<p>B4 Establish sewage flow equalization tankage in existing sewer system or at existing sewage treatment plants, or at existing pumping stations for influent and/or effluent control.</p> <p>B5 Add additional lagoon cells or establish new lagoons, or install new or additional sewage storage tanks at an existing sewage system, where land acquisition is required but existing rated capacity will not be exceeded.</p> <p>B6 Establish biosolids management facilities at: a) A sewage treatment plant where the biosolids were not generated. b) An existing landfill site, incinerator or organic soil conditioning site where the biosolids are not to be disposed of nor utilized.</p> <p>B8 Expand sewage treatment plant, including relocation or replacement of outfall to receiving water body, up to existing rated capacity where no new land acquisition is required</p> <p>B9 Increase sewage treatment plant capacity beyond existing rated capacity through improvements to operations and maintenance activities only but without construction of works to expand, modify or retrofit the plant or the outfall to the receiving water body where there is an increase to total mass loading to the receiving water body as identified in the Certificate of Approval.</p> <p>B13 Expansion of the buffer zone between a lagoon facility or land treatment area and adjacent uses, where the buffer zone extends onto lands not owned by the proponent</p>	<p>B25 A new holding tank that is designed for the total retention of all sanitary sewage disposed into in and requires periodic emptying.</p> <p>B8 Expand sewage treatment plant, including relocation or replacement of outfall to receiving water body, up to existing rated capacity where new land acquisition is required</p>	<p>C2 Construct new sewage treatment plant or expand existing sewage treatment plant beyond existing rated capacity including outfall to receiving water body.</p> <p>C3 Establish new lagoons or expand existing lagoons or install new or additional sewage storage tanks which will increase beyond existing rated capacity.</p> <p>C4 Provide for land application of sewage effluent through spray irrigation system or overland flow.</p> <p>C5 Establish a new biosolids landfill site or new biosolids incineration site for purposes of biosolids disposal.</p> <p>C6 Establish a new transfer station or new storage lagoon not located at a sewage treatment plant, incinerator, landfill site, or organic soil conditioning site, for purposes of biosolids management.</p> <p>C11 Construct new sanitary or combined sewage retention / detention facility at a new location.</p>

Activity	A	A+	B	C
Treatment Plant	<p>A9 Increase sewage treatment plant capacity beyond existing rated capacity through improvements to operations and maintenance activities only, but without construction of works to expand, modify or retrofit the plant or the outfall to the receiving the water body, with no increase to total mass loading to receiving water body as identified in the Certificate of Approval.</p>			
Stormwater Management	<p>A11 Establish new or replace or expand existing stormwater detention/retention ponds or tanks and appurtenance including an outfall to the receiving water body, provided all such facilities are in either an existing utility corridor or an existing road allowance where no additional property is required. Note – Utility corridors are not always linear therefore expansion of a stormwater management facility is a Schedule A activity provide no additional property is required.</p> <p>A15 Roadside ditches, culverts and other such incidental stormwater works constructed solely for the purpose of servicing municipal road works.</p> <p>A16 Construction of stormwater management facilities which are required as a condition of approval on a consent, site plan, plan of subdivision or condominium which will come into effect under the Planning Act prior to the construction of the facility.</p>	<p>A+5 Modify, retrofit, or improve a retention/detention facility including outfall or infiltration system for the purpose of stormwater quality control. Biological treatment through the establishment of constructed wetlands is permitted.</p>	<p>B2 Establish new stormwater retention/detention ponds and appurtenances or infiltration systems including outfall to receiving water body where additional property is required.</p> <p>B3 Enlarge stormwater retention/detention ponds/ tanks or sanitary or combined sewage detention tanks by addition or replacement, at substantially the same location where additional property is required.</p>	<p>C7 Construct new or modify, retrofit or improve existing retention/detention facility or infiltration system for the purpose of stormwater quality control where chemical or biological treatment or disinfection is included, including outfall to receiving water body.</p>
Water Course	<p>A11 Replace traditional materials in an existing watercourse or in slope stability works with material of equal or better properties, at substantially the same location and for the same purpose.</p> <p>A12 Reconstruct an existing dam weir at the same location and for the same purpose, use and capacity.</p>		<p>B15 Construct berms along a watercourse for purposes of flood control in areas subject to damage by flooding.</p> <p>B16 Modify existing water crossings for the purposes of flood control.</p> <p>B17 Works undertaken in a watercourse for the purposes of flood control or erosion control, which may include:</p> <ul style="list-style-type: none"> • bank or slope regrading • deepening the watercourse • relocation, realignment or channelization of watercourse • revetment including soil bio-engineering techniques 	<p>C8 Construction of a diversion channel or sewer for the purpose of diverting flows from one watercourse to another.</p> <p>C9 Construct new shore line works, such as off-shore breakwaters, shore-connected breakwaters, groynes and sea walls.</p> <p>C10 Construct a new dam or weir in a watercourse.</p>

			<ul style="list-style-type: none"> reconstruction of a weir or dam. <p>B18 Construction of spillway facilities at existing outfalls for erosion or sedimentation control.</p> <p>B19 Construct a fishway or fish ladder in a natural watercourse, expressly for the purpose of providing a fishway.</p>	
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Activity	A	A+	B	C
Water Course			<p>B20 Enclose a watercourse in a storm sewer.</p> <p>B22 Reconstruct existing weir or dam at the same location where the purpose, use and capacity are changed.</p> <p>B23 Removal of an existing weir or dam.</p>	
Miscellaneous	<p>A13 Expand, improve or modify existing patrol yards, equipment and material storage facilities, maintenance facilities and parking lots for service vehicles, where no land acquisition is required.</p> <p>A14 Sewage projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of Municipal Class EA).</p> <p>A17 Any project which would otherwise be 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, R.S.O. 1990, Chapter P.13, as amended.</p> <p>A18 Installation or replacement of standby power equipment where new equipment is located on site (see Ont Reg 116/01 A19 New service facilities or expansion, improvement or modification to existing patrol yard equipment or material storage facilities and maintenance facilities where land acquisition is required provided project conforms to Planning Act requirements and with municipal and other requirements.</p>	<p>A+2 Retire a wastewater (see Glossary definition of Retirement).</p> <p>.</p> <p>NEW – Construct new or modify existing facilities on a temporary basis as a pilot project to assess impacts or to accommodate temporary circumstances such as a construction project where facilities will be in place for more than 30 days. Note – all other required approvals are required prior to proceeding.</p> <p>NEW – Implement the results of a successful pilot project by not returning the modified facility to the original condition.</p>	<p>B10 Expand, improve or modify existing patrol yards, equipment or material storage facilities and maintenance facilities where additional land acquisition is required.</p> <p>B12 New service facilities (e.g. patrol yards, storage and maintenance facilities, parking lots for service vehicles).</p> <p>B24 Establish stormwater infiltration system for groundwater recharge.</p>	

	<p>NEW – Restoration of a facility immediately after a natural disaster, provided the facility is for the same purpose, use and at the same location. Note – capacity may be increased to address impacts of natural disasters or to accommodate documented needs</p> <p>NEW – Construct new or modify existing facilities on a temporary basis as a pilot project to assess impacts or to accommodate temporary circumstances such as construction project where facilities will be in place for 30 days or less. Note – all other approvals are required prior to proceeding</p>			
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WATER

Activity	A	A+	B	C
Maintenance	<p>A1 Normal or emergency operational activities (see Glossary definition of “Operation”). Such activities may include but are not limited to the following:</p> <ul style="list-style-type: none"> • modify, repair, reconstruct existing facilities to provide operational maintenance or other improvements such as reducing odour, insulating of buildings to reduce noise levels and conserve energy, landscaping • on-going maintenance activities • normal operation of water treatment plants • install new service connections, hydrants and appurtenances from existing water mains • maintenance and/or minor improvements to grounds and structures • addition of minor buildings, sheds and equipment and materials storage areas • repairs or cleaning of a well or intake • repairs and renovations to treatments and pumping plant equipment, water storage facilities, distribution mains and appurtenances • installation of corrosion protection systems • replacement of standby power equipment where new equipment is located within an existing building or structure • cleaning and/or relining existing watermains. 			
Distribution System	<p>A2 Increasing pumping station capacity by adding or replacing equipment where new equipment is located within an existing building or structure;</p> <p>A6 Establish, extend or enlarge water distribution system and all necessary works to connect the system to an existing system, where it is required as a condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the extension of the collection system</p> <p>A8 New water systems for which an approval under the Safe Drinking Water Act is not required.</p>	<p>A+1 Establish, extend or enlarge a water distribution system and all works necessary to connect the system to an existing system or water source, provided all such facilities are in either an existing road allowance or an existing utility corridor, including the use of Trenchless Technology for water crossings.</p>	<p>B1 Establish, extend or enlarge a water distribution system and all works necessary to connect the system to an existing system or water source, where such facilities are not in either an existing road allowance or an existing utility corridor.</p> <p>B6 Establish new or expand/replace existing water storage facilities where land acquisition is required</p> <p>B9 Water crossing by a new or replacement water facility except for the use of Trenchless Technology for water crossings.</p>	<p>C1 Construct new water system including a new well and water distribution system.</p>

Activity	A	A+	B	C
Distribution System	A9 Replace/expand existing water storage facilities provided all such facilities are in either an existing road allowance or an existing utility corridor or where no land acquisition is required.		B4 Increase pumping station capacity by adding or replacing equipment and appurtenances where new equipment is located in a new building or structure.	
Treatment Plants/Wells	<p>A3 Install chemical or other process equipment, provide additional treatment facilities such as filtration, for operational or maintenance purposes, in existing treatment plants or in existing pumping stations.</p> <p>A4 Install new or replacement wells or deepen existing wells or increase pumping capacity of existing wells, at an existing municipal well site, where the existing rated yield will not be exceeded.</p> <p>A5 Increase water treatment plant capacity and water intake through improvements to operations and maintenance activities only, but without construction of works to expand, modify or retrofit the plant, where the increase does not increase the limit in the Permit to Take Water.</p>	<p>A+4 Expand / refurbish / upgrade water treatment plant up to existing rated capacity where no land acquisition is required.</p> <p>B10 Increase water treatment plant capacity including new or expanded water intake beyond existing rated capacity through improvements to operations and maintenance activities only but without construction of works to expand, modify or retrofit the plant.</p>	<p>B2 Establish facilities for disposal of process wastewater (e.g. install sewer connection, construct holding pond, dewatering and hauling operations to disposal sites).</p> <p>B3 Expand existing water treatment plant including intake up to existing rated capacity where land acquisition is required</p> <p>A+4 Expand / refurbish / upgrade water treatment plant up to existing rated capacity where land acquisition is required.</p> <p>B8 Establish a well at a new municipal well site, or install new wells or deepen existing wells or increase pump capacity of existing wells at an existing municipal well site where the existing rated yield will be exceeded. If a new water system is also required, this will become a Schedule C project.</p>	<p>C2 Construct new water treatment plant or expand existing water treatment plant beyond existing rated capacity.</p> <p>C3 Establish a new surface water source.</p>
Miscellaneous	A10 Projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of the Municipal Class EA).	A+2 Retire a water facility (See Glossary definition of Retirement).		C4 Artificially recharge an existing aquifer from a surface water source for purposes of water supply.

Activity	A	A+	B	C
Miscellaneous	<p>A11 Installation or replacement of standby power equipment where new equipment is located on site (see Ont Reg 116/01</p> <p>A12 New service facilities or expansion, improvement or modification to existing patrol yard equipment or material storage facilities and maintenance facilities where land acquisition is required provided project conforms to Planning Act requirements and with municipal and other requirements.</p>	<p>NEW – Construct new or modify existing facilities on a temporary basis as a pilot project to assess impacts or to accommodate temporary circumstances such as a construction project where facilities will be in place for more than 30 days. Note – all other required approvals are required prior to proceeding.</p> <p>NEW – Implement the results of a successful pilot project by not returning the modified facility to the original condition.</p>		

	<p>NEW – Restoration of a facility immediately after a natural disaster, provided the facility is for the same purpose, use and at the same location. Note – capacity may be increased to address impacts of natural disasters or to accommodate documented needs</p> <p>NEW – Construct new or modify existing facilities on a temporary basis as a pilot project to assess impacts or to accommodate temporary circumstances such as construction project where facilities will be in place for 30 days or less. Note – all other approvals are required prior to proceeding</p>			
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