



**Municipal
Engineers
Association**

MUNICIPAL CLASS EA PROCESS
ANNUAL MONITORING REPORT

September 2009

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

TABLE OF CONTENTS

	Page
Part 1. INTRODUCTION AND BACKGROUND	1
1.1 Introduction	1
1.2 Background Re: Municipal Class EA Parent Document	1
1.3 Approved Conditions of Approval	3
1.3.1 Conditions of Approval	3
1.3.2 Municipal Class EA Training Sessions	4
1.4 Development of Municipal Class EA Process Monitoring Program	4
1.4.1 Study of Organization and Approach	4
1.4.2 Issues/Considerations	5
Part 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM	9
2.1 Monitoring Program Framework	9
2.1.1 Commitments Already Included in the Municipal Class EA	10
2.1.2 What Is To Be Monitored	10
2.1.3 Who Is Undertaking The Monitoring	11
2.1.4 Tools For Collecting Data	11
2.1.5 Monitoring Framework	12
2.2 Implementation and Schedule	12
2.3 Annual Report	12
2.4 Program Administration	12
Part 3. ANNUAL MONITORING REPORT - SEPTEMBER 2009	18
3.1 Development of Monitoring Report	18
3.2 Responses from Proponent Municipalities	18
3.3 Responses from Technical Agencies and Key Stakeholders	19
3.4 MOE Compliance Audit	26
3.5 Consistency with Code of Practice	26
3.6 Ministry of Culture (MCL)	27
3.7 Notices of Completion	29
3.8 Part II Order Requests	29
3.9 Annual Meeting of the MEA Class Monitoring Committee & Recommendations	30
3.10 Success of Municipal Class EA	30
3.10.1 Use of Municipal Class EA	30
3.10.2 Compliance with Requirements	30
3.10.3 Effectiveness to Meet EA Act Objectives	32
3.10.4 Conclusions	32
3.11 Success of Monitoring Program	33
3.12 Amendments to the Municipal Class EA	33
Appendix A Questionnaire & Summary of Questionnaires from Proponent Municipalities	
Appendix B Questionnaire and Summary of Questionnaires from Government Review Agencies	
Appendix C MOE Compliance Audit	
Appendix D Comparison of MCEA and MOE's Code of Practice for Preparing, Reviewing and Using Class Environment Assessment in Ontario	
Appendix E Summary of Notices of Completion	
Appendix F Summary of Part II Order Requests	
Appendix G Notes From Annual Meeting of the MEA Class EA Monitoring Committee	

PART 1. INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION

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

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

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

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

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

1.2 BACKGROUND RE: MUNICIPAL CLASS EA PARENT DOCUMENT

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

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

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

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

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

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

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

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

These amendments were approved on September 6th, 2007 and a consolidated document has been printed.

1.3 APPROVED MUNICIPAL CLASS EA

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

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

1.3.1 CONDITIONS OF APPROVAL

Condition of Approval #4 states that:

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

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

Consequently, the following time line has been identified:

- October 4, 2000 - Municipal Class EA approved.
- October 4, 2001 - MEA to Submit details of proposed Monitoring Program to MOE-EAAB
- October 4, 2002 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2003 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2004 - MEA to Submit yearly Monitoring Report to MOE-EAAB
- October 4, 2005 - MEA to Submit yearly Monitoring Report and 5 Year Review

- 2006 and 2007 - Work focussed on amendments
- September 2008 - MEA submitted yearly Monitoring Report
- September 2009 - MEA submitted yearly Monitoring Report
- 2010 - MEA to Submit yearly Monitoring Report
- 2011 - MEA to Submit yearly Monitoring Report
- 2012 MEA to Submit yearly Monitoring Report and 5 Year Review

1.3.2 Municipal Class EA Training Sessions

Following the approval of the amendment to the Municipal Class EA in 2008, MEA arranged for training sessions to be held across the province. The purpose of the sessions was to provide an overview of the main changes to the amended Municipal Class EA while at the same time providing a general understanding of the process to new users. Three sessions titled Introduction to the MCEA, Amendments to the MCEA and Transit Projects in the MCEA were scheduled in:

- *Mississauga*
- *Region of Waterloo*
- *City of Ottawa*
- *City of Markham*
- *City of London*

One day training workshops were also held in North Bay, Sudbury, Sault. St. Marie and Thunder Bay.

The Transit Projects Course was cancelled due to the March 28th release of MOE's proposed legislation to conditionally exempt Transit from the EA Act.

The MEA is currently considering offering additional training sessions

1.4 DEVELOPMENT OF MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

1.4.1 Study of Organization and Approach

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

McCormick Rankin Corporation and Ecoplans Ltd were retained by MEA to assist in preparing the Monitoring Program.

The basic steps in the process were:

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

1.4.2 Issues/Considerations

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

1.4.2.1 Definition of “Monitoring”

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

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

1.4.2.2 What Has Been Done In The Past

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

It should be noted that MOE's review of bump-up requests for specific projects was and is a form of compliance monitoring. Accordingly, it was recognized that, in the future, the conclusions of the MOE's review of Part II Order requests would be useful input to the Monitoring Program.

1.4.2.3 What Are Other Proponents Doing

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

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

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

1.4.2.4 Administration/Implementation Issues Associated With MEA

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

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

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

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

1.4.2.5 Other

Other points raised during discussions with MOE are noted below:

- *Ability to quantify the number of Schedule 'A' projects carried out under the Municipal Class EA* - The Schedule 'A' classification (i.e. pre-approved) is used extensively by all municipalities with some estimating that approximately 90% of projects/activities undertaken by a typical municipality are likely Schedule 'A' because they generally entail maintenance and operational activities for existing facilities. The number of Schedule 'A' projects can not accurately be measured since the Schedule 'A' classification could apply not only to projects but programs as well. Given that Schedule 'B' and 'C' projects have greater potential for environmental effects, Notices of Completion are now required to be sent to MOE for the record. A question, however, has been added to the questionnaire for proponent municipalities of the Municipal Class EA parent document, to obtain information as to the percentage of the municipalities project/activities which are considered to be Schedule 'A'.
- *Ability to monitor the application of the Class EA requirements to the private sector* - The private sector is subject to the EA Act for Schedule 'C' projects servicing residential land use. As a result, private sector proponents would be required to submit copies of their Notice of Completion to MOE for these projects.
- *Generic criteria for Class EA Annual Reports being developed by MOE* - At the time of writing, MOE was developing generic criteria, however, they were still very preliminary and being reviewed internally by MOE.
- *Auditing of specific projects* - This is outside of the scope of the Order in Council approval. Furthermore, there is no legal authority for MEA to audit municipalities.
- *Compliance monitoring of specific project activities* - MOE has advised that, while this is not part of the Municipal Class EA Process Monitoring Program, in the future MOE will be addressing this as an initiative to be carried out by MOE.

- *Clarification of the reference in the last sentence of Condition of Approval #4 "... and the implementation of the projects under the Class process..." - M. Harrison, formerly with MOE, participated in the drafting of the Conditions of Approval and confirmed that this is referring to the ability to quantify the order of magnitude of projects being implemented under the Class EA process. To this end, proponents are to submit Notices of Completion for Schedule 'B' and 'C' projects and, memos re: Master Plans and the Integrated Approach to MOE for the record.*

1.4.2.6 Conclusion

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

PART 2. MUNICIPAL CLASS EA PROCESS MONITORING PROGRAM

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

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

2.1 MONITORING PROGRAM FRAMEWORK

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

- the Conditions of Approval #3 and #4 by Order in Council for the Municipal Class EA parent document;
- the purpose of the Monitoring Program as defined above;
- recognition that the renewed Municipal Class EA maintains the substance of the process which has been used successfully since 1987 and which MEA, MOE and other key stakeholders agree has and continues to work well and be effective;
- recognition that the Municipal Class EA process is used by a multitude of independent proponents over which MEA does not have authority;
- focus is on monitoring on the Municipal Class EA process in the broad sense and not the auditing of specific projects or compliance monitoring of specific project activities;
- commitments already made in the Municipal Class EA; and
- discussions with MOE-EAAB.

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

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

2.1.1. Commitments Already Included In The Municipal Class EA

During the 1998 review of the previous Municipal Class EA, it was determined that it would have been useful if data had been more readily available about the number of Schedule 'B' and 'C' projects carried out following the Municipal Class EA process. Consequently, it was concluded that proponents should submit a copy of their Notices of Completion for Schedule 'B' and 'C' projects to MOE-EAAB. This in turn would provide a record of the Schedule 'B' and 'C' projects undertaken within the province. This approach was also applied to Master Plans and the integrated approach whereby proponents are to advise MOE by a memo upon completion of an applicable project.

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

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

2.1.2 What Is To Be Monitored

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

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

Compliance - Does the Municipal Class EA continue to meet the requirements of it's EA Act approval and the conditions of that approval?

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

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

2.1.3 Who Is Undertaking The Monitoring

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

2.1.4 Tools For Collecting Data

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

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

- Annual meetings of the MEA Class EA Monitoring Committee with MOE-EAAB and MMAH to review the information collected and its interpretation.

2.1.5 Monitoring Framework

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

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

2.2 IMPLEMENTATION AND SCHEDULE

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

2.3 ANNUAL REPORT

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

2.4 PROGRAM ADMINISTRATION

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

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

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

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
<ul style="list-style-type: none"> • Use of Municipal Class EA process 	<ul style="list-style-type: none"> • use of Municipal Class EA process as represented by number of projects reported to MOE including: <ul style="list-style-type: none"> • Schedule 'B' projects • Schedule 'C' projects • Master Plans • projects which followed the Integrated Approach 	Numerical summary of: <ul style="list-style-type: none"> • no. of Schedule 'B' and 'C' projects for which copy of Notice of Completion provided to MOE-EAAB • no. of Master Plans • No. of projects which followed Integrated Approach • designation requests 	<ul style="list-style-type: none"> • MEA to summarize Notices of Completion sent to MOE-EAAB (see Table 1 for sample matrix) 	
<ul style="list-style-type: none"> • Compliance of municipal proponents for Municipal Class EA, or MEA on their behalf, with: <ul style="list-style-type: none"> • Conditions of Approval for parent Class EA document 	<ul style="list-style-type: none"> • fulfilment of Conditions of Approval for parent Class EA document 	<ul style="list-style-type: none"> • describe how fulfilled 	<ul style="list-style-type: none"> • MEA Monitoring Committee to review status of requirements for each Condition of Approval for the parent Class EA and document if they have been fulfilled and, if not, when and how they will be. 	
<ul style="list-style-type: none"> • Compliance with: <ul style="list-style-type: none"> • Class EA process requirements 	<ul style="list-style-type: none"> • general assessment of representative projects as to whether they are in compliance with the approved process 	<ul style="list-style-type: none"> • compare number of Part II Orders granted because of process issue to number of projects reported to MOE 	<ul style="list-style-type: none"> • review Minister's rationale for Part II Orders being denied or granted and identify if process-related • review questionnaire responses for applicable comments/information (See Question 2.10 of questionnaire for Proponent Municipalities in Appendix A) 	

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

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

TABLE 2 - FRAMEWORK FOR
MUNICIPAL CLASS EA MONITORING PROGRAM

What will be Monitored	What Indicators Will be Used	How Measured	How Will Data be Collected	Other Comments
	<ul style="list-style-type: none"> • streamlined approvals • self-assessment 	<ul style="list-style-type: none"> • no. of projects which would otherwise be individual EAs • qualitative assessment of Part II Order review process 	<ul style="list-style-type: none"> • summary of Notices of Completion sent to MOE • questionnaire responses from proponent municipalities • questionnaire responses (see Question 11 of questionnaire for Proponent Municipalities in Appendix A) 	<ul style="list-style-type: none"> • identify potential changes, enhancements, trends to be considered
	<ul style="list-style-type: none"> • effectiveness of Integrated Approach (see Section A.2.9 of Municipal Class EA document) 	<ul style="list-style-type: none"> • qualitative review of memos sent to MOE-EAAB and information received • qualitative review of questionnaire responses • qualitative review of related Ontario Municipal Board (OMB) decisions 	<ul style="list-style-type: none"> • memos sent to MOE-EAAB • discussions with MEA, MOE and MMAH • questionnaire responses (see Question 13 of questionnaire for proponent municipalities in Appendix A; Question 15 of questionnaire for government review agencies in Appendix B) • feedback from MMAH re: OMB decisions regarding municipal infrastructure. 	

TABLE 3 - 12 MONTH CALENDAR

Date	MEA	MOE	MMAH
January 1	<ul style="list-style-type: none"> send questionnaires to proponent municipalities, government review agencies and other key stakeholders requesting information by March 1 	<ul style="list-style-type: none"> co-ordinate MOE Regions' response to questionnaire 	<ul style="list-style-type: none"> co-ordinate MMAH's response to questionnaire and collection of information pertaining to the Integrated Approach
February 1	<ul style="list-style-type: none"> Feb 1 to May 1 - MEA summarizes information received from MOE re: Notices of Completion and Part II Order requests 	<ul style="list-style-type: none"> provide MEA with summary or copies of previous year's Notices of Completion and any memos re: Master Plans and the Integrated Approach received by MOE provide summary of projects which received Part II order requests and Minister response letters 	<ul style="list-style-type: none"> provide information about Integrated Approach to MEA
March 1	<ul style="list-style-type: none"> Receive questionnaires from proponent municipalities, agencies and other key stakeholders Review/interpret questionnaire responses 		
April 1	<ul style="list-style-type: none"> arrange annual meeting of Monitoring Committee to be held by June 30) complete draft Annual Monitoring Report 		
May 1	<ul style="list-style-type: none"> circulate draft Annual Monitoring Report to MEA Monitoring Committee and MOE/MMAH 	<ul style="list-style-type: none"> review draft Annual Monitoring Report 	<ul style="list-style-type: none"> review draft Annual Monitoring Report
June 1	<ul style="list-style-type: none"> hold annual meeting by June 30 	<ul style="list-style-type: none"> attend meeting and provide comments 	<ul style="list-style-type: none"> attend meeting and provide comments
July 1	<ul style="list-style-type: none"> July 1 to Sept 1 - revise report 		
August 1			
September 1			
October 1	<ul style="list-style-type: none"> submit report to Director of MOE-EAAB for approval by October 4 		
November 1			
December 1			

PART 3. ANNUAL MONITORING REPORT - JULY 2009

3.1 DEVELOPMENT OF MONITORING REPORT

In 2009 questionnaires were circulated to the Proponent Municipalities, Technical Agencies and other Key Stakeholders identified in the Monitoring Program. The Ministry of the Environment was also asked to provide a summary of the Notices of Completions and Part II Order requests which they had received.

The responses from the questionnaires were summarized and a draft Monitoring Report was produced in July 2009. On July 17, 2009 the MEA Municipal Class EA Monitoring Committee met and reviewed the draft Monitoring Report. Comments from this meeting were then incorporated and the draft Monitoring Report was finalized. The finalized report was circulated to all Committee members for review before it was submitted to the Ministry of the Environment in September 2009.

3.2 RESPONSES FROM PROPONENT MUNICIPALITIES

A detailed summary of the responses from Proponent Municipalities to the questionnaire is found in Appendix 'A'. The questionnaire was answered by Public Works/Engineering staff except in one municipality. Noteworthy comments from the responses are:

- 1) Only larger municipalities in growth areas complete many Schedule B or C projects. Municipalities are filing Notices of Study Commencement and Notices of Completion appropriately;
- 2) The new requirement to e-mail the Notice of Completion to MEA is not widely known. MEA will assist MOE with publicizing this new requirement;
- 3) Project schedules are appropriate;
- 4) Municipalities do not have difficulty determining appropriate schedule and are not challenged on the choice;
- 5) Interpretation of project schedules is consistent;
- 6) Some amendments, to the project schedules, are suggested, specifically;
 - clarify lane re-configurations and cycling facilities;
 - clarify twinning outfall to rated capacity; and
 - cost limits should increase with inflation.
- 7) The Municipal Class EA is easy to follow. Most municipalities would use the new transit regulation rather than the new Class EA transit chapter;
- 8) The Municipal Class EA provides for the appropriate level of documentation;

- 9) Although some proponents have, at times, been requested for additional information, generally stakeholders are satisfied with the level of documentation;
- 10) Technical agencies generally do not respond in a timely manner;
- 11) Only some proponents have received a Part II Order request in the past year. MOE's review of Part II Order requests has improved and is generally completed in a timely manner;
- 12) Proponents are satisfied that Class EA process continues to be effective;
- 13) Only some municipalities have applied Schedule A+. Those that applied this process found it effective;
- 14) Administration costs are generally 10-30% of total budget. Schedule A projects represent 40-85% of the total budget. A single large Schedule B or C project can shift this percentage dramatically for a given year especially in a small municipality;
- 15) Most municipalities would send staff for further MCEA training; and
- 16) No concerns with Drainage Act projects being included in Schedule A.

Based on this feedback, MEA proposes:

- i) **clarify lane re-configuration and cycling facilities are Schedule A+;**
- ii) **twinning outfall to rated capacity is schedule A;**
- iii) **Point 3) under Schedule A Activities for Wastewater Projects clearly includes twinning an outfall to rated capacity so no further action is required; and**
- iv) **MTO's Tender Price Index (composite for all items), included in Schedule A, shows that prices have increased 12.28% in the past year. MEA will submit a minor amendment to increase the cost limits in the schedules from 2.4m and 9.5m to 2.7m and 10.7m.**

3.3 RESPONSES FROM TECHNICAL AGENCIES AND KEY STAKEHOLDERS

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

- 1) MOE staff participate in numerous MCEA projects each year whereas other agencies have limited involvement;
- 2) Proponents are classifying projects under the appropriate schedule, are notifying appropriately and providing clear and sufficient documentation for review. However, there is some concern with the opportunity for input and that concerns are not addressed;
- 3) Technical Agencies seldom request a Part II Order;

- 4) Most of those that have been involved with the Integrated Approach have been satisfied with the outcome;
- 5) Some suggest changes to the MCEA schedules; specifically
 - clarify bridges;
 - communal subsurface sewage systems should be Schedule C; and
 - proponenty should not impact schedule; and O.Reg 586/06 (Local Improvement Act) should not be Schedule A.
- 6) Process related deficiencies that were identified include:
 - more direction on Aboriginal consultation required;
 - more direction on non-compliance recommended;
 - more emphasis on alternative solutions!!! Very important in light of global issues such as climate change, env sustainability;
 - more direction to proponent on how to contact CEAA Coordinator and how to coordinate reviews,
 - Class EA should provide comprehensive list of potential effects to the environment for each type of project (road, sewer, water, etc) that proponent can use as a reference; or should refer to screening criteria in sections B. 32, C. 32, D. 32.
 - not clear to proponents that MOE Regional Offices are one-window for class EA's; needs to be clarified;
 - more focus on Federal/Provincial Coordination. Most proponents contact CEAA after provincial EA is complete.
 - For water & wastewater systems projects, MOE considers that the proponents should be determined based on the final ownership rather than who build the systems.
 - Implement recommendation of advisory panel particularly with respect to proponenty - who does it should not matter to an environmental planning process - Nature of projects anticipated impacts should determine process to use. More specific direction on aboriginal consultations.
 - Proponents will approach Ontario Realty Corporation.
 - Concern has been raised that proponent's are not ensuring that Regional EA Coordinators are involved throughout the full extent of the Class EA planning process and that there needs to be more time for their response.
- 7) No additional questions need to be included in the questionnaire; and
- 8) There is limited concern with the application of the Drainage Act exemption in O. Reg. 334.

In addition to the feedback on the questionnaires, MOE has provided a comparison of the MCEA with other Class EAs (also included in Appendix B) and the following comments:

MOE - MEA Annual Meeting: Items for Discussion Tabled by MOE

Item	Issue	Potential Remedies
1	<p>Wastewater activity, B25</p> <p><i>'Removal of an existing weir or dam'</i></p> <p>Unclear what the intent of this activity is. Is the removal of the dam or weir an activity that involves a sewage lagoon or is it related to a traditional dam installation in a water course?</p>	<ul style="list-style-type: none"> Suggest adding clarity to description of activity. <p><i>removal of an existing weir or dam that is part of a sewage lagoon.</i></p>
2	<p>Installation or Replacement of Standby Power Equipment</p> <p>-Schedule B9 (WW) and B6 (Water)</p> <p><i>'Installation or replacement of standby power equipment where new equipment is located in a new building or structure.'</i></p> <p>Section 2.a of the Electricity Regulation (O. Reg. 116/01) exempts standby generators (pp 59-60 of the Electricity Guide). Section 15 of O. Reg. 334, as amended by O. Reg. 390/01, states that a municipal undertaking that is not designated as an undertaking to which the Act applies by O. Reg. 116/01 is exempt from Part II of the Act.</p>	<ul style="list-style-type: none"> Suggest adding the following note to clarify exemption under O. Reg. 116/01: <p>Note: <i>Installation or replacement of standby power equipment where new equipment is located in a new building or structure is exempt from the EA Act if the equipment is a generation facility within the meaning of O. Reg. 116/01, is constructed for the purpose or providing electricity to the site where the generation facility is located in the event of a failure of a distributor to deliver electricity to the side, and is carried out by Her Majesty in Right of Ontario, a municipality or a public body is defined in the Environment Assessment Act.</i></p>
3	<p>Septage Management</p> <p>Concern has been raised that the issue of septage management is not clearly addressed in the Mean Class EA. The Class EA does not specifically include septage (septic tank pump-out waste) as sewage. MOE Waste staff consider septage as waste, not sewage. Notwithstanding, a lagoon or other treatment or storage system would have similar impacts whether it is used for domestic sewage or septage (for example, odour, potential contamination of ground water or surface water).</p>	<ul style="list-style-type: none"> The Class EA should provide direction on whether septage works, such as lagoons or storage, are covered by the Class EA. Is septage considered wastewater?
4	<p>Code of Practice: Preparing, Reviewing and Using Class Environmental Assessment in Ontario</p>	<ul style="list-style-type: none"> minor amendment to incorporate suggested changes needed update Section A.1.7 to reflect approved status of Codes and make mention that the Class EA has been/will be brought into conformity with them.
5	<p>Submission of Notices</p> <p>The Ministry of Attorney General has been receiving a variety of MEA Class EA notices from municipal proponents and consultants acting on their behalf. The administrative structure in place requires that each incoming letter or piece of correspondence be tracked and dealt with. There is no need for the MAG to receive these notices.</p>	<ul style="list-style-type: none"> Suggest posting a reminder advising that Notices should only be sent to those contacts who either have expressed an interest in the project or whom may have an interest in the project and that notices should not be sent to MAG without reason.

Item	Issue	Potential Remedies
6	<p>Submission of Notices of Completion and Notices of Filing Addendums to the EAAB</p> <p>Proponents are now encouraged to forward relevant notices to the EAAB at the following e-mail address;</p> <p style="text-align: center;">MEA.Notices.EAAB@ontario.ca</p> <p>A copy of the same notice should be sent to the Regional EA Planner/Coordinator. The MEA Class EA should be updated to encourage proponents to forward notices by e-mail.</p>	<ul style="list-style-type: none"> Procedures in MEA Class EA should be updated to reflect submission of notices by e-mail to the Director, EAAB and the appropriate Regional MOE office - Regional EA Planner/Coordinator.
7	<p>Section A.2.2 - Piecemealing Discussion</p> <p>Section A.2.2 includes a paragraph (2nd) that discusses piecemealing. The paragraph is not clear and should be edited.</p>	<ul style="list-style-type: none"> Suggest re-writing as follows: <p>'In accessing the magnitude and extent of a problem (e.g. the scope of the project) where multiple projects may be possible, it is important that the projects not be broken down or piecemealed into component parts or phases with each part being addressed through separate studies.'</p>
8.	<p>Streetscaping Activities</p> <p>Roads activity No. 11:</p> <p><i>'streetscaping (e.g. decorative lighting, benches, landscaping) not part of another project'</i></p> <p>< 2.2 million - Schedule A+ > 2.2 million - Schedule B</p> <p>City of Toronto's Bloor Street Transformation Project, which involved costs far exceeding 2.2 million, were planned as a Schedule A+ project in accordance with Roads activity No. 20:</p> <p><i>"Reconstruction were 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 as the facility being reconstruction (e.g. no change in the number of lanes) - Schedule A+</i></p> <p>By reconstructing Bloor St. W., the City successfully (and correctly) reduced their Class EA requirements. It is the MEA's intention that 'not part of another project' be the distinguishing factor between streetscaping projects being subject to a Schedule B process, or is it a cost threshold that should be relied on as a trigger for greater scrutiny?</p>	<ul style="list-style-type: none"> Remove 'not part of another project' from roads activity No. 22 if it is agreed that it is the cost of a streetscaping project that warrants further scrutiny, not whether it is part of another project.
9	<p>Project Guidelines</p> <p>An issue has been raised as to whether there is the potential to develop guidelines for water and wastewater projects occurring within or affecting moraines. The MTO has issued guidelines for specific highway projects in the Oak Ridges Moraine that identify moraine-specific issues and principles to be addressed and it has been suggested by a member of the public that guidelines of this nature for MEA Class EA projects would be a useful source.</p>	<ul style="list-style-type: none"> For discussion only.

Item	Issue	Potential Remedies
10	<p>Utility Corridor Definition</p> <p><i>'means land or rights to land utilized for locating utilities, including sewage, stormwater management and/or water services and/or appurtenances thereto, railways, street-cars, light rapid rail systems and transit ways.</i></p> <p><i>In this document, 'existing utility corridor' means a developed utility corridor.</i></p> <p>It appears that there is an apparent loop hole in this definition that potentially reduces a municipal proponent's requirement under the MEA Class EA for stormwater management ponds. Under Schedule A11 (WW Projects, P.1-10), stormwater management ponds located within an existing utility corridor or road allowance are subject to Schedule A. Those that are not, are subject to Schedule B.</p> <p>There have been occasions where municipalities have claimed that the area within and surrounding a stormwater management pond is considered a utility corridor even when there are no other utilities present. Essentially the pond lies within a small parcel of publicly owned lands that is designated for utility purposes or open space. This would seem to be a stand alone facility as opposed to a corridor.</p>	<ul style="list-style-type: none"> Clarity needed to the definition of utility corridor to ensure that SWM pond lands are not considered a utility corridor if they are a stand alone facility.
11	<p>Exemptions for Projects Under O. Reg. 586/06</p> <p>This regulation replaced projects under the Local Improvement Act, however, the scope of projects that can be undertaken under O. Reg. 586/06 is greater than the scope of projects that used to be considered under the Local Improvement Act, and includes water and sewage treatment plants. The Reg. deals with funding only, and not environmental effects, so any process under this Reg. cannot be considered equivalent to the Class EA process.</p>	<ul style="list-style-type: none"> Suggest amending Section A.2.10.4 to either remove altogether or discuss that the process is not deemed substantially equivalent and that the regulation cannot be used to satisfy Class EA requirements. Also suggest removing wastewater activity A15 and water activity A10.
12	<p>Bridge Structure > 40 Years of Age</p> <p>Roads Activity No. 30:</p> <p><i>'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, overall configuration or appearance of the structure.'</i></p> <p><2.2m - Schedule B >2.2m - Schedule C</p> <p>Concern has been raised with that the use of a forty year time frame is not a good way to identify potential heritage value in bridge structures as many structures constructed after 1965 are unlikely to contain designs of a unique nature. Discussions between the MCL, MOE and the MEA to resolve this issue have been initiated.</p>	<ul style="list-style-type: none"> Suggest amending Roads Activity No. 30 as follows: <i>'reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years of age and when it is determined that the structure and/or grading adjacent to it have the potential to have heritage value, as defined in Appendix XXXXX, where the proposed work will alter the basic structural system, overall configuration or appearance of the structure.'</i> <p>Include a new appendix in the Class EA discussing activities involving bridges, the MCL's role and a screening checklist to help proponents determine whether a bridge structure or the area adjacent to it have potential heritage value.</p>

Item	Issue	Potential Remedies
13	<p>References to OWRA Requirements</p> <p>Beginning in December 2002 all approvals for drinking water systems have been issued under the <i>Safe Drinking Water Act</i> and as such any approvals issued since 2001 would not be included in definitions included in the MEA Class EA (e.g. existing rated capacity for example) that refer to OWRA requirements.</p> <p>While Certificates of Approval (C of A) have been issued in respect of individual treatment systems, under the new licensing regime Municipal Drinking Water Licences and Drinking Water Works Permits (the new 'approvals' instruments) will be issued, commencing June 2009, as a single 'approvals' document in respect of the entire drinking water system which could, and often does, include multiple treatment subsystems at different locations within the system (e.g. City of Toronto has 4 treatment subsystems). The current reference to "<i>existing rated capacity</i>" and in the context of "<i>the flow or volume capacity of the overall water system</i>" in the above definition does not have regard to this concept.</p> <p>Under one possible scenario, there could be a significant major expansion of one treatment subsystem with an offset occurring with a decommissioning of another treatment subsystem, another significant event, and any EA requirements which would have been kicked-in as a result of a 'change in rated capacity' would not occur.</p> <p>The Municipal Drinking Water License will identify "'rated capacities' of treatment subsystems but not the overall capacity of the system, unless all stated capacities are added together.</p>	<ul style="list-style-type: none"> Suggest that the MEA Class EA be reviewed to identify areas requiring change to reflect new requirements under <i>Safe Drinking Water Act</i> and to incorporate concept of a drinking water system with multiple supply and/or treatment systems.
14	<p>Wastewater Activity No. 11</p> <p><i>'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.'</i></p> <p>Concern has been raised that the description of this activity is not clear.</p>	<ul style="list-style-type: none"> Suggest re-wording to add clarity.

Based on this feed back, MEA proposes:

- i) **The city of Hamilton has prepared a guidance document for projects integrating EA and planning approvals. Although most of those that have been involved with the Integrated Approach have been satisfied with the outcome, MEA will make this guidance document available on its web site for proponents;**
- ii) **Clarify 40 year old bridges - See 3.6;**
- iii) **The comment about communal systems refers to constructing a large in ground sewage disposal system (septic system) that services multiple households. This issue is addressed by point 13 on page I-15 of the MCEA which reads - Communal sewage systems (new or expanded) with subsurface effluent disposal subject to approval under Section 53 of the Ontario Water Resources Act - Schedule B.**
- iv) **Concerns related to Drainage Act projects are not wide spread and no action is proposed;**
- v) **Process related deficiencies - see 3.5. A clarification regarding proponentcy will be prepared.**
- vi) **A clarification will be prepared explaining that dams and weir refer to flow control structures located in a watercourse. Any outfall structure at a lagoon would be part of the treatment facility.**
- vii) **MEA will clarify that under Ont. Reg. 116/01- Installation or replacement of standby power equipment where new equipment is located in a new building or structure is exempt from the EA Act if the equipment is a generation facility within the meaning of O. Reg. 116/01, is constructed for the purpose or providing electricity to the site where the generation facility is located in the event of a failure of a distributor to deliver electricity to the site, and is carried out by Her Majesty in Right of Ontario, a municipality or a public body is defined in the Environment Assessment Act.**
- viii) **A clarification will be prepared explaining that although septage, while hauled by truck, is considered waste, for storage or treatment facilities septage should be included with sewage in the MCEA. Also, leachate should also be included with sewage.**
- ix) **Code of Practice - See Section 3.5**
- x) **A clarification will be prepared explaining that Notices should only be sent to those contacts who either have expressed an interest in the project or whom may have an interest in the project. Notices should not be sent to the Ministry of the Attorney General without reason.**
- xi) **A clarification will be prepared explaining that relevant notices should be emailed to MEA.Notices.EAAB@ontario.ca with a copy also sent to the Regional EA Planner/Coordinator.**
- xii) **The MCEA will be updated to read “ In accessing the magnitude and extent of a problem (e.g. the scope of the project) where multiple projects may be possible, it is important, that the projects not be broken down or piecemealed into component parts or phases with each part being addressed through separate studies”.**
- xiii) **MEA will propose an amendment to the MCEA to make all streetscaping projects Schedule A+ regardless of cost.**

- xiv) **No specific action to assess moraines separately as moraine characteristics differ and the current process sufficiently addresses assessing the environment.**
- xv) **If increased capacity is required at a stormwater pond, provided the property is available (ie there is space available within the existing utility corridor), the only logical alternative is to expand the existing facility and not create a second facility. MEA does not see any environmental advantage to requiring a Schedule B process for this work unless additional land is required. A clarification will be prepared explaining that points 2 (establish new) and 3 (enlarge) on page I-14 of the MCEA only apply if additional property is required (ie if the work cannot be accommodated within the existing utility corridor).**
- xvi) **MEA is seeking input on the suggestion to delete Roads Activity 35 and Section A.2.10.4 of the MCEA and the projects could only use Ont. Reg. 586/06 (Local Improvement) for financial approval. EA approval, as appropriate, would still be required.**
- xvii) **Bridges older than 40 years - See 3.6**
- xviii) **Prior to the next reprinting of the MCEA, wording will be reviewed to identify areas requiring change to reflect new requirements under the Safe Drinking Water Act and to consider the concept of a drinking water system with multiple supply and/or treatment systems.**
- xix) **MEA feels description is clear.**

3.4 MOE COMPLIANCE AUDIT

In the past year, MOE conducted a detailed audit of seven MCEA projects and found good compliance with one exception regarding notice. MOE's summary of the Audit is included in Appendix C. **MEA notes this demonstrates proponents are generally compliant.**

3.5 CONSISTENCY WITH CODE OF PRACTICE

In November 2008, MOE released a Code of Practice for Preparing, Reviewing and Using Class Environment Assessments in Ontario. A comparison of the MCEA with this code prepared by MOE is included in Appendix D.

This comparison recommends the following to ensure the MCEA is consistent with the Code of Practice:

- i) Consultation Plan should be changed to Consultation Summary in order to be consistent with the Code of Practice;
- ii) a definition of Aboriginal People should be added to the glossary;
- iii) a new sub-section regarding Aboriginal People and Consultation should be created to include specifics on consultation methods as well as a more detailed description of Aboriginal People and their role in the EA process that is consistent with Section 2.3 of the Code of Practice;
- iv) the headings of Documentation Report should be modified to be consistent with the headings of the Code of Practice Documentation Requirements (4.3);
- v) sample notices should include the appropriate notification templates that are included in the Code of Practice;

- vi) MEA Class EA does not include Project Management Principles. A section outlining Project Management Principles that are consistent with the Code of Practice should be added;
- vii) Environmental Assessment Principles are present in the document and are consistent with those of the Code of Practice, however their terminology should be changed from “Key Principles of Successful EA Planning” to “EA Principles”;
- viii) MEA Class EA should differentiate between compliance monitoring and effects monitoring throughout the document;
- ix) no clear indication of the requirement of effects monitoring is evident in the Class EA;
- x) discussion of compliance monitoring is consistent;
- xi) importance of monitoring throughout the EA process should be emphasized in both compliance and effects monitoring sections; and
- xii) add or amend definitions as per Appendix A of the comparison.

MOE was developing this Code of Practice during the five review of the MCEA. The Code was not completed in time to be considered during the review but it was agreed that the MCEA would be amended through the minor amendment process to be consistent with the Code of Practice. A proposed minor amendment will be prepared in the future that covers the above points as follows:

- i) agrees - included
- ii) agrees - included
- iii) agrees - included
- iv) not relevant - not included
- v) not relevant - not included
- vi) not necessary - not included
- vii) agrees
- viii) comment relates to parent document and is not applicable
- ix) MEA will consider during next update of MCEA
- x) okay
- xi) MEA will consider during next update of MCEA
- xii) agree MEA will consider if all definitions are required.

3.6 MINISTRY OF CULTURE (MCL)

On June 12, 2009, MEA, MOE and MCL held a conference call and discussed how to improve the MCEA process specifically related to item #30 in the roads schedule - projects involving 40 year old structures.

MEA raised the point that this clause was written in the 1980s when 40 years old meant ‘constructed in the 1940s’ and more likely constructed before World War II. Today, 40 years means constructed before 1969. A multitude of bridges were constructed in the 50s and 60s using standardized mechanical techniques and do not have heritage value.

MCL advised that MTO has completed a study of their bridges constructed between 1945 and 1965 and, while they found that most did not have any heritage value, certain bridge types from that era did have heritage value.

The three parties discussed an amendment to the MCEA where the criteria to trigger a Schedule B or C project would change from '40 years old' to 'have potential Heritage value'. Potential Heritage value would then need to be defined to make it clear it did not mean Designated Heritage but would mean:

- constructed before 1945; or
- if constructed between 1945 and 40 years ago, satisfies the criteria in a new Appendix to the MCEA. This new appendix would include some examples and an evaluation tool whereby the proponent could self assess and determine if the bridge has potential Heritage value. MCL will develop a draft assessment tool.

If the bridge did not have potential Heritage value, the project would proceed as a Schedule A project. If the bridge was constructed before 1945 or has potential Heritage value, then the project would proceed as a Schedule B or C project. Some guidance, provided by MCL, as to requirements for projects with potential Heritage value would also be included in the MCEA to assist proponents.

MCL is currently working to develop an evaluation tool. When the evaluation tool is available, MEA will evaluate this too and consider proposing to amend Roads Activity 30 as follows: 'reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years of age and when it is determined that the structure and/or grading adjacent to it have the potential to have heritage value, as defined in Appendix XXXXX, where the proposed work will alter the basic structural system, overall configuration or appearance of the structure'.

3.7 NOTICES OF COMPLETION

A list of Notices of Completion for Schedule B and C projects is found in Appendix C. The following is a summary:

Notices of Completion 2008

Project Type	# Schedule B	# Schedule C	Integration Project	Total
Road	18	25	0	43
Wastewater	5	1	0	6
Water Works	16	3	0	19
Master Plan	6	1	0	7
Total	46	31	0	77

Project Type	# Notices of filing of Addendum 2008	Total
Road	2	2
Wastewater	2	2
Water Works	0	0
Master Plan	1	1
Transit	0	0
TOTAL	5	5

3.8 PART II ORDER REQUESTS

Recently the MOE has reorganized their internal process for reviewing Part II order requests. In the past, Part II Order Requests have sometimes caused significant delays for projects. As outlined in a letter from MOE, included in Appendix F, the EA branch has implemented process improvements so that their review of requests can be completed within the established time frame. The practice will now be to focus the review to the key issues raised in the Part II Order Request.

Proponents are advised to be prepared to provide written responses to the key issues raised to the Branch within two (2) weeks. Otherwise, the Class EA could be deemed incomplete and the Notice of Completion may need to be re-issued.

A summary of the Minister's Decisions, related to Part II Order requests which were dealt with by MOE in 2008 is found in Appendix F.

This summary shows that the Ministry's process reorganization has cleared a backlog of Part II Order Requests. In 2008, the Minister issued 56 decisions, 32 of which dated from earlier than 2008. Although the older decisions took up to 976 days, of the 19 decisions received and dealt with in 2008, the Minister responded, on average, within 118 days.

In 2008, the Minister denied all Part II Order Requests, although some (15 of 56) imposed conditions on the proponent. MEA is pleased with the improvements MOE has made to their process to review and respond to Part II Order Requests.

It is noteworthy that the Minister denied all Part II Order Requests. Some denials included conditions, however, this still indicates that proponents are generally complying with the MCEA.

3.9 ANNUAL MEETING OF THE MEA CLASS MONITORING COMMITTEE AND RECOMMENDATIONS

Notes from the Annual Meeting of the MEA Class EA Monitoring Committee meeting are included in Appendix G.

3.10 SUCCESS OF MUNICIPAL CLASS EA

3.10.1 Use of Municipal Class EA

The Municipal Class EA is extensively used by municipalities as the approved mechanism for their sewer, water and road projects. This process is particularly important for the Schedule A projects which represent up to 95% of a municipalities work. The streamlining and consistence approach described in the Class EA are important advantages. The new provisions for an "Integrated Approach" for planning projects are not yet well used.

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

3.10.2 Compliance with Requirements

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

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

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

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

Condition has been fulfilled.

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

A Review of the Municipal Class Environmental Assessment will be completed by October 4th, 2012.

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

This report satisfies this condition.

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

Editorial comments have been incorporated and the 30 printed revised copies have been provided.

Compliance also requires that municipalities follow the approved process while planning their sewer, water, road and transit projects. In 2008, the MOE reviewed in detail the process followed while planning 7 projects. MOE reports that there was good compliance with one exception regarding Notice.

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

3.10.3 Effectiveness to Meet EA Act Objectives

The Municipal Class EA continues to meet the statutory requirements of the EA Act and no changes to the EA Act or regulations are contemplated. A review of the questionnaires and of the Minister's decision relating to Part II Orders, confirms that the Municipal Class EA continues to meet the broad Class EA program objectives. The Municipal Class EA streamlines the planning process for municipalities, particularly for Schedule A projects, avoiding the individual EA requirements for thousands of municipal projects. The MOE's detailed review of selected projects (Part II Order requests) confirms that generally municipalities correctly apply the Class EA's self assessment.

The Integrated Planning Act Approach is not commonly used by municipalities at this time. An assessment of the effectiveness of this approach will be made in the future when more information is available.

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

3.10.4 Conclusions

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

3.11 SUCCESS OF MONITORING PROGRAM

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

3.12 AMENDMENTS TO THE MUNICIPAL CLASS EA

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

Based on the 2008 feedback, MEA proposes to:

- a) **submit the following minor amendment:**
 - i) **an amendment to increase cost limits with inflation.**
- b) **issue the following clarifications:**
 - i) **The City of Hamilton has prepared a guidance document for projects integrating EA and planning approvals. Although most of those that have been involved with the Integrated Approach have been satisfied with the outcome, MEA will make this guidance document available on its web site for proponents;**
 - ii) **Process related deficiencies - see 3.5. A clarification regarding proponenty will be prepared.**
 - iii) **A clarification will be prepared explaining that dams and weir refer to flow control structures located in a watercourse. Any outfall structure at a lagoon would be part of the treatment facility.**
 - iv) **MEA will clarify that under Ont. Reg. 116/01- Installation or replacement of standby power equipment where new equipment is located in a new building or structure is exempt from the EA Act if the equipment is a generation facility within the meaning of O. Reg. 116/01, is constructed for the purpose or providing electricity to the site where the generation facility is located in the event of a failure of a distributor to deliver electricity to the side, and is carried out by Her Majesty in Right of Ontario, a municipality or a public body as defined in the Environment Assessment Act.**
 - v) **A clarification will be prepared explaining that although septage, while hauled by truck, is considered waste, for storage or treatment septage should be included with sewage in the MCEA.**

- vi) **A clarification will be prepared explaining that Notices should only be sent to those contacts who either have expressed an interest in the project or whom may have an interest in the project. Notices should not be sent to the Ministry of the Attorney General without reason.**
- vii) **A clarification will be prepared explaining that relevant notices should be emailed to MEA.Notices.EAAB@ontario.ca with a copy also sent to the Regional EA Planner/Coordinator.**
- viii) **The MCEA will be updated to read “ In accessing the magnitude and extent of a problem (e.g. the scope of the project) where multiple projects may be possible, it is important, that the projects not be broken down or piecemealed into component parts or phases with each part being addressed through separate studies”.**
- ix) **If increased capacity is required at a stormwater pond, provided the property is available (ie there is space available within the existing utility corridor), the only logical alternative is to expand the existing facility and not create a second facility. MEA does not see any environmental advantage to requiring a Schedule B process for this work unless additional land is required. A clarification will be prepared explaining that points 2 (establish new) and 3 (enlarge) on page I-14 of the MCEA only apply if additional property is required (ie if the work cannot be accommodated within the existing utility corridor).**

The information, from the above clarifications will be incorporated into the MCEA during the next update and reprinting.

- c) **issue the following Notice of Intent to amend the MCEA**
 - i) **MEA will propose an amendment to the MCEA to make all streetscaping projects Schedule A+ regardless of cost**
 - ii) **MEA is seeking input on the suggestion to delete Roads Activity 35 and Section A.2.10.4 of the MCEA and the projects could only use Ont. Reg. 586/06 (Local Improvement) for financial approval. EA approval, as appropriate, would still be required.**
 - iii) **Prior to the next reprinting of the MCEA, wording will be reviewed to identify areas requiring change to reflect new requirements under the Safe Drinking Water Act and to consider the concept of a drinking water system with multiple supply and/or treatment systems.**
 - iv) **To ensure consistency with the Code of Practice, amendment will include:**
 - i) **Consultation Plan should be changed to Consultation Summary in order to be consistent with the Code of Practice;**
 - ii) **a definition of Aboriginal People should be added to the glossary;**

- iii) **a new sub-section regarding Aboriginal People and Consultation should be created to include specifics on consultation methods as well as a more detailed description of Aboriginal People and their role in the EA process that is consistent with Section 2.3 of the Code of Practice;**
- iv) **Environmental Assessment Principles are present in the document and are consistent with those of the Code of Practice, however their terminology should be changed from “Key Principles of Successful EA Planning” to “EA Principles”; and**
- v) **add or amend definitions as per Appendix A of the comparison.**

These amendments will be incorporated into the MCEA during the next update and reprinting. Users of the MCEA would be encouraged to have regard for these intended amendments.

APPENDIX A

QUESTIONNAIRE AND

SUMMARY OF QUESTIONNAIRES

FROM PROPONENT MUNICIPALITIES

APPENDIX A

QUESTIONNAIRE AND

SUMMARY OF QUESTIONNAIRES

FROM PROPONENT MUNICIPALITIES

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

PLEASE RETURN BY MAY 1ST, 2009

INTRODUCTION AND BACKGROUND

The Municipal Class Environmental Assessment (EA) process has been in place since 1987 with comprehensive reviews being undertaken in 1992 and 1998. Many municipalities, MOE and other key stakeholders have indicated that the Municipal Class EA process has and is working well, and recognize that much has been achieved over the years of working with the Municipal Class EA process. Consequently, the "renewed" Municipal Class EA, which was approved on October 4, 2000, and amended in 2007, maintained the substance of the basic process while including any necessary changes.

As a Condition of Approval of the Municipal Class EA, the proponent municipalities, or MEA on their behalf, are required to implement a Municipal Class Environmental Assessment Monitoring Program to monitor the use, compliance and effectiveness of the Municipal Class EA on an annual basis. The Annual Monitoring Reports in turn will be used as input to the five year review. As input to the Monitoring Program, a series of questionnaires have been developed to solicit information from key stakeholders to assist MEA in monitoring the continued ability of the Municipal Class EA process to meet generic class environmental assessment program objectives, including:

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

PURPOSE OF QUESTIONNAIRE

The purpose of this questionnaire is to determine your municipality's:

- degree of involvement/participation in the Municipal Class Environmental Assessment process
- identification of any problems experienced with the process
- level of satisfaction with the continued effectiveness of the Municipal Class EA process
- identification of any potential process-related issues

The questionnaire has been sent to the MEA contact for your municipality. It is important, however, that input be obtained from both the public works department and the planning department particularly given the Integrated Approach (see Section A.2.9 of the Municipal Class EA).

Note: It is not intended to solicit comments regarding issues of a technical issue. Although the focus of your comments should be process-related, reference to specific projects may be used for illustrative purposes. Individual project monitoring, however, will not be reported.

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Date: _____

Name: _____

Title: _____

Municipality: _____

Address: _____

Phone: _____

Fax: _____

e-mail: _____

Please indicate what departments provided input to this questionnaire response:

Public Works Planning

QUESTIONNAIRE

1. Please indicate the number of projects your municipality completed in the past calendar year.

In 2007, the 2007 portion of the survey includes that part of the year's efforts where the September 6th, 2007 amendments were approved. Circulation of those amendments did not however take place until October 25th, 2007 and may not have had much effect of reported activities in 2007 - if it did - please advise as appropriate.

	2008	
	Initiated	Completed
Schedule 'A+'		
Schedule 'B'		
Schedule 'C'		
Master Plans		
Addendum		

Did your municipality forward a copy of all Notices of Completion to MOE at MEA.Notices.EAAB@ontario.ca? (NOTE: This is a new requirement.)

Yes No

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Did your municipality file a Notice of Completion with the Regional EA Coordinator at the Ministry's local regional office the MOE's Environmental Assessment and Approvals Branch in Toronto for each project not including Schedule A+?

- Yes No

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

	Yes	No	Comments
• roads	<input type="checkbox"/>	<input type="checkbox"/>	_____

• water	<input type="checkbox"/>	<input type="checkbox"/>	_____

• waste water	<input type="checkbox"/>	<input type="checkbox"/>	_____

• transit	<input type="checkbox"/>	<input type="checkbox"/>	_____

3. Do you have difficulty determining the appropriate schedule including A+ and transit?
(Note: A+ and transit came into effect in 2007)

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

a) Has your choice/interpretation been challenged?

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

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

Often	Sometimes	Never	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. Are there any specific project schedules (see Appendixes of the Municipal Class EA) which should be modified/changed/deleted/added.

Yes No

a) If yes, please identify the specific schedule and provide comments.

6. The renewed Municipal Class EA includes a new Schedule (A+) for projects and a chapter for Transit.

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

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

b) MOE has introduced a regulation to exempt transit projects from the EA Act if they follow the process in the regulation. Would your municipality use this new regulation or the Municipal Class EA approval process?

New Transit Regulation Municipal Class EA

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

7. Does the Municipal Class EA process provide for the appropriate level of documentation for the applicable project schedule?

		Yes	No	Comments
i.e.	Notice only for Schedule A+ Projects	<input type="checkbox"/>	<input type="checkbox"/>	
	Project File for Schedule "B" Projects	<input type="checkbox"/>	<input type="checkbox"/>	
	Environmental Study Report for Schedule "C" Projects	<input type="checkbox"/>	<input type="checkbox"/>	

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

Usually Satisfied	Sometimes Request Additional Information	Always Request Additional Information	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

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

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

10. Have you received any Part II Order requests in 2008?

Yes	No	Comments
<input type="checkbox"/>	<input type="checkbox"/>	

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

If yes, please provide the following on each Part II Order request.

Project #1 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

Yes No

Comments: _____

Project #2 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

Yes No

Comments: _____

Project #3 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

Yes No

Comments: _____

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

Project #4 Name: _____

Did MOE request any additional information and if so what information:

How long did it take to receive a decision from MOE? _____

Were you satisfied with the manner in which the Part II order request was processed?

Yes No

Comments: _____

Please detail any additional projects on a separate sheet.

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

	Yes	No	Comments
• assessment of environmental effects	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
• opportunities for stakeholder consultation	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
• documentation of decision-making	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
• streamlined approvals	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
• emphasis on self-assessment	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

12. A new feature of the renewed Municipal Class EA process is the creation of Schedule A+. For Schedule A+ projects, impacted members of the public are to be notified only. Although the notice may prompt input, there is no appeal route for these projects outside discussions with the proponent

	Yes	No	Comment
a) Has your municipality applied this process on any projects	<input type="checkbox"/>	<input type="checkbox"/>	
b) If yes, was this approach effective in communicating with the public?	<input type="checkbox"/>	<input type="checkbox"/>	

13. MOE has asked for some indication of the use of the Schedule 'A' classification by municipalities. MEA has advised MOE that since Schedule 'A' projects are pre-approved and can include not only specific projects but also activities as well as programs, it is not possible to quantify the use of the Schedule 'A' classification. As a coarse measure, however, proponent municipalities are being requested to indicate how funds are allocated within their roads, water and wastewater departments. Please indicate this below.

Administration		%
Schedule 'A' , 'A+' projects / activities	_____	%

Schedule A+ (late 2007 only)	_____	%
Schedule 'B' & Schedule 'C' projects		
Total	100	%

14. MEA is considering organizing training related to the Municipal Class EA. How many of your staff would attend:

a)	a 1 day course that provides an overview of the MCEA process highlighting recent changes;	
b)	a 1 day course focused on the transit chapter of the MCEA;	
c)	a 1 day course focused on Master Plans and integration of the MCEA with the Planning Act	
d)	a 3 day detailed course to train new practitioners.	

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
PROPONENT MUNICIPALITIES**

15. The MCEA identifies works approved under the Drainage Act as Schedule A projects. There has been some concern expressed that this could result in projects proceeding without adequate consideration of the environment. Have you dealt with any projects that were approved under the Drainage Act (Schedule A) that you felt could have benefited by also following the Schedule B or C process.

Yes If so, provide details

No. Comments

COMPLETED QUESTIONNAIRE

Thank you for your assistance. **Please forward your completed questionnaire by mail, fax or e-mail by May 1st, 2009 to:**

Mr. Paul Knowles, P. Eng.
Chair, MEA Municipal Class EA Monitoring Committee
Town of Carleton Place
175 Bridge Street
Carleton Place, ON K7C 2V8
phone: (613) 257-6207
fax: (613) 257-8170
email: pknowles@carletonplace.ca

The information obtained from the questionnaire responses will be collected, analyzed, summarized and interpreted by MEA as input into the preparation of their Annual Monitoring Report.

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2009

COMMENTS FROM:

1. Pat Mauro, Manager Engineering, City of Thunder Bay

- 7) What is notice, a approved budget, corporate report?
- 8) No feedback about process typically.
- 9) Some agencies are non responsive.
- 12a) Corporate Reports and Notice of Construction to residents.
- 12b) No issues to date
- 14) 1 day course held in 1008 in Thunder Bay.

2. Don J. Elliott, Director of Engineering Services, City of Sault Ste. Marie

- 2) roads - more detail re: lane reconfigurations would be helpful ie does changing a 4 lane road to 3 require an EA
- 3) No transit EA's in 2008 to my knowledge.
- 3a) (Not yet) except for many bump-up requests.
- 5) Be more specific re: lane reconfigurations and cycling facilities.
- 8) Generally, the "Not in my backyard" folks are not satisfied and a small group of individuals, who always participate, are never satisfied.
- 9) Few respond - most have no issues.
- 10) McNabb - Southmarket Extension Project - MOE requested info on city's commitment to not perform work related to the request until we acquired the property. - Yes and No - MOE staff have greatly accelerated review periods - they met their deadlines. It sat on the minister's desk for 2 ½ months.
- 11) streamlined approvals - yes but only recently - past Part II Orders took up to 22 months to resolve. That is not acceptable.
- 12a) we were in the practise of notifying people anyway - This just formalized what we were already doing on many Schedule "A" EA's.

Municipal Class EA Process
Summary of Questionnaires - - Proponent Municipalities
May 2009

3. Frank McKinney, Program Manager, City of Ottawa

2) Transit - were done following individual EA process. We will be using new O.Reg 231/08 on future projects

4. Gary MacDonald, Head Trans Eng., Region of Waterloo

1. Faxes only - will e-mail in 2009)

4. Occasional differences between consultants and Region.

5a) Wastewater Schedule "B" Item 10 is not clear (twinning outfall to rated capacity with no property acquisition) - is this a Schedule A or B? Region assumed "A".

93 Most do not provide comments. Of those that do, timing is ok.

APPENDIX B

QUESTIONNAIRE AND

SUMMARY OF QUESTIONNAIRES

GOVERNMENT REVIEW AGENCIES

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES

PLEASE RETURN BY MAY 1ST, 2009

INTRODUCTION AND BACKGROUND

The Municipal Class Environmental Assessment (EA) process has been in place since 1987 with comprehensive reviews being undertaken in 1992 and 1998. Many municipalities, MOE and other key stakeholders have indicated that the Municipal Class EA process has and is working well, and recognize that much has been achieved over the years of working with the Municipal Class EA process. Consequently, the "renewed" Municipal Class EA, which was approved on October 4, 2000, maintained the substance of the basic process while including any necessary changes.

As a Condition of Approval of the Municipal Class EA, the proponent municipalities, or MEA on their behalf, are required to implement a Municipal Class Environmental Assessment Monitoring Program to monitor the use, compliance and effectiveness of the Municipal Class EA on an annual basis. The Annual Monitoring Reports in turn will be used as input to the five year review. As input to the Monitoring Program, a series of questionnaires have been developed to solicit information from key stakeholders to assist MEA in monitoring the continued ability of the Municipal Class EA process to meet generic class environmental assessment program objectives, including:

- assessment of environmental effects
- consultation
- documentation of decision-making
- streamlined approvals
- emphasis on self-assessment
- In addition, MEA will be monitoring to determine any potential issues that may require an amendment to the Municipal Class EA.
-

PURPOSE OF QUESTIONNAIRE

The purpose of this questionnaire is to:

- determine your agency's degree of involvement/participation in the Municipal Class Environmental Assessment process;
- identify any problems experienced by your agency with the process; and
- identify any potential process-related issues as they relate to your agency's overall mandate.

Note: It is not intended to solicit comments regarding issues of a technical issue. Although the focus of your comments should be process-related, reference to specific projects may be used for illustrative purposes. Individual project monitoring, however, will not be reported.

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES**

Name: _____ Date: _____
 Title: _____
 Agency:: _____
 Address: _____

 Phone: _____
 Fax: _____
 e-mail: _____

QUESTIONNAIRE

PART B – INVOLVEMENT AS A PARTICIPANT

1. Please indicate how frequently your organization has been involved and the general type of project.

TYPE OF PROJECT	ORGANIZATION INVOLVEMENT				
	1 – 10	10 - 20	20 – 50	>50	Never
<p>Schedule 'B' Projects (generally includes improvements and minor expansions to existing facilities; potential for some adverse environmental effects and therefore the proponent is required to proceed through Phases 1 and 2 including consultation with those who may be affected)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Schedule 'C' Projects (generally includes the construction of new facilities and major expansions to existing facilities; the proponent is required to proceed through Phases 1 to 4)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Master Plans</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES**

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

	Yes	No	Comment
a) Are proponents classifying projects under the appropriate schedule (e.g. Schedule 'B' or Schedule 'C') and being consistent in their application?	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
b) Where appropriate, is your organization being notified in a timely fashion of the study start and key decision points?	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
c) Is your organization provided with reasonable/adequate opportunities to provide input to the study re: data collection, alternatives, recommended undertaking, mitigating measures, future commitments?	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
d) Are your organization's issues/concerns identified, considered and addressed fairly and appropriately?	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
e) Is the study documentation clear and in sufficient detail for your organization's review?	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____

3. Has your organization requested a "Part II Order" to require a proponent to follow an Individual Environmental Assessment process? (note – Part II Order was formerly known as "bump-up" request).

Yes No

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

Frequently Seldom

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

Process-related Technical Both

MUNICIPAL CLASS EA PROCESS
QUESTIONNAIRE FOR INPUT INTO MONITORING REPORT
GOVERNMENT REVIEW AGENCIES

8. The MCEA identifies works approved under the Drainage Act as Schedule A projects. There has been some concern expressed that this could result in projects proceeding without adequate consideration of the environment. Have you dealt with any projects that were approved under the Drainage Act (Schedule A) that you felt could have benefitted by also following the Schedule B or C process.

Yes If so, provide details

No. Comments

COMPLETED QUESTIONNAIRE

Thank you for your assistance. **Please forward your completed questionnaire by mail, fax or e-mail by May 1st, 2009 to:**

Mr. Paul Knowles, P. Eng.
Chair, MEA Municipal Class EA Monitoring Committee
Town of Carleton Place
175 Bridge Street
Carleton Place, ON K7C 2V8
phone: (613) 257-6207
fax: (613) 257-8170
email: pknowles@carletonplace.ca

The information obtained from the questionnaire responses will be collected, analyzed, summarized and interpreted by MEA as input into the preparation of their Annual Monitoring Report.

Municipal Class EA Process
 Summary of Questionnaires - - Government Review Agencies
 May 2009

Respondent	Drainage Act- Have you dealt with projects that were approved under Schedule A but you felt could have benefited by Schedule B or C	
	Yes	NO
Valerie Minegla, Ontario Service Centre, Parks Canada Agency		✓
John Woodward, Senior Environmental Officer, Canadian Transportation Agency		✓
Dorothy Moszynski, MOE, Central Region Technical Support		✓
Shannon McNeill, EA Coordinator, MOE		✓
Chunmei Liu, Environmental Resource Planner & EA Coordinator, MOE - Central Region		✓
Bill Armstrong, Regional Planner/EA Coordinator, Southwestern Region, MOE	✓	
Lisa Myslicki, Environmental Coordinator - Ontario Realty Corporation		
Vicki Mitchell, EA Coordinator, MOE, Eastern Region, Kingston		✓

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2009

COMMENTS FROM:

1. **Valerie Minegla, Ontario Service Centre, Parks Canada Agency**

- 2a) Although Parks Canada has limited exposure to municipal projects;
- 2c) Although most opportunities for Parks Canada participation involve expert knowledge;
- 2e) Yes, although not all documentation provides maps or specific locations of project making it difficult to assess our level of interest.

2. **John Woodward, Senior Environmental Officer, Canadian Transportation Agency**

- 2d) No further contact after initial notification is responded to.

3. **Dorothy Moszynski, MOE, Central Region Technical Support**

- 2b) Often
- 2d) Often - sometimes consultant/proponents disagree with our recommendations or do not understand the process or our involvement;
- 2e) Often - sometimes critical studies are missing in Schedule "C"s or very little information included in Schedule "B" project files;
- 5) Requests from proponents to have separate part for bridge projects - may be useful to consider more direction for bridge projects under Part B description and Appendix 1;
- 6) - more direction on Aboriginal consultation required;
- more direction on non-compliance recommended;
- more emphasis on alternative solutions!!! Very important in light of global issues such as climate change, env sustainability;
- more direction to proponent on how to contact CEAA Coordinator and how to coordinate reviews,
- Class EA should provide comprehensive list of potential effects to the environment for each type of project (road, sewer, water, etc) that proponent can use as a reference; or should refer to screening criteria in sections B. 32, C. 32, D. 32.
- 8) I would not have dealt with Schedule 'A' as I receive no notices of these projects. All Schedule 'A's should be required to issue a notice to MOE Regional EA Coordinators.

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2009

4. **Shannon McNeill, EA Coordinator, MOE**

- 2b) However, we do not receive all NOC's. Not all proponents know the Regional offices of MOE need to be contacted.
- 2e) Most of time. However, we find lots of push back from requiring more information and/or additional studies.
- 6) - not clear to proponents that MOE Regional Offices are one-window for class EA's; needs to be clarified;
- more focus on Federal/Provincial Coordination. Most proponents contact CEAA after provincial EA is complete.

5. **Chunmei Liu, Environmental Resource Planner & EA Coordinator, MOE**

- 2a) How proponents are determined is not clear for us. MOE considers the proponent for water and sewage should be the final owners.
- 2b) MOE normally have pre-consultation for major projects;
- 2c) The proponents suppose amend the EA if there are significant changes but some of them have not done that;
- 2d) MOE has debates with consultants about municipal projects;
- 2e) MOE considers that communal sewage systems need more clarification.
- 4b) The proponents have issues with this approach as an EA process is much more open to the public.
- 5) The Current MEA Class EA has no Schedule C for communal sewage systems. MOE considers that there should be Schedule C for these systems and the MEA Class EA should treat them same as surface water disposal systems.
- 6) For water & wastewater systems projects, MOE considers that the proponents should be determined based on the final ownership rather than who build the systems.
- 7) Yea, MOE considers that the questionnaire should include the effects of MEA Class EA on the planning decision-making process.
- 8) Some proponents actually undertake drainage projects through MEA Class EA such as Whiskey Creek Master Drainage Plan Update.

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2009

6. **Bill Armstrong, Regional Planner/EA Coordinator, Southwestern Region, MOE**

- 2a) Generally a few cases were not.
- 2b) Mostly but continue to be number of failures to properly notify.
- 2c) Usually notified at start and end - unclear level of participation directed corporately.
- 2d) Mostly but not always - not in sufficient depth of analysis...
- 2e) Generally but cases of poor organization
- 4a&b) Only a very few cases that aware of consultation with MOE is an issue - not timely & often not notified period. There could be greater uptake.
- 5) Always room for improvements - See Proponency notes
- 6) Implement recommendation of advisory panel particularly with respect to proponency - who does it shot not matter to an environmental planning process - Nature of projects anticipated impacts should determine process to use. More specific direction on aboriginal consultations.
- 8) In mid 1990's efforts were made to rationalize Drainage Act & EA/C of A - differentiating drainage applies to rural/agricultural drainage & OWRA 553 applies to urban drainage. Measures made mid 1990's did not resolve issue. Now both Drainage Act & OWRA 553 may be required in urban settings.

7. **Lisa Myslicki, Environmental Coordinator - Ontario Realty Corporation**

- 5) Unknown
- 6) Proponents will approach ORC.
- 7) Please note that ORC does not have any direct questions but would like to identify that ORC cannot defer to a MEA unless it satisfies ORC's/MEI's Class Ea for non-energy projects. Please contact ORC at your convenience if further clarification is required.

8. **Vicki Mitchell, EA Coordinator, MOE, Eastern Region, Kingston**

- 2d) Not always
- 2e) Not always
- 4b) Proponents not aware of requirements - assumption that proceeding through planning addresses EA process.
- 5) Description 15 Page 1-10 & description 10 page 1-12 classify projects under O.Reg. 586/06 as Schedule A. This is inappropriate and should be removed. Scope of 586/06 job includes sewage & water treatment plants. City of Ottawa tried to use this exemption for new water & sewage plant.

Municipal Class EA Process
Summary of Questionnaires - - Government Review Agencies
May 2009

8. **Vicki Mitchell, EA Coordinator, MOE, Eastern Region, Kingston (Continued)**

- 6) When MOE asks to be kept involved, we are serious about it, even if we respond to a notice after the deadline for comment. We can't meet the deadlines as they are usually not adequate.
- 8) I don't have experience dealing with drainage projects.

APPENDIX C

MOE

COMPLIANCE AUDIT

Ministry of the Environment

Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto, ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des
autorisations environnementales

2, avenue St. Clair Ouest
Étage 12A
Toronto, ON M4V 1L5
Tél. : 416 314-8001
Télééc. : 416 314-8452



June 5, 2009

Mr. Paul Knowles
Chair
MEA Class EA Monitoring Committee
C/O Corporation of the Town of Carleton Place
175 Bridge Street
Carleton Place ON K7C 2V8

Re: Municipal Engineers Association Municipal Class Environmental Assessment
Audit of Project Assessments

Further to our January 26, 2009 letter to you, the Environmental Assessment and Approvals Branch (EAAB) has compiled the results of select audits that have been completed on projects carried out under the Municipal Engineer's Association (MEA) Municipal Class Environmental Assessment (EA). We are hereby providing the results of those audits to you.

Audit Results

In 2008/2009 the EAAB conducted four random audits of project assessments completed under the MEA Class EA. Further, the EAAB received three requests from ministry offices to review possible non-compliances.

The audits were completed on three files where Part II Order requests were denied with conditions. The results of the audits revealed that the projects were in compliance with their conditions or were not at a stage of project implementation that would require the conditions to be completed.

The fourth audit was conducted on a project that had used the integration provision in the MEA Class EA for a servicing project. The audit revealed that the proponent had used the integration provisions appropriately.

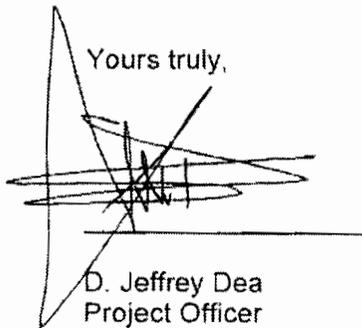
Non-Compliance

The three concerns with non-compliance were reported to EAAB through other approvals processes. The three cases are described below, highlighting the areas where there was some confusion with the use of the MEA Class EA.

- An addendum to a servicing project was undertaken to assess a new alternative to the project. The proponent did not follow the appropriate process as it did not contact any review agency either during the addendum process or at the Notice of Filing of Addendum phase. The EAAB informed the proponent that it would need to re-file its Notice of Filing of Addendum with the appropriate parties in order to be consistent with the MEA Class EA. The MEA was copied on the letter to the proponent.
- A report of possible non-compliance was received with respect to a stormwater project where there was a concern that the proponent "piecemealed" the project into two phases. The EAAB assessed whether the two projects could be considered "stand alone" projects. It was determined that as one project was related to upgrading existing infrastructure and one was related to constructing new infrastructure in a different geographic area, these projects could be considered independent of one another. This information was provided to the ministry office which identified the concern to assist in interpreting future "piecemealing" concerns.
- A project to construct an expanded sewage system and outfall was being undertaken as a "Schedule A" under the MEA Class EA. Concerns were raised that this project had been misclassified. The proponent had originally stated that the outfall was being constructed within an existing road allowance, however it withdrew this as a basis for its classification. The proponent then stated that the project fell under description 9 of the MEA Class EA for Schedule A projects, "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." The Eastern Regional Office found this to be a reasonable classification and the approvals process for this project proceeded.

Should you have any questions or require additional assistance, please contact the undersigned at 416-314-7213 or jeffrey.dea@ontario.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'D. Jeffrey Dea', is written over a horizontal line. The signature is somewhat stylized and overlaps the line.

D. Jeffrey Dea
Project Officer
Environmental Assessment Project Coordination
Environmental Assessment and Approvals Branch

APPENDIX D

COMPARISON OF MCEA AND

MOE'S CODE OF PRACTICE

FOR PREPARING, REVIEWING AND

USING CLASS ENVIRONMENTAL

ASSESSMENT IN ONTARIO

Draft Comparison of the Municipal Engineers Association Municipal Class EA with the Ministry’s Preparing, Reviewing and Using Class Environmental Assessments in Ontario Code of Practice

Preparing, Reviewing and Using Class Environmental Assessments in Ontario (Code of Practice Guidelines)	Municipal Engineers Association Municipal Class Environmental Assessment	Analysis
Project Groups		
<p>Most Class Environmental Assessments (EAs) with predefined categories have three schedules, with a category for projects with the potential for greater environmental effects. There is also a category for projects that may have some environmental effects, but they are well-known and can be readily mitigated and managed.</p>	<p>Schedule A –</p> <ul style="list-style-type: none"> ▪ Generally include normal or emergency operational and maintenance activities ▪ The environmental effects of these activities are usually minimal, and therefore, these projects are pre-approved <p>Schedule A+ –</p> <ul style="list-style-type: none"> ▪ In 2007 MEA introduced a Schedule A+. Projects listed in this schedule are pre-approved, however, the public is to be advised prior to project implementation. <p>Schedule B –</p> <ul style="list-style-type: none"> ▪ Generally includes improvements and minor expansions to existing facilities ▪ There is potential for some adverse environmental impacts and therefore and therefore the proponent is required to proceed through a screening process including consultation with those who may be affected <p>Schedule C –</p> <ul style="list-style-type: none"> ▪ Generally includes the construction of new facilities and major expansions to existing facilities ▪ These projects proceed through the environmental assessment planning process outlined in the MEA Class EA 	<p>Analysis:</p> <ul style="list-style-type: none"> – Consistent with types of Schedules outlined in the Code of Practice

Consultation		
<ul style="list-style-type: none"> • Recent court decisions have indicated that the Crown has a constitutional duty to consult with and accommodate Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that might adversely affect it. 	<p>Consultation early and throughout the process is a key feature of environmental assessment planning.</p> <p>The MEA Class EA identifies minimum requirements only. Proponents must tailor these to address specific project needs.</p> <p>Main stakeholders:</p> <ul style="list-style-type: none"> ▪ Public ▪ Review agencies ▪ Other municipalities ▪ First Nations and aboriginal Peoples <p>Mandatory Contact:</p> <ul style="list-style-type: none"> ▪ During Phase 2 ▪ During Phase 3 ▪ At completion of study <p>Develop a public consultation plan early in the study to include potential stakeholders and special requirements, level of consultation, appropriate means of contact and general timing of contact.</p> <p>Minimum mandatory notice contents include:</p> <ul style="list-style-type: none"> ▪ Name and address of proponent ▪ Brief description of the project which outlines the nature of the problem or opportunity and the need for a solution ▪ Reference to the project following the requirements of the MEA Class EA ▪ Details of when and where information is available to the public ▪ Name of title of a contact person to whom comments should be directed 	<p>Analysis:</p> <ul style="list-style-type: none"> – Terminology: Consultation Plan should be changed to Consultation Summary in order to be consistent with the Code of Practice; – A definition of Aboriginal People should be added to the glossary; – A new sub-section regarding Aboriginal People and Consultation should be created to include specifics on consultation methods as well as a more detailed description of Aboriginal People and their role in the EA process that is consistent with Section 2.3 of the Code of Practice.

<p>Consulting with Aboriginal Communities for Projects Proceeding under a Class EA (8.3.1):</p> <p>Proponents are required to consult with interested persons about the potential effects of the proposed project proceeding under an approved class EA.</p> <p>In doing so, special consideration must be given to whether the rights or interests of Aboriginal communities may be affected by the proposed project.</p> <p>When considering which Aboriginal communities to contact, proponents should be mindful that the traditional territories, treaty areas, or areas of rights claims involving Aboriginal or treaty rights of some Aboriginal communities are extensive. As a result, it may be insufficient to consult only with Aboriginal communities with reserve lands in the vicinity of the proposed project.</p> <p>Proponents must at minimum make good faith efforts to engage the Aboriginal communities.</p> <p>As part of the class EA process, the ministry expects the proponent to:</p> <ul style="list-style-type: none">- Contact the Aboriginal communities normally through the Chief & Band Council;- Provide the identified Aboriginal communities with the requisite Notices under the class EAs;- Provide the communities of notification of open houses and meetings; - Provide project documentation and other information when requested.	<p>A.3.7 First Nations and Aboriginal Peoples</p> <p>First Nations and Aboriginal Peoples are an important stakeholder for municipal consultation. Municipalities are directed to contact Ontario Ministry of the Environment, the Ontario Ministry of Aboriginal Affairs and the Department of Indian and Northern Affairs for direction on consultation with First Nations.</p>	
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Consultation Summary (4.3.7):

Consultation with interested persons is a key component of the EA process. A plan for consulting with interested persons during the preparation of the EA was included in the approved terms of reference.

The proponent was required to carry out that consultation plan, subject to any necessary refinements, while preparing the EA, and report its results in the EA.

The consultation summary will:

- Describe the consultation activities that took place (methods, schedule of events, notification that was given about the activity and materials used);
- Identify all persons consulted during the preparation of the EA (personal names not required) and how they were notified;
- Describe how interested Aboriginal communities were identified and how they were consulted;
- Clearly and accurately summarize the comments and concerns raised during the consultation activities and during the preparation of the EA;
- Describe the proponent's response to comments and how concerns were considered in the preparation of the EA;
- Describe any outstanding concerns;
- Include minutes from any meetings held with interested persons;
- Include copies of written comments received from interested persons.

<p>The proponent must provide a comprehensive description of the consultation activities that took place during the preparation of the EA. A narrative description of the different activities, rather than just a listing of them, is required.</p> <p>Timeliness (3.2.1): Timeliness is also important from the perspective of consultation. The proponent should involve interested persons early in the EA planning process in order to identify and consider issues or concerns. Expectations for a timely process also apply to interested persons.</p> <p>Members of the public participating in the EA process should make their submissions about proposed undertakings in a timely manner and by the prescribed deadlines so that there is sufficient time for the proponent to evaluate the submission and incorporate it in its decision-making process.</p>		
Documentation		
<p>Provide Clear, Complete Documentation (3.1.5):</p> <p>The proponent must ensure that the EA represents accurately the planning and decision-making process that was followed in a clear and understandable way and must communicate that clearly in the EA document.</p> <p>The EA document which is submitted to the ministry for approval should explain clearly the environmental planning and decision-making process followed to reach the conclusion of the preferred alternative and its potential impacts after impact management measures</p>	<p>Documentation of the planning and design process followed in developing Schedule B and C projects is a mandatory requirement of the MEA Class EA.</p> <p>Schedule B Projects – formal documentation in the form of a separate report is not necessary</p> <p>Schedule C Projects – carry the requirement for the preparation of a formal Environmental Study Report</p>	<p>Analysis:</p> <ul style="list-style-type: none"> – The headings of Documentation Report should be modified to be consistent with the headings of the Code of Practice Documentation Requirements (4.3) – Types of documentation for specific schedules is

<p>have been determined.</p> <p>Any interested person reading the EA document should be able to easily follow the process used by the proponent in determining the undertaking including the rationale for making certain choices. Clarity, simplicity, completeness and precision are objectives for which to strive when preparing the EA document.</p> <p>Clarity and Consistency (3.2.2):</p> <p>The EA process should be clear and consistent. The EA Act should be applied consistently to similar undertakings and the ministry's expectations of all participants in the process should be articulated clearly.</p> <p>Proponents and interested persons should be able to expect generally how the EA process will be carried out in similar circumstances in a manner that is rational and transparent.</p> <p>Openness and Transparency (3.2.3):</p> <p>The EA process should be open and transparent. This will enable all interested persons to follow the process through its various stages of planning and decision-making until a preferred undertaking is selected. Anyone should be able to trace the results of the EA planning process using the evaluation approaches set out therein</p> <p>Appropriate Level of Detail (3.2.6):</p> <p>The appropriate level of detail depends on a number of factors such as the number of approvals required; the</p>	<p>Documentation Report:</p> <p>Executive Summary Chapter 1 – Introduction and Background Chapter 2 – Problem Statement Chapter 3 – Alternative Solutions Chapter 4 – Alternative Designs Chapter 5 – Project Descriptions Chapter 6 – Monitoring Appendices</p>	<p>consistent with Code of Practice for a Class EA (Section 6.2.4)</p>
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nature and complexity of the proposed undertaking; the potential for environmental effects; and the level of public interest. The level of detail presented in an EA should be sufficient to fulfil the requirements of the EA Act and to assure interested persons that the proposed undertaking is technically feasible and achieves environmental protection.

Identification of the Undertaking (4.2.5):

The undertaking is the preferred alternative selected by the proponent, after a systematic evaluation and in consultation with interested persons, as the solution to the problem or opportunity that was earlier determined.

The proponent must thoroughly describe and provide the rationale for the undertaking for which approval will be sought. The description of the undertaking is more detailed than the description of the alternatives.

It is appropriate that the proponent have some flexibility in how it proceeds with the undertaking, especially considering that further technical approvals may be required. However, limits on the flexibility must be included in the description of the undertaking. The description must cover the entire life cycle (for example, establishment, construction, operation, retirement) of the undertaking.

The EA must provide sufficient information so that the Minister can have a clear understanding about the undertaking about which he or she will be asked to make a decision.

Documentation Requirements (4.3):

- The planning process that has just been completed must be documented in its entirety in the EA.
- The EA must be clearly written.
- The document needs to contain sufficient information to ensure that the expert and the lay reader can understand the planning process that was followed. The EA may consist of several volumes, with the first being the main document which lays out the results of the planning process, followed by technical appendices.
- If a multiple volume document is prepared, the main document should be sufficiently detailed so that it can stand on its own and provide a complete picture of the planning process and its conclusions.
- In addition to documenting the planning process, the EA should also include the following elements:
 - Executive Summary
 - List of Studies and Reports
 - Terms of Reference Requirements
 - Identification of the Proponent
 - Commitments and Monitoring
 - Other Approvals
 - Consultation Summary
 - Appendices

Documentation (6.2.4):

The type of documentation required for each class EA project will depend on the level of assessment for a

<p>particular project.</p> <p>Most approved Class EA's have at least two categories that require documentation: a category for projects for which they may be some potential for negative environmental effects but the effects and mitigation measures are known, and a category for projects which have the potential for significant negative environmental effects.</p> <p>Less documentation could be used for projects with lesser anticipated negative environmental effects.</p> <p>When developing a Class EA, it must clearly state what kind of documentation is required, the format and content of the required documentation (for example, environmental report, letter), how the documentation will be distributed to interested persons, and a process for addressing any concerns raised, if appropriate.</p> <p>In deciding how to address these requirements, proponents may consider a requirement for a short summary of Class EA planning steps that were undertaken or they may simply include a requirement for the preparation of a project file that is made accessible to the public. Regardless of the type of documentation, copies of the documents must be sent to the appropriate regional office of the ministry.</p>		
Notification Templates		
<p>The Code of Practice Appendix C includes Five Notification Templates:</p> <ol style="list-style-type: none"> 1) Notice of Commencement of Terms of Reference 2) Notice of Submission of Terms of Reference 	<p>The following Sample Notices are provided:</p> <p>Schedule B:</p> <ul style="list-style-type: none"> ▪ 1st mandatory contact, Phase 2 – Public Comment Invited or Notice of Study Commencement 	<p>Analysis:</p> <ul style="list-style-type: none"> – Sample Notices should include the appropriate notification templates

<p>Template</p> <p>3) Notice of Commencement of Class EA Template</p> <p>4) Notice of Submission of Class EA Template</p> <p>5) Class EA Summary Form</p>	<ul style="list-style-type: none"> ▪ 2nd mandatory contact, Phase 2 – Notice of Completion <p>Schedule C:</p> <ul style="list-style-type: none"> ▪ 1st mandatory contact, Phase 2 – Public Comment Invited or Notice of Study Commencement ▪ 2nd mandatory contact, Phase 2 – Notice of Completion ▪ 3rd mandatory contact, Phase 4 – Notice of Completion of Environmental Study Report ▪ Revisions and Addendum to ESR – Notice of Filling of Addendum 	<p>that are included in the Code of Practice</p> <ul style="list-style-type: none"> – Notification One and Two are subject to new class EA's only
Principles		
<p>Project Management Principles:</p> <ul style="list-style-type: none"> - Timeliness - Clarity and consistency - Openness and transparency - Coordination of approvals - Best available information - Appropriate level of detail minimize potential harm and enhance benefits to the environment <p>Environmental Assessment Principles:</p> <ul style="list-style-type: none"> - Consult with potentially affected and other interested persons - Consider a reasonable range of alternatives - Consider all aspects of the environment - Systematically evaluate net environmental effects - Provide clear, complete documentation 	<p>Key Principles of Successful EA Planning:</p> <ul style="list-style-type: none"> ▪ Consultation ▪ Reasonable range of alternatives ▪ Consideration of effects on all aspects of the environment ▪ Systematic evaluation ▪ Clear documentation ▪ Traceable decision making 	<p>Analysis:</p> <ul style="list-style-type: none"> – MEA Class EA does not include Project Management Principles. A section outlining Project Management Principles that are consistent with the Code of Practice should be added. – Environmental Assessment Principles are present in the document and are consistent with those of the Code of Practice, however their terminology should be changed from “Key Principles of Successful EA Planning” to “EA

		Principles”
Monitoring		
<ul style="list-style-type: none"> Monitoring programs should consider all phases of the proposed undertaking (for example, planning, detailed design, tendering, construction, operation, closure, decommissioning) <p>Compliance Monitoring:</p> <ul style="list-style-type: none"> Assessment of whether an undertaking has been constructed, implemented and/or operated in accordance with the commitments made in the EA <p>Effects Monitoring:</p> <ul style="list-style-type: none"> Activities carried out by the proponent after approval to determine the environmental effects of the undertaking <ul style="list-style-type: none"> The proponent shall make the documentation available to the ministry upon request in a timely manner when required by the ministry during an on-site inspection, audit, response to a pollution incident report, or when information concerning compliance is requested by the ministry. 	<p>Monitoring of Municipal Class EA</p> <p>In order to monitor the effectiveness of the process in meeting the requirements of the EA Act, as well as municipal compliance, proponents are required to submit to the EAA Branch, one copy of the “Notice of Completion” for each Schedule B project. They are required to submit one copy of the “Notice of Completion of Environmental Study Report” for each Schedule C project. This will provide a record of projects undertaken within the province for use during the next review of this Class EA.</p> <p>Master Plan – Monitoring</p> <p>In order to monitor the effectiveness and benefits of this approach, proponents are required to briefly summarize how the Master Plan followed the Class EA requirements and copy this to the EAA Branch, including copies of mandatory notices.</p> <p>Monitoring the Application of the Approach to Integrate with the Planning Act</p> <p>In order to monitor the effectiveness and benefits of this approach, proponents are required to briefly summarize how a project has met conditions A) through F) in Section A.2.9 and copy this to the EAA Branch including copies of the mandatory public and review agency notification.</p>	<p>Analysis:</p> <ul style="list-style-type: none"> MEA Class EA should differentiate between compliance monitoring and effects monitoring throughout the document. No clear indication of the requirement of effects monitoring is evident in the Class EA Discussion of compliance monitoring is consistent Importance of monitoring throughout the EA process should be emphasized in both compliance and effects monitoring sections
Proponent		

<p>Definition:</p> <ul style="list-style-type: none"> - A person, agency, group or organization that carries out or proposes to carry out an undertaking or is the owner or person having charge, management or control of an undertaking. 	<p>Proponents:</p> <p>The proponents are the Cities of Barrie, Guelph, Hamilton, London, Mississauga, Ottawa, Sault Ste. Marie, Thunder Bay and Toronto, the Regional Municipalities of Durham, Niagara, Waterloo and York, the Town of Carleton Place and the County of Lanark.</p> <p>Ontario Regulation 334 enables all municipalities to make use of this approved process to fulfill EA Act requirements.</p> <p>Municipal projects undertaken by Ontario municipalities, Ontario Public Utility Commissions, the Ontario Clean Water Agency or the private sector, or as designated by the Minister, must follow the planning process set out in this Class EA.</p> <p>In some cases, an undertaking under the MEA Class EA may involve components which are subject to another proponent's Class EA. Should this occur, municipal proponents should consult with the other proponents to determine how to coordinate the EAs.</p>	<p>Analysis:</p> <ul style="list-style-type: none"> - Consistent
Recognition of Previous Planning Work		
<p>Procedures for Applicants of Approved Class Environmental Assessments:</p> <ul style="list-style-type: none"> - If previous planning work meets certain criteria, then the proponent of the Class EA project may limit the discussion of "need" and "alternatives to" if those elements are required in the Class EA 	<p>The MEA Class EA recognizes the desirability of coordinating or integrating the planning processes and approvals under the EA Act and the Planning Act, as long as the intent and requirements of both Acts are met. This integration will result in streamlining the planning and approvals process and improved</p>	<p>Analysis:</p> <ul style="list-style-type: none"> - Consistent

<p>Using the Class Environmental Assessment for Projects:</p> <ul style="list-style-type: none"> - There should be provisions in the Class EA that permit the limitation of the examination of alternatives in situations where the Class EA is a result of previous planning work carried out by the applicant but outside of the EA process. - This would be permitted if the planning work had similar provisions compared to the EA Act, such as: an examination of alternatives; consideration of the environment and environmental effects; public consultation with interested persons; ability for the public to inspect the planning document in its entirety; approval by a recognized decision-making body in a transparent manner such as municipal council - Proponent must provide sufficient rationale and documentation to demonstrate that the previous planning work has met the criteria and requirements of the <i>Environmental Assessment Act (EA Act)</i> 	<p>environmental protection.</p> <p>Process</p> <p>A process consistent with the guidelines in the Code of Practice can be found in Section A.2.9.2, 'Municipal Class EA Requirements for Projects under the Planning Act, MEA Class EA</p>	
Part II Order Requests/Bump Up Requests		
<ul style="list-style-type: none"> • The change in status can be achieved through a “voluntary elevation” by the project proponent or by a Part II Order made by the Minister or delegate <p>Part II Order Request Process:</p> <ul style="list-style-type: none"> - Person(s) with a concern about a Class EA project brings the concern to the attention of the proponent. - If the concern cannot be resolved by the proponent, the interested person may request 	<p>Part II Order Request Process</p> <p>1) For Schedule B projects, a person or party with a concern should bring it to the attention of the proponent in Phase 2 of the planning process.</p> <p>For Schedule C projects, a person or party with a</p>	<p>Analysis:</p> <p>- Consistent</p>

<p>the proponent to elevate the project status to an EA.</p> <ul style="list-style-type: none"> - If the proponent decides not to elevate the status of the project, and the interested person(s) wish to pursue the matter, they may request that the Minister or delegate make a Part II Order and elevate the status of the project. - The Part II Order request must be made in writing to the Minister or delegate with a copy to the proponent, be received by the ministry within the review period following issuance of the Notice of Completion, and must include a number of parameters. 	<p>concern should bring it to the attention of the proponent at any point during Phase 2 through Phase 4 of the planning process.</p> <p>2) If a concern is not resolved through discussions with a proponent, the person or party raising the objection may request the proponent to voluntarily:</p> <ul style="list-style-type: none"> - elevate a Schedule B project to Schedule C - elevate a Schedule B or Schedule C project to an individual environmental assessment <p>3) If the proponent declines, and the person or party with the concern wishes to pursue the matter, they may write to the Minister of Environment or delegate and request a Part II Order. A written request must be made to the Minister or delegate within the 30 calendar review period after the Notice of Completion or Notice of Completion/ESR has been issued.</p> <p>4) On receipt of a request by the Minister, the Minister or the EAA Branch shall advise the proponent of the receipt of the request. The proponent can either conclude to carry out an individual EA or the Director may advise the proponent that an individual EA is to be done.</p>	
Addendum for Approved EA		
<p>Addendum provisions in Class EAs should require that the addendum includes:</p> <ul style="list-style-type: none"> - Why the change is required - What the potential impacts to the environment resulting from the proposed modification are/may be - What impact management measures can be implemented to lessen any potentially negative 	<p>Revisions to Schedule B Projects</p> <ul style="list-style-type: none"> - Significant modifications to Schedule B projects, as presented to the public during the screening process and as set out in the Notice of Completion shall be reviewed by the proponent. If the period of time from filing of the Notice of Completion to the proposed commencement of construction for the project 	<p>Analysis:</p> <ul style="list-style-type: none"> - Consistent

<p>impacts</p> <ul style="list-style-type: none"> - The addendum, the environmental report and a Notice of Filing of Addendum or Revised Notice of Completion should be submitted to the ministry, potentially affected persons, government review agencies as well as all those originally circulated. - The Revised Notice of Completion or Notice of Filing of Addendum should be placed in a local newspaper. - The Notice should provide for a public comment period for a specified length of time during which anyone may file a Part II Order request for the addendum component only. 	<p>exceeds ten years, the proponent shall review the planning and design process to ensure that the project and mitigating measures are still valid given the current planning context.</p> <ul style="list-style-type: none"> - The reviews shall be documented in the Project File and the proponent shall issue a Revised Notice of Completion to all potentially affected members of the public review agencies. A period of 30 calendar days shall be provided for the review and response by the public. The Notice shall include the public's right to request a Part II Order within the 30 day review period. If no Part II Order request is received by the Minister, the proponent is free to proceed with implementation and construction. Where implementation of a project has already commenced, those portions of the project which are the subject of the revision, or have the potential to be directly affected by the proposed change, shall cease and shall not be reactivated until the termination of the review period. <p>Revisions and Addenda to ESR</p> <p><i>Change in Project or Environment</i></p> <ul style="list-style-type: none"> - Any significant modification to the project or change in the environmental setting for the project which occurs after the filing of the ESR shall be reviewed by the proponent and an addendum to the ESR shall be written. - The addendum shall describe the circumstances necessitating the change, the environmental implications of the change and mitigation measures. - The addendum shall be filed with the ESR 	
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	<p>and Notice of Filing of Addendum shall be given to all potentially affected members of the public and review agencies.</p> <p>A period of 30 calendar days following the Notice of Filing of Addendum shall be allowed for review and response by affected parties. The Notice shall include the public's right to request a Part II Order within the 30-day review period. If no request is received by the Minister or delegate, the proponent is free to proceed with implementation and construction.</p> <p>Lapse of Time If the period of time from (i) filing of the Notice of Completion of ESR in the public record or (ii) the MOE's denial of a Part II Order request(s), to the proposed commencement of construction for the project exceeds ten years, the proponent shall review the planning and design process and the current environmental setting to ensure that the project and mitigation measures are still valid given the current planning context. The review shall be recorded in an addendum to the ESR which shall be placed on the public record.</p>	
Amending Procedures		
<ul style="list-style-type: none"> It is expected that all of the existing Class EAs include amending procedures. 	<p>The MEA Class EA document contains both major and minor amendment procedures as well as a procedure to include a New Group of Projects or Activities in the Class EA. Minor amendments are considered to be those amendments that do not substantially change the class EA. Major amendments are those amendments that substantially change the Class EA.</p>	<p>Analysis:</p> <ul style="list-style-type: none"> - Consistent

Minor Amendment Procedure:

1) A party will bring the proposed amendment to the attention of the Director of the EAA Branch describing the amendment and a brief rationale for the amendment

2) The Director will then discuss the proposed amendment with the proponent. If the Director finds the amendment necessary and acceptable, a Notice of Proposed Amendment shall be issued. At least thirty days will be allowed for comment

3) Based on the proposal and any comments received, the Director may determine that there are no significant environmental concerns resulting from the proposal, and approve the amendment. If the Director believes that there are significant environmental concerns which cannot be resolved through conditions or negotiation between the MEA on behalf of the proponents and the concerned party, the Director may declare that the amendment can only be evaluated through the Major Amendment process.

4) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record.

Major Amendments:

1) The proponents, or MEA acting on behalf of the proponents, will bring the proposed amendment to the attention of the Minister, or his/her delegate, describing the rationale for the amendment.

2) Prior to making a decision about the proposed amendment the Minister may conduct a consultation process including notification of the public and any

	<p>potentially affected agency or municipality to request comments. A 30 day review period for responses will be allowed.</p> <p>3) If no consultation is required the Minister shall make a decision within 60 days of notification of the proposed amendment. If consultation is required, the Minister shall make a decision within 60 days after submission of the results of the consultation.</p> <p>4) Based on the proposal and any comments received the Minister may determine that there are no significant environmental concerns resulting from the proposal and approve the amendment.</p> <p>5) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record.</p>	
Review Period		
<ul style="list-style-type: none"> Applicants must include provisions in the Class EA about how often a Class EA will be reviewed. The ministry requires that at a minimum, a review of a Class EA be undertaken every five years from the date of its approval. The review process should commence at the beginning of year four so that any required changes are completed by the end of year five. 	<ul style="list-style-type: none"> The MEA Class EA is reviewed every 5 years. 	<p>Analysis:</p> <p>- Consistent</p>
Glossary		
<ul style="list-style-type: none"> See Code of Practice Document 	<ul style="list-style-type: none"> See MEA Class EA 	<p>Analysis:</p> <p>- Recommended changes/additions to the</p>

		Class EA glossary are included in Appendix A
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Prepared by: Kathleen Kinsella and Elizabeth Weber, EAPC

Draft

Appendix A - Terms that should be included or revised in the MEA Class EA Document:

Terms to be Added:

Aboriginal Peoples

The constitution Act, 1982 specifies that Aboriginal peoples include Indian, Inuit and Métis peoples of Canada.

Alternative Methods

Alternative methods of carrying out the proposed undertaking are different ways of doing the same activity.

Alternative methods could include consideration of one or more of the following: alternative technologies; alternative methods of applying specific technologies; alternative sites for a proposed undertaking; alternative design methods; and; alternative methods of operating any facilities associated with a proposed undertaking.

Alternatives

Both alternative methods and alternatives to a proposed undertaking

Alternatives To

Alternatives to the proposed undertaking are functionally different ways of approaching and dealing with a problem or opportunity.

Amendment

A change to a class environmental assessment which can be initiated by the applicant or Minister:

- Before a Notice of Completion of Review is given under subsection 7.1(2) of the Environmental Assessment Act;
- After a Notice of Completion of Review subject to conditions, if any, imposed by the Minister; or
- In accordance with the amending procedures specified in an approved class environmental assessment

When the amendments are made, and the class environmental assessment has been resubmitted, a decision to approve, approve with terms and conditions or refuse the undertaking can be considered.

Applicant

The person seeking approval of a class environmental assessment.

Application

An application for approval to proceed with an undertaking under subsection 5(1) of the *Environmental Assessment Act*.

Approval

Approval in the context of this Code of Practice refers to the approval of Cabinet in respect of a Minister's decision to approve an application under section 13 of the *Environmental Assessment Act*.

As the class environmental assessment process is a self-assessment process, section 5 of the Environmental Assessment Act (approval for an undertaking) does not apply to projects as long as they proceed in accordance with the approved class environmental assessment.

Branch

Environmental Assessment and Approvals Branch, Ministry of the Environment

Class Environmental Assessment Project

An undertaking that does not require any further approval under the Environmental Assessment Act if the planning process set out in the class environmental assessment document is followed and successfully completed. Any interested person may request the Minister or delegate to order that a class environmental assessment project be bumped up to an "individual" environmental assessment by making a Part II Order.

Commitment

Represents a guarantee from a proponent about a certain course of action, that is, "I will do this, at this time, in this way." Proponents acknowledge these guarantees by documenting obligations and responsibilities, which they agree to follow, in environmental assessment documentation (terms of reference and environmental assessment). Once the Minister and Cabinet approve an application, the commitments within the document are often made legally binding as a condition of approval. Commitments are also found in environmental reports for class environmental assessment projects. Although not approved by the Minister and Cabinet, they represent guarantees from a proponent about a certain course of action.

Consultation

A two-way communication process to involve interested persons in the planning, implementation and monitoring of a proposed undertaking, or in the context of class environmental assessments, in the determination of the planning process itself. Consultation is intended to:

- Identify concerns;
- Identify relevant information;
- Identify relevant guidelines, policies and standards;
- Facilitate the development of a list of all required approvals, licenses or permits;
- Provide guidance to the proponent about the preparation of the terms of reference and class environmental assessment;
- Ensure that relevant information is shared about the proposed undertaking;
- Encourage the submission of requests for further information and analysis early in the class environmental assessment process;
- Enable the ministry to make a fair and balanced decision.

Deadlines Regulation

Refers to Ontario Regulation 616/98, which establishes the timing of reviews and decisions for terms of references, environmental assessments and class environmental assessments by the ministry.

Director

Director of the Environmental Assessment and Approvals Branch, Ministry of the Environment.

Do Nothing Alternative

An alternative that is typically included in the evaluation of alternatives that identifies the implications of doing nothing to address the problem or opportunity that has been identified. Also referred to as the “null” alternative in some class environmental assessments

Environmental Assessment

Environmental Assessment is a study, which assesses the potential environment effects (positive or negative) of an individual proposal. Key components of an environmental assessment include consultation with government agencies and the public; consideration and evaluation of alternatives; and, the management of potential environmental effects. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal. This is also referred to as an “individual” environmental assessment.

Environmental Assessment Coordinator

The assigned staff person from one of the ministry’s five regional offices. Environmental Assessment Coordinators administer provincial environmental assessment requirements by managing the ministry’s technical review, ensuring that concerns specific to the ministry’s mandate are provided to the proponent to be addressed, and providing guidance on the specific processes, provisions and requirements of class environmental assessments and Environmental Screening Processes.

Environmental Effect

The effect that a proposed undertaking or its alternatives has or could potentially have on the environment, either positive or negative, direct or indirect, short or long term.

Government Review Team

Staff from government ministries and agencies (federal; provincial, including local Conservation Authorities; and, municipal, including local Boards of Health) who contribute to the review of environmental assessment documentation (terms of reference, environmental assessment and class environmental assessment) by providing comments from their mandated areas of responsibility. In the class environmental assessment context, there is no formal Government Review Team.

Impact Management Measures

Measures which can lessen potential negative environmental effects or enhance positive environmental effects. These measures could include mitigation, compensation, or community enhancement.

Interested Persons

Individuals or organizations with an interest in a particular undertaking. Persons with an interest in a particular undertaking often include neighbors and individuals, environmental groups or clubs, naturalist organizations, agricultural organizations, sports or recreational groups, organizations from the local community, municipal heritage committees, ratepayers associations, cottage associations, Aboriginal peoples and businesses.

Interested persons are not required to demonstrate that they will personally be affected by a particular undertaking. Interested persons are often called stakeholders.

Mediation

A dispute resolution process in which a neutral third party (mediator) who is acceptable to all parties assists disputants in reaching a mutually acceptable agreement. The mediator has no authority to impose a settlement and participation in the process is voluntary.

Ministry Technical Reviewers

Ministry of the Environment staff, other than the Project Officer, who contribute to the review of the draft and proposed terms of reference. They form part of the Government Review Team for the proposal.

Monitoring

The activities carried out by the applicant after approval of an undertaking to determine the environmental effects of the undertaking ("effects monitoring"). Monitoring can also refer to those activities carried out by the Ministry of the Environment to ensure that an applicant complies with the conditions of approval of the class environmental assessment ("compliance monitoring").

Project Evaluator

The assigned staff person from the Environmental Assessment and Approvals Branch who manages and coordinates the review of requests for Part II Orders for class environmental assessment projects or elevation requests on electricity or waste projects, subject to the *Environmental Assessment Act*.

Project Officer

The assigned staff person from the Environmental Assessment and Approvals Branch who manages and coordinates the review of the components of an Environmental Assessment Act application (that is, a terms of reference or an environmental assessment) for approval. The Project Officer also provides guidance on the environmental assessment process to proponents, government agencies and other interested persons.

Public Record File

A record of every undertaking for which there is an application for approval under the Environmental Assessment Act which is maintained by the Environmental Assessment and Approvals Branch in accordance with section 30 of the Environmental Assessment Act for the purpose of creating a record that is available to any interested persons. This does not extend to all class environmental assessment projects, only those for which a Part II Order is proposed

Record of Consultation

A document submitted with the proposed terms of reference that describes the consultation carried out during the preparation of the terms of reference and the results of that consultation.

Stand-alone Document

Additional documentation prepared separately from the terms of reference, which provides more information, but is not subject to the approval of the Minister (for example, Record of Consultation and supporting documentation).

Supporting Documentation

Documentation that is submitted to the ministry, in addition to the proposed terms of reference, which provides further information on issues discussed in the proposed terms of reference. Information contained in the supporting documentation should support the proponent's request that the terms of reference be approved by providing justification for the choices made and details of processes or methodologies to be used. These are routinely submitted as stand-alone documents.

Terms of Reference

A document prepared by the proponent and submitted to the Ministry of the Environment for approval. The terms of reference sets out the framework for the planning and decision-making process to be followed by the proponent during the preparation of an environmental assessment or class environmental assessment. In other words, it is the proponent's work plan for what is going to be studied and includes a consultation plan. If approved, the environmental assessment must be prepared according to the terms of reference.

Undertaking

An enterprise, activity or a proposal, plan, or program that a proponent initiates or proposed to initiate.

Terms That Should Be Revised:**Environmental Assessment Act**

The Environmental Assessment Act (and amendments and regulations there) is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental effects of a proposed undertaking. Proponents wishing to proceed with an undertaking must document their planning and decision-making process and submit the results from their environmental assessment to the Minister for approval.

Environmental Report

Any report or documentation prepared for a class environmental assessment project which describes how the class environmental assessment project was planned to meet the requirements of the approved class environmental assessment. It is typically called an environmental study report. Also known as project plan, project file, environmental screening report, environmental study report, consultation and documentation record. The names vary by class environmental assessment.

APPENDIX E

SUMMARY OF NOTICES

OF COMPLETION

January to December, 2008

**MEA Municipal Class EA
NoCs for Schedule B and C Projects**

PROPONENT	PROJECT NAME	PROJECT TYPE	LOCATION	SCHEDULE	DATE OF COMPLETION
Region of Waterloo	Galt Wastewater Treatment Plant Biosolids Management and Dewatering Municipal Class EA	Wastewater	Region of Waterloo	B	07-Jul-08
Durham Region	Courtice Road Bridge Reconstruction Over Black Creek at King Street West	Road	Municipality of Durham	B	13-Jun-08
Municipality of Peel	Glen Erin Booster Pumping Station and Feedermain	Water Works	Municipality of Peel	B	02-Jul-08
City of Toronto, TTC, Waterfront Toronto	TTC-TWRC West Don Lands Transit EA	Transit	City of Toronto	C	15-Feb-08
Regional Municipality of Halton	South Halton Water and Wastewater Master Plan Update Class EA	Water Plan	Halton Region	B	13-Jun-08
City of London	Wonderland Road North (Gainsborough Road to Fanshawe Park Road) Class EA	Road	City of London	C	12-Jun-08
Municipality of Central Elgin	Sunset Drive Area Sanitary Sewage Servicing Study	Wastewater	Municipality of Central Elgin	B	14-Jun-08
City of Sarnia	East Street/Devine Street Area Pump Station	Wastewater	City of Sarnia	B	25-Jan-08
City of Hamilton	Highway 52 & Jerseyville Road Intersection Improvements	Road	City of Hamilton	B	11-Jul-08
Town of New Tecumseth	Boyne Street Municipal Class EA	Road	Town of New Tecumseth	C	11-Jan-08
Town of Bradford West Gwillimbury	6th Line Widening from Simcoe Road to Concession 5/6, Lot Line 11/12	Road	Town of Bradford West Gwillimbury	C	01-Mar-08
Town of Bradford West Gwillimbury	Melbourne Drive Widening from Holland Street West to Miller Park Avenue	Road	Town of Bradford West Gwillimbury	B	22-Dec-08
City of Toronto	Scarlett Road/CP Rail Bridge Class EA	Road	City of Toronto	C	15-Feb-08
County of Simcoe	Intersection Improvements at County Road 39 and 7th Line of Innisfil	Road	Town of Innisfil	B	30-Jan-08
City of Toronto	Redlea Avenue and Silver Star Boulevard Class EA	Road	City of Toronto	C	23-Jan-08
City of Toronto	Six Points Interchange Reconfiguration	Road	City of Toronto	C	23-Jan-08
Town of Whitchurch-Stouffville	Tenth Line Improvements Class EA	Road	Town of Whitchurch-Stouffville	C	08-May-08

**MEA Municipal Class EA
NoCs for Schedule B and C Projects**

January to December, 2008

PROONENT	PROJECT NAME	PROJECT TYPE	LOCATION	SCHEDULE	DATE OF COMPLETION
Town of Grimsby	Russ Road Extension	Road	Town of Grimsby	B	27-Feb-08
City of Hamilton	Mountview Neighbourhood Part A Study Stormwater Management Facility Location Review	Master Plan	City of Hamilton	C	01-Aug-08
City of Hamilton	Securing the Freelon Communal Water Supply	Water Works	City of Hamilton	B	06-Jun-08
City of Belleville	Northeast Feedermain Route Selection Study	Water Works	City of Belleville	B	16-Oct-08
Township of South Glengarry	Class EA and Development of a Master Plan for the Glen Walter Water and Wastewater Systems	Water Works	Township of South Glengarry	C	11-Sep-08
County of Brant	Brant Mill Bridge Rehabilitation EA	Road	County of Brant	B	30-Jul-08
County of Brant	River Road Class EA	Road	County of Brant	B	26-Apr-08
City of Hamilton	Chedoke Golf Course Channel Class EA	Water Works	City of Hamilton	B	25-Jul-08
City of Hamilton	Improvements to Binbrook Road and Regional Road 56 Phase 3 & 4 Municipal Class EA	Road	City of Hamilton	C	31-Oct-08
County of Brant	Brant Mill Bridge Rehabilitation Class EA	Road	County of Brant	B	30-Jul-08
City of Ottawa	Articulated Bus Garage Facility	Transit	City of Ottawa	B	11-Apr-08
Town of Tecumseh	Town of Tecumseh Water and Wastewater Master Plan Update	Master Plan	Town of Tecumseh	B	31-Jul-08
Brantford	Proposed Grey Street Extension (James Avenue to Rowanwood Avenue)	Road	Brantford	B	20-Mar-08
City of Brampton	McLaughlin Road Improvements from Steels Avenue to the South City Limit	Road	City of Brampton	C	19-Mar-08
City of Peterborough	Class EA Addendum Lansdowne Street West	Road	City of Peterborough	C	19-Mar-08
Municipality of West Perth	Increase in Wastewater Treatment Capacity	Wastewater	Municipality of West Perth	B	30-Jan-08
County of Simcoe	County Road 88 Widening Project	Road	County of Simcoe	C	16-May-08
Town of Carleton Place	Repair Bridge Street Watermain	Water Works	Town of Carleton Place	B	27-Jun-08

**MEA Municipal Class EA
NoCs for Schedule B and C Projects**

January to December, 2008

PROponent	PROJECT NAME	PROJECT TYPE	LOCATION	SCHEDULE	DATE OF COMPLETION
Municipality of Lambton Shores	Replacement of the Mud Creek Bridge	Road	Community of Port Franks	B	28-May-08
City of Hamilton	Sanatorium Road and Stormwater Municipal Class EA	Road	City of Hamilton	C	07-Feb-08
City of Hamilton	Municipal Class EA Halton Region Conservation Authority Bridges Master Plan	Master Plan	City of Hamilton	B	03-Jan-08
Town of St. Marys	Class EA for New Road Construction	Road	Town of St. Marys	B	20-Feb-08
City of Quinte West	Smithfield (Overhead) Bridge (Over the CN Rail & CP Rail Corridor) Class EA	Road	City of Quinte West	C	28-Nov-08
Town of New Tecumseth	Sir Frederick Banting Road	Road	Community of Alliston	C	03-Oct-08
Regional Municipality of Niagara	Seneca Street & Niagara Region Area 1 Pumping Station Upgrades Municipal Class EA	Wastewater	Regional Municipality of Niagara	B	16-May-08
Town of Tecumseh	Improvements to Arlington Boulevard between Riverside Drive East and Tecumseh Road East	Road	Town of Tecumseh	B	08-May-08
City of Toronto	Investigation of Chronic Basement Flooding - Study Are 28	Water Works	City of Toronto	B	27-Aug-08
City of Barrie	Proposed Watermain from Eaglestone Lane to Cumming Drive Class EA	Water Works	City of Barrie	B	26-Mar-08
County of Bruce	Class EA for Replacement of Huron Terrace Bridge	Road	Community of Kincardine	C	16-Jul-08
City of Kitchener	Hanson Avenue Extension	Road	City of Kitchener	B	18-Jan-08
County of Simcoe	Transportation Master Plan	Master Plan	County of Simcoe	B	25-Aug-08
City of Welland	Northwest Welland Master Servicing Plan	Master Plan	City of Welland	B	14-Jun-08
Town of Caledon	4 Bridge Replacements	Road	Town of Caledon	B	30-Oct-08
Regional Municipality of Durham	Thickson Road (Regional Road 26)	Road	Town of Whitby	C	03-Oct-08
City of Brampton	Cottrelle Boulevard Improvements from Humberwest Parkway to Goreway Drive Class EA	Road	City of Brampton	C	14-Nov-08

January to December, 2008

**MEA Municipal Class EA
NoCs for Schedule B and C Projects**

PROponent	PROJECT NAME	PROJECT TYPE	LOCATION	SCHEDULE	DATE OF COMPLETION
County of Simcoe	Ludlow Bridge at Boyne River Class EA	Road	County of Simcoe	B	28-Nov-08
City of Orillia	Westmount Drive Municipal Class EA	Road	City of Orillia	C	21-Nov-08
Halton Region	Lake-based Reservoir and Feedermain	Water Works	Halton Region	B	07-Nov-08
Region Municipality of Waterloo	Eagle Street Improvements, Concession Road/Speedsville Road to Hespler Road	Road	City of Cambridge	C	21-Nov-08
Town of Lakeshore	Improvements to Rourke Line	Road	Town of Lakeshore	C	31-Oct-08
County of Lambton	Class EA for Rehabilitation of Talfourd Creek Bridge	Road	County of Lambton	B	23-Aug-08
City of Hamilton	Stoney Creek Urban Boundary Expansion Transportation Master Plan	Master Plan	City of Hamilton	C	12-Dec-08
Regional Municipality of Durham	Watson Street Watermain Extension	Water Works	Town of Whitby	B	01-Jun-08
County of Oxford	Fennel Street Wastewater Pumping Station	Wastewater	Community of Plattsville	B	13-Feb-08
City of Hamilton	Ward One Combined Sewage Overflow Storage Tank Ewen Road CSO Storage Tank Review	Master Plan	City of Hamilton	Addendum	27-Nov-08
County of Grey	Grier Creek Bridge Replacement	Road	County of Grey	B	13-Feb-08
Municipality of Meaford	St. Vincent Street Water Booster Pump Station Class EA	Water Works	Municipality of Meaford	B	02-Jan-08
City of Niagara Falls	Downtown Eastern Gateway Class EA	Road	City of Niagara Falls	C	11-Feb-08
City of Hamilton	Hamilton Beach Pumping Station	Water Works	City of Hamilton	B	25-Jan-08
Region of Peel	Alloa Reservoir, Pumping Station and Feedermain	Water Works	Region of Peel	C	12-Dec-08
Regional Municipality of Halton	Georgetown Water Storage Class EA	Water Works	Regional Municipality of Halton	B	12-Dec-08
Municipality of South Bruce	Class EA for Replacement of Concession 10 Bridge	Road	Municipality of South Bruce	B	19-Aug-08
City of Mississauga	Whittle Road Extension Class EA	Road	City of Mississauga	C	12-Oct-08
Regional Municipality of Durham	Rosebank Sanitary Sewage Pumping Station Upgrade	Wastewater	City of Pickering	B	20-Feb-08
Township of Clearview	Long Term Water Supply for Clearview	Water Works	Township of Clearview	B	13-Feb-08

**MEA Municipal Class EA
NoCs for Schedule B and C Projects**

January to December, 2008

PROPONENT	PROJECT NAME	PROJECT TYPE	LOCATION	SCHEDULE	DATE OF COMPLETION
Bracebridge	Muskoka Lakes Golf and Country Club	Road	Bracebridge	C	15-Feb-08
Township of Archipelago	Pointe au Baril Waterfront Improvement Project	Road	Township of Archipelago	C	21-Apr-08
City of Hamilton	Downtown Transportation Master Plan - 5 yr Review	Master Plan	City of Hamilton	B	29-Aug-08
Regional Municipality of Peel	Herridge North Reservoir & Miscellaneous Improvement Projects Class EA	Water Works	Regional Municipality of Peel	B	04-Jul-08
City of Quinte West	Batawa Water Pollution Control Plant	Wastewater	Community of Batawa	C	28-Nov-08
Town of Newmarket	Environmental Study Report for a New Operations Centre0	Road	Town of Newmarket	C	26-Jun-08
Region of Peel	Credit Valley Trunk Sanitary Sewer Extension	Wastewater	Region of Peel	Addendum	27-Feb-08
City of North Bay	City of North Bay for Improvements to McKeown Avenue from Algonquin Avenue to East of Champlain Street	Road	City of North Bay	Addendum	06-Sep-08
Oxford County	Notice of Filing of Addendum to the Plattsville Wastewater Servicing Environmental Study Report	Wastewater	Village of Plattsville	Addendum	16-Feb-08
City of Greater Sudbury	Maley Drive Extension and Lasalle Boulevard Widening	Road	City of Greater Sudbury	Addendum	17-Jun-08

APPENDIX F

SUMMARY OF

PART II ORDER REQUESTS

MINISTER'S DECISIONS

Proponent	Appeal Date	Decision Date	Review Time	Decision	Number of Conditions
Sault Ste. Marie	2006-03-28	2008-01-15	658	Deny	0
London	2006-06-08	2008-01-15	586	Deny	0
Ottawa	2005-12-15	2008-01-24	770	Deny	2
Regional Municipality of Niagara	2006-10-28	2008-03-06	495	Deny	2
Regional Municipality of York	2008-01-07	2008-05-12	126	Deny	3
Regional Municipality of Waterloo	2007-08-02	2008-05-12	284	Deny	0
Regional Municipality of Niagara	2007-06-30	2008-05-12	317	Deny	2
Regional Municipality of York	2007-10-26	2008-05-12	199	None	More Info needed
Town of Markham	2008-01-17	2008-05-12	116	Deny	0
County of Brant	2007-03-22	2009-03-27	736	Deny	0
Regional Municipality of Durham	2005-10-31	2008-03-27	878	Deny	0
Town of Iroquois Falls	2006-12-12	2008-03-06	450	Deny	0
Municipality of Lambton Shores'	2007-06-08	2008-02-26	263	Deny	0
Town of LaSalle	2006-09-12	2008-02-22	528	Deny	0
City of Niagara Falls	2007-09-10	2008-02-21	164	Deny	0
District Municipality of Muskoka	2005-06-20	2008-02-21	976	Deny	10
City of Sault Ste. Marie	2007-04-03	2008-02-20	323	Deny	0
City of Toronto	2006-02-21	2008-02-20	729	Deny	6
Regional Municipality of York	2007-04-17	2008-02-05	294	Deny	0
Municipality of West Grey	2007-11-06	2008-02-01	87	Deny	11
County of Oxford	2006-09-25	2008-02-01	494	Deny	0
City of Cambridge	2007-03-14	2008-02-01	324	Deny	4
County of Oxford	2008-03-25	2008-07-24	121	Deny	0
City of London	2008-04-30	2008-08-08	100	Deny	0
City of Hamilton	2008-04-01	2008-07-16	106	Deny	3
City of Hamilton	2007-07-11	2008-07-11	366	Deny	0
City of Waterloo	2006-01-30	2008-07-11	893	Deny	0
City of Welland	2008-01-03	2008-07-04	183	Deny	0
City of Niagara Falls	2008-01-21	2008-07-04	165	Deny	0
City of Toronto	2008-03-20	2008-07-04	106	Deny	0
County of Simcoe	2008-02-21	2008-07-04	134	Deny	0
Regional Municipality of Durham	2006-12-15	2008-07-03	566	Deny	0
Regional Municipality of York	2007-09-24	2008-06-06	256	Deny	7
Regional Municipality of York	2007-10-03	2008-06-06	247	Deny	0
County of Oxford	2007-10-23	2008-06-06	227	Deny	1
City of Peterborough	2007-07-20	2008-06-05	321	Deny	0
City of Kingston	2006-06-30	2008-06-06	707	Deny	0
Municipality of Port Hope	2007-11-05	2008-06-05	213	Deny	0
City of Ottawa	2007-11-04	2008-05-27	205	Deny	4
City of Ottawa	2007-07-27	2008-05-27	305	Deny	0
Regional Municipality of York	2006-10-10	2008-05-14	582	Deny	3
Municipality of Trent Hills	2008-09-21	2008-11-26	66	Deny	0
City of Toronto	2008-08-28	2008-11-26	90	Deny	0
County of Brant	2008-07-04	2008-11-20	139	Deny	0
City of Hamilton	2008-07-31	2008-10-31	92	Deny	0
City of Brampton	2008-08-13	2008-10-29	77	Deny	0
Regional Municipality of Peel	2008-06-11	2008-09-19	100	Deny	0

MINISTER'S DECISIONS

Proponent	Appeal Date	Decision Date	Review Time	Decision	Number of Conditions
City of Sault Ste. Marie	2008-06-02	2008-09-19	109	Deny	0
City of Windsor	2007-04-10	2008-09-19	528	Deny	0
Region of Halton	2008-06-30	2008-09-19	81	Deny	0
Town of South Bruck Peninsula	2008-03-07	2008-09-19	196	Deny	0
Regional Municipality of Waterloo	2007-12-14	2008-09-15	276	Deny	7
Regional Municipality of Durham	2007-07-20	2008-09-12	420	Deny	1
Town of Lakeshore	2008-05-02	2008-09-15	136	Deny	0
City of Windsor	2006-03-28			Deny	0
City of Ottawa	2008-07-01			Deny	0

APPENDIX G

NOTES FROM ANNUAL MEETING

OF THE MEA CLASS EA

MONITORING COMMITTEE

**Municipal Class Environmental Assessment
MEA Monitoring Committee – Annual meeting with MOE**

**Ministry's offices at 2 St. Clair Avenue W on Friday, July 17th
for 1:00 PM.**

Notes from Meeting

1) Annual Monitoring Report – detailed responses

A draft of the annual monitoring report was distributed. Feedback on the entire report was welcome however, the critical sections of 3.2 to 3.8 inclusive were reviewed in detail. A number of revisions were made to the draft report. Following the meeting MOE responded with further comments to be incorporated. MEA will complete the final report and submit in September.

2) 2008 Minor Amendments

Last year 2 minor amendments to the MCEA were recommended. MEA intends pursue final approval of these amendments and then to publicize these amendments by;

 Emailing all those that have purchased the MCEA book

 Emailing all MEA members

 Asking the Consulting Engineers Association to advise their members

 Asking MOE to advise relevant provincial staff.

 Supplying a notice with any new copies of the MCEA which are sold

 Including a special button on the web page to view amendments to the MCEA

 By including details in the annual monitoring report.

Revising the MCEA document will wait until the 5 year review.

3) Annual Monitoring Report – general

In past monitoring reports a limited number of issues were identified each year. The theory of the monitoring, and what happened during the 1st five years, was to record the recommendations from each annual monitoring report and then make consolidated amendments at the 5 year review. This year there seems to be quite a number of issues and potential amendments. MEA intends that these clarifications/amendments be dealt with as above.

4). MCEA Public Awareness

MEA reviewed their plan to prepare a short presentation to promote the MCEA. The presentation would then be sent to MOE and selected groups for feedback before it is released to the public.

Outline of Presentation

Target audience - Public, Council

Presentation will be a tool to explain and promote MCEA to target audience

Presentation is not intended as training for practitioners

Presentation would be available on web for public or could be presented at PICs

Presentation should be no longer than 10 minutes

Presentation sections

Introduction - 1.5 minutes - explain purpose/background and introduce the topics that will be addressed

General process - 1.5 minutes - describe the general process for EAs (problem, alternative, impact, preferred alternative) taken from page A-2

MCEA Project Types - 3.0 minutes - describe logic for various project types and outline process for each Schedule (A, A+, B, C) of project. See page A-4.

Rights and Responsibilities - 2.0 minutes - describe proponent's responsibilities page A-5 and public's page A-38

Conclusion and Detailed information - 2.0 minutes - summarize points addressed in the presentation, where to seek further detailed info, how to buy the MCEA book, how to submit a question (project specific - to proponent, general - to MEA or MOE)

5). Training

In addition to the public awareness presentation, MEA reviewed their plans to develop and offer;

A general MCEA course targeted at new practitioners

Web based training modules where participants would view a video/slide show (similar to awareness presentation) that outlines the facts relate to the topic of the module. The participants would then be lead in a discussion (perhaps with some further slides) of the topic specifics including examining examples. The leaders could be one of us or knowledgeable volunteers from municipalities or consultants. Topics for modules could include;

- Proponent and private sector projects
- Project types – examine schedules
- Consultation – aboriginals
- Master Plans
- Integration with planning act
- Part II orders
- Other legislation
- Recent changes (clarifications, amendments etc)
- 40 yr old bridges