

IMPORTANT UPDATE

Important Update - Part II Order Request

In the past, Part II Order requests have sometimes caused significant delays for projects. As outlined in the following letter from MOE, 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.

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Ontario

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Mr. Paul S. Knowles
Chair, Municipal Engineers Association
Monitoring Committee
C/O Corporation of the Town of Carleton Place
175 Bridge Street
Carleton Place ON K7C 2V8

Dear Mr. Paul S. Knowles:

As the Director of the Environmental Assessment program at the Environmental Assessment and Approvals Branch (Branch), I am writing to provide you with an update on the Ministry of the Environment's (MOE) review process for Part II Orders and Elevation requests.

As you know, each Class Environmental Assessment (Class EA) sets out the timeframe for the Branch review of requests. In order for the MOE to complete the reviews in the established time frame, a number of new business processes have been developed.

These process improvements are intended to address concerns that MOE has heard from many stakeholders about the length of time taken to review Part II Orders and Elevation requests.

When a Part II Order or Elevation request is received by the Branch, it has been the Branch's practice to ask the proponent to respond in writing to the issues raised. This has taken proponents considerable time when the concerns have been numerous or technically complex, adding to the overall time it takes the Branch to complete a review of a request.

The practice now will be to focus the proponent's responses to the key issues raised. In addition, timelines will now be placed on the proponent and/or agencies responding to ministry questions about issues raised in requests. Once MOE has advised a proponent of the receipt of a request, the proponent will need to respond to the issues raised with a written record of its responses to the Branch within the specified time, usually two weeks or sooner.



Where proponent responses are insufficient, project documentation significantly deficient or consultation has been inadequate, the Branch may consider that the Class EA is not complete. In this case, the proponent may be required to undertake additional studies, consultation and/or revisions to the documentation and to re-issue the Notice of Completion. This may be done voluntarily by the proponent or may be through a decision on the Part II Order requests. This will prevent the proponent from taking unlimited time to address such deficiencies during the MOE review process.

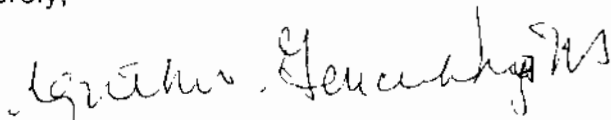
Often it is necessary to seek comments from other agencies whose mandate and technical expertise can better respond to the issues raised, for example, Environment Canada for advice on issues related to migratory birds or the Ministry of Municipal Affairs and Housing for issues raised about the Greenbelt. Review times are often delayed due to priorities and resource issues at other commenting agencies.

In order to ensure timely reviews, timelines for agency reviews will be implemented. Agencies will be asked to provide comments to the Branch by a specified date, typically within two weeks. The Branch will assume that if no comments are received by the deadline, that the agency has no concerns with the project that should be managed through the Class EA process. It is understood that the agency may have opportunity to address concerns through other instruments (e.g. permits and authorizations).

These MOE measures are implemented at the end of the Class EA process. However, it is expected that proponents will proactively manage the outcomes of the Class EA by appropriate consultation with the public, MOE and other agencies at key decision points or by extending the public review period where it is anticipated that significant concerns may exist.

These process improvements have been implemented in order to support the MOE's mandate of environmental protection along with the need to provide proponents with timely decisions as set out in the Class EAs. Through these measures, the MOE was able to eliminate the historic backlog of Part II Orders and Elevation requests that were under review. My staff and I would be pleased to speak to you about these process improvements to help in your understanding and also to ensure your support in assisting us with this initiative.

Sincerely,



Agatha Garcia-Wright

Director

Environmental Assessment and Approvals Branch