

EXECUTIVE SUMMARY

In the spring of 2015 Proponent Municipalities, Technical Agencies and other Key Stakeholders identified in the Monitoring Program were asked to complete an electronic survey. In 2013-2014, stakeholders provided extensive feedback for the annual monitoring and as part of the major amendment consultation. Stakeholders were advised that this feedback has been recorded and need not be repeated in the 2015 survey. The Ministry of the Environment and Climate Change was also asked to provide a summary of the Notices of Completions and Part II Order requests which they had received.

Part I of the Annual Monitoring Report provides an introduction and background to the Municipal Class Environmental Assessment (MCEA). Part 2 describes the annual monitoring program. Parts 1 and 2 have been updated but are substantially the same as previous years.

Part 3 of the Annual Monitoring Report outlines the significant issues currently associated with the MCEA including:

Noteworthy Comments from Proponent Municipalities were:

- Notices of Completion are not always being sent to EAAB;
- sometimes difficulty selecting project schedule;
- 90% noted trend of increasing effort;
- 90% interested in examining ways to control increased effort;
- some concern that agencies do not respond in a timely manner;
- schedules which include both transit and road projects;
- sometimes MOECC staff is not correct in their interpretation of project schedules;
- challenge for MOECC staff to provide clear and solid advice as they are so far removed;
- standby power in new building - Schedule A or existing building - Schedule A+ seem to be reversed;
- the public can hijack a project by broadcasting misleading information;
- approvals are often too slow;
- time for the Minister's decision on a Part II Order Request is unacceptably long.

Noteworthy Comments from Technical Agencies and Key Stakeholders

- MCEA is 25 years old and has a number of amendments but now needs to be re-written;
- MOECC should reassess how to integrate all environmental programs to create a seamless system to ensure the environmental effects are identified and mitigated before projects proceed;
- MTO would like to discuss active transportation further with MEA;
- heritage issues are not always properly addressed - lengthy comment;
- first nations consultation guidance should be improved;
- public and agencies are not notified of amendments and training modules;
- MEA should partner with Ministries to promote better FN consultation and the Species at Risk;
- RCCAO comments also attached;
- proponent's consultation with First Nations sometimes not adequate;
- proponents not always circulating notices as required;
- the public feels that the time for the Minister's decision on a Part II Order Request is unacceptably long;

During 2013 and 2014, various groups (Peel, RCCAO, BILD, Consultants) approached MEA complaining that the scope of preparing a MCEA had, over the years, expanded and they are seeking changes that would reduce the time/cost of preparing a MCEA for a Schedule B or C project. The various groups had different ideas about what should change to accomplish the improvements to the MCEA. MEA decided to bring the various stakeholders together and organized a meeting on April 17, 2014 with this idea as the central topic. At the meeting MEA commented that it was really changes to the practices and expectations that were needed not amendments to the MCEA document. Notes from the meeting are attached in Appendix D.

MEA is developing an MCEA Companion Guide that would provide useful tips for proponents and illustrate minimum requirements with examples. This Guide would provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples. It will focus on satisfying the minimum requirements for Advertising/Consultation, the EA process including investigation into options and detailed design and Documentation (Schedule A+, B and C) but then explain when additional work could be considered.

In 2011, MEA learned of a new MOECC legal interpretation that Part II Order Requests would be considered on pre-approved projects (Schedule A and A+). This is a significant change to 25 years of practice and MEA considers correcting this loophole to be a high priority.

MEA, together with other stakeholders, is considering the development of an MCEA Companion Guide that would provide useful tips for proponents and illustrate minimum requirements with examples. This Guide would provide practical advice on satisfying the minimum requirements for Schedule A+, B and C projects with real life examples.

Brant County and Town of Erin are planning projects following a streamlined model where the final MCEA approval will provide flexibility so the project could be constructed as a AFP/P3 project. MEA will be reporting on the success of this pilot project.

In 2011, MEA learned of a new MOE legal interpretation that Part II Order Requests would be considered on pre-approved projects (Schedule A and A+). This is a significant change to 25 years of practice and MEA considers correcting this loophole to be a high priority.

MOECC has explained that a new regulation to exempt projects with a low environmental impact (Schedule A and A+) from Part II Order Requests is being planned. However, completing this regulation is not a high priority with senior staff at MOECC as there has not been a history of Part II Order Requests for these types of projects. MEA remains very concerned with the new interpretation that permits a Part II Order Request on Pre-approved projects. MEA takes little comfort in the fact that this has not been a problem to date and strongly encourages MOECC to be proactive and proceed with the regulation. MEA has written to the Minister and is asking other stakeholders to join in lobbying for prompt adoption of this regulation. (see Appendix E) MEA remains disappointed with the lack of action by MOECC.

MEA continues to recommend that decisions related to Part II Order Requests be delegated to the director so that decisions can be rendered in a timely manner.

MEA presented data which showed that in 2013 the Minister took anywhere from 148 to 581 days (with an average of 304 days) to respond and deny a request for a Part II Order. All 28 requests that were processed in 2013 were denied and only 4 of the denials included any conditions. After reviewing the letters denying the Part II Order Requests, MEA believes that the majority of the requests had little merit and should have been processed and denied in a timely manner. Similar data in 2014 shows that the Ministry's performance is worse with an average time for a decision increasing to 347. These excessive delays in approvals are unnecessarily holding up key infrastructure projects increasing costs and slowing growth and economic development. Equally important are the multitude of projects where a delay of a year just cannot be accepted and the proponents are forced to make poor and/or expensive decisions to avoid a Part II Order Request

even though the concern really does not have merit. The MCEA requires the Ministry to process Part II Order requests in 66 days (45 days for the EAA branch and 21 days for the Minister) and MEA has written several times to the Minister to strongly encourage the Ministry to improve their review process. Furthermore, MEA strongly believes that the authority for decisions on Part II Order Requests for the MCEA must be delegated to the Director. The authority for these requests related to other Class EAs has been delegated and we note a considerable improvement in the time for a decision (for example, the Forest Class EA has averaged 128 days for a response over the last 5 years). MEA has written to the Minister and is asking other stakeholders to join in lobbying for delegation (see Appendix F). Municipalities, MEA, the public and other stakeholders all agree that the timeframe of a Minister's decision is unacceptable MEA remains disappointed with the lack of action by MOECC.

The Minister has made general statements about an upcoming EA review but this seems to be undefined to Ministry staff so perhaps MEA should put forward ideas and press for approval of an amendment that addresses MEA's issues. MEA is currently preparing a paper that will outline MEA's position on MCEA reform.