

Corporation of the Town of Carleton Place

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December 23rd, 2010

The Honourable John Wilkinson
Minister of the Environment
77 Wellesley St. W.
11th Floor, Ferguson Block
Toronto ON
M7A 2T5

The Municipal Engineers Association (MEA) is pleased to present amendments to the 2007 Municipal Class Environment Assessment document for municipal projects.

In 2006/07, MEA, supported by its Volunteer members, partners from the Transit community and the Ministry of the Environment, developed a series of amendments to address comments from the five year review, to expand the scope and to improve the function of the Municipal Class EA. The MCEA is a living document and further amendments are now deemed appropriate.

As part of the Provincial Government's Ontario's Business Sector Strategy, sector representatives identified a concern with MEA Municipal Class Environmental Assessment (MCEA) Process related to the duplication of work between the MCEA requirements and those under *Planning Act* processes. The MOE consulted with various municipalities and requested their input on the existing integration provisions. Municipalities indicated that the integration provisions could be enhanced and clarified and suggested that recognition of prior planning assessment could be used in the MCEA process to streamline proponent's efforts and effectively meet requirements of both the *Planning Act* and the *Environmental Assessment Act*. In addition, several changes to the MCEA and MEA's ongoing monitoring has highlighted the need for revisions.

As a result of these concerns, the MEA together with the Ministry of the Environment (MOE) has proposed that changes to the MCEA. The 2010 Amendments to the 2007 Municipal Class Environment Assessment are attached.

MEA will continue to monitor the application of the Municipal Class EA process. We welcome comments from the users of the document, so that it can continue to maintain its relevance and effectiveness.

Yours truly,

Paul Knowles, P.Eng.
Chair MCEA Monitoring Committee



Meet me on the Mississippi

A.2.9 INTEGRATION WITH THE PLANNING ACT

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There may be circumstances where a proponent (including private developers) may have a Planning Act application and Class EA requirements at the same time. For example, an application for a plan of subdivision may trigger the need for a new collector road. When this occurs, it may be desirable to integrate the Planning Act and Class EA process in order to avoid duplication and ensure improved environmental protection. This 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.

The types of Planning Act applications/documents that may proceed using the integration approach include: an official plan, official plan amendment including secondary plans adopted as an official plan amendment, community improvement plan, plan of subdivision and a plan of condominium. Applications may be initiated by the municipality or by a private sector developer or both as co-proponents. By completing the requirements for environmental assessment and land use planning processes at the same time, proponents can streamline their efforts and more effectively meet the requirements of both the Planning Act and EA Act.

Accordingly, for a project(s) that is subject to this Class EA and which:

- i) is one of the types of Planning Act instruments identified in section A.2.9 of this Class EA and which has taken effect under the Planning Act; and**
- ii) the proponent has fulfilled the requirements of this Class EA as outlined in this section;**

then the proponent may proceed to implement the project.

It is the responsibility of the proponent to ensure that they have fulfilled all of the Planning Act and EA Act requirements for their project as well as obtaining any other necessary approvals or permits.

The option of using this integrated approach provides the proponent with increased flexibility to streamline the Planning Act approvals and Class EA processes. It is the responsibility of the proponent following the integrated approach to accurately reflect the requirements of the Class EA process in the Planning Act application. The following sections outline the requirements for the integration process and provide guidance to proponents on its use and applicability.

A.2.9.1. Integrated Approach Overview

The integrated approach provides proponents with the opportunity to reduce duplication by simultaneously complying with the Planning Act and Class EA processes, including public/stakeholder notification and consultation requirements, technical reports and analyses, and land use planning and environmental protection decisions. As noted in condition ii) above, the requirements of this Class EA process still need to be met.

[sidebar]

If a proponent is considering whether to use the integrated approach to satisfy their requirements under the Planning Act and this Class EA, proponents are encouraged to notify MOE's Regional Office (Air Pesticides and Environmental Planning Supervisor) and the Director, EAAB and the applicable MMAH Municipal Services Office of their intention. Early notification is encouraged, but is not mandatory.

The integrated approach still involves the completion of the procedural requirements of this Class EA based on whether the project is classified as a Schedule B or Schedule C project. If the project is defined as a Schedule B project, the proponent must complete Phases 1 and 2 of this Class EA. If the project is categorized as a Schedule C project, the proponent is required to complete Phases 1 through 4 of this Class EA. All Class EA planning principles and mandatory consultation requirements still apply.

Work completed by the proponent for each of the applicable Phases of this Class EA are to be documented in a publicly available document to accompany the Planning Act application. Documentation must be prepared in accordance with section A.2.9.4 of this Class EA and must demonstrate how the proponent has satisfied the requirements for each of the Phases required to be completed under this Class EA in completing their Planning Act application(s) (referred to in this section) and their respective requirements.

For the proponents of projects using the integrated approach to have fulfilled the requirements of this Class EA, all necessary planning approval(s) must be obtained. Planning Act decision(s) may be appealed to the Ontario Municipal Board (OMB). The OMB is the administrative body to which appeals of the land use planning decision, including the supporting infrastructure can be made. If a project has been appealed to the OMB, the requirements of the integrated approach have not been met until the OMB renders a decision allowing the project to proceed.

A.2.9.2 Who Can Use the Integrated Approach

The proponent of a project using the integrated approach is the same as the applicant under the Planning Act, whether the proponent is a municipality, a private sector developer or both. Two or more municipalities and/or private sector developers may act as co-proponents.

Private Sector Proponent

Ontario Regulation 345/93, made under the EA Act, designates private sector developers as subject to the requirements of the EA Act if a private sector developer is proposing an undertaking of a type listed in Schedule C and the undertaking involves the provision of roads, water or wastewater facilities for the residents of a municipality.

Municipalities should not avoid their EA Act requirements through the use of conditions on a Planning Act approval where the appropriate proponent for the work is the municipality. In other words, a municipality may only require a private sector developer to plan and implement municipal infrastructure if the need for that infrastructure is triggered by the development being planned by the private sector developer.

Co-proponency

Two or more parties may have responsibilities under the Class EA process for the same project (either different municipalities or private sector developers or a combination of two or more). Where two or more proponents undertake a project for their mutual benefit, as co-proponents, all terms and conditions of this Class EA shall apply equally to each of the co-proponents.

Proponents may also change during the planning and implementation of a project. Initial Class EA Phases may be completed by one proponent and following Phases may be completed by another. For example, a municipality may use a Master Plan to complete Phases 1 and 2 of this Class EA process, while a private sector proponent, building upon the work completed by the municipality, completes Phases 3 and 4 of this Class EA process through the standard Class EA process or through the use of the integrated approach. If a proponent is relying on work completed by another proponent to fulfill their requirements under this Class EA, the proponent needs to ensure that the work that is being relied upon meets the requirements of section A.2.9.2 and that they are able to make use of the work completed by the other proponent. There may be restrictions on the use of previous work by others.

A.2.9.3 Steps in the Integrated Approach

The following section provides a step-by-step guide for proponents planning a project using the integrated approach.

- 1) Identify the problem or opportunity
- 2)
 - (a) Identify alternative solutions to the problem or opportunity
 - (b) Carry out an inventory of the environment, including the natural, social, cultural and economic environment
 - (c) Identify the potential impacts of the alternative solutions on the environment and any measures needed to mitigate those impacts
 - (d) Carry out a comparative evaluation of the alternative solutions and identify a preliminary preferred solution
 - (e) **Mandatory Point of Consultation** – notify and consult with review agencies and the public as described in section A.3 of this Class EA
 - (f) Determine the preferred alternative solution (project) based on the results of the comparative evaluation and feedback received from review agencies and the public
 - (g) **Key Decision Point** - At this point in the process, the proponent must confirm the applicable Class EA Schedule for the preferred solution (project):

- If the Project would have been defined as a **Schedule B project** under this Class EA, then the proponent must:
 - document the study process and description of the physical location and dimensions of the project in a public document. Documentation must be consistent with the requirements in section A.2.9.4 (Documentation) of this Class EA;
 - issue mandatory notification (e.g. a Notice of Completion) to review agencies and the public about the availability of the study documentation for public review as well as the appeal rights under the Planning Act; and
 - proceed to Phase 5 of this Class EA below.
- If the Project would have been defined as a **Schedule C project** under this Class EA, then the proponent must:
 - Proceed with Phases 3, 4 and 5 of this Class EA below.

- 3) (a) Identify alternative design concepts for the preferred solution (project).

Undertake a detailed inventory of the environment, including the natural, social, cultural and economic environments.
- (c) Identify the potential impact of the alternative project designs on the environment and any measures needed to mitigate those impacts.
- (d) Carry out a comparative evaluation of the alternative project designs and identify a recommended project design.
- (e) **Mandatory Point of Consultation** - notify and consult review agencies and the public as described in sections A.3, A.3.5.3, A.3.6 and A.3.7 of this Class EA.
- (f) Determine the preferred design for the project.
- 4) (a) Document the integrated approach, including the problem or opportunity, alternative solutions, alternative project design concepts, preferred project designs, preferred design of the project, consultation and decision-making process using section A.4 as a guide. Documentation must include a description of the proposed project including the physical location and physical dimensions of the project.
- (b) **Mandatory Point of Consultation (e.g. Issue Notice of Completion)** – notify review agencies and the public about the availability of the study documentation for public review and their rights of appeal.

Documentation and supporting technical reports must be provided to review agencies as required. Section A.2.9.4 provides further information regarding documenting the integration process.

- 5) Once all necessary Planning Act approval(s) have been obtained and the integrated planning process as described in section A.2.9.3 is complete, the proponent may proceed to implement the project. It is the responsibility of the proponent to ensure that they have fulfilled all of the Planning Act and EA Act requirements for their project and obtained any other necessary approvals or permits prior to implementing the project.

A.2.9.4 Documentation

The Class EA documentation supporting a Planning Act application must be made available to the public and shall include:

- a statement of the purpose, problem or opportunity
- details of the planning process followed
- details of the consultation carried out
- existing environmental conditions
- alternative solutions and evaluation of its potential environmental effects
- the preferred solution and its effects on the environment
- the mitigation measures to be implemented
- commitments made during the planning process

(see section A.4 as a guide)

Documentation and supporting technical reports must be provided to review agencies for their review and comment as required. Where studies are necessary to support the decisions made, the feasibility of the preferred alternative, and the conclusions drawn about environmental impacts and mitigation measures, these technical studies must be provided to the review agencies at an early stage in the integrated planning process. Examples include hydrogeological studies for communal groundwater supply or a noise study for a new or widened roadway. It is further recommended that proponents consult with review agencies early in the process to determine any requirements and/or site specific information that should be provided in the relevant studies.

A.2.9.5. Project Notification

Under the integrated approach, mandatory points of contact and minimum notification requirements remain the same as outlined in sections A.3.4, A.3.5.3, A.3.6 and A.3.7 of this Class EA.

Concurrent tasks such as public meetings may occur and combined notices could be issued under this Class EA and the Planning Act. While the content of combined notices will vary according to the type of Planning Act application and the applicable Schedule of this Class EA, these combined notices must, at a minimum, include the following:

- a clear statement that an integrated approach is being used;
- information about the municipal infrastructure to which this Class EA applies and the type(s) of Planning Act approval being sought; and,
- required information that shows that all applicable legislative and regulatory notice requirements under the Planning Act and this Class EA have been met.

In using the integrated approach, information contained in the notices may differ, based on the specific notice requirements for the type of Planning Act process being carried out and the Schedule of the Class EA project. These differences may relate to factors such as: timing; distribution; content; format; and author.

There are differences related to factors such as: timing; distribution; content; format; and author. Appendix 8 highlights some of the key considerations that need to be taken into account when preparing combined notices. For example, public review periods differ for Planning Act and Class EA processes. For example, under this Class EA, a Notice of Completion must be given and documentation made available for a 30-day public review period. Where an official plan amendment is being sought, the Planning Act requires that a copy of the application and related information and material be available for public inspection at least 20 days before holding a public meeting. When combining notices to meet the requirements under this Class EA and the Planning Act, the proponent must ensure the requirements of both are met.

For projects being planned using the integrated approach, once the Planning Act application comes into effect under the Planning Act and the planning for the project has met the requirements of section A.2.9 of this Class EA, the proponent is not required to provide any further notice of the project under the Class EA.

Table for Appendix 8

Note: This chart highlights key notice and consultation information – users are responsible for all statutory and regulatory requirements.

MUNICIPAL CLASS EA	PLANNING ACT
<i>Mandatory Notice/Consultation Requirements</i>	
<p>Mandatory public consultation is required at key decision points during the EA process</p> <p>The method of consultation discretionary (e.g., Open House, Public Meeting)</p> <p>A published notice shall mean a notice published in a local newspaper having general circulation in the area of the project. Two (2) published notices shall mean two (2) notices appearing in separate issue of the same newspaper.</p>	<p>Minimum of one statutory public meeting is required. Refer to the</p> <ul style="list-style-type: none"> • Planning Act (see sections 17, 22, 28 or 51 for relevant instrument type), and • O.R. 543/06 (official plan/plan amendments and community improvement plans), or • O.R. 544/06 (plan of subdivision/condominium) <p>Official plan/plan amendments, community improvement plans</p> <p>Earliest day to hold a public meeting – 20 days after the requirements for giving notice are met</p>

	<p>Plan of Subdivision/Condominium</p> <p>Latest time to hold a public meeting – 14 days before a decision is made</p>
<i>Distribution of Notices</i>	
<p>Mandatory notification to the general public by:</p> <ul style="list-style-type: none"> • newspaper (2 publications), and • those who have expressed interest by direct mail <p>For First Nations: Contact the 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 Nation</p>	<p>Notice requirements are dependent upon type of planning instrument.</p> <p>Planning Act requirements for official plans/plan amendments, community improvement plans (O.R. 543/06) and plans of subdivision/condominium (O.R. 544/06) include:</p> <ul style="list-style-type: none"> • forms of notice – (1) personal service or ordinary mail and by posting notice on a property or (2) by publishing a notice in a newspaper) • recipients of the notice to prescribed persons and public bodies, including First Nations and geographic areas for the distribution of notices <p>Notice to the relevant regional Municipal Services Office of the Ministry of Municipal Affairs and Housing</p>
<i>Content of Notice of Public Meeting</i>	
<ul style="list-style-type: none"> • Name and address of the municipal 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 Municipal Class EA • Details of when and where information, (e.g. ESR) is available to the public • name or title of a contact person to whom comment should be directed • In the case of Notices of Completion for both Schedule B and C projects: <ul style="list-style-type: none"> i) date by which comment/input is to be received by the proponent, ii) advice for the public's right with regard to the provisions to request an order, with date by which the request must be received by the Minister and the address of the Minister. 	<p>Notice content for official plans/plan amendments and community improvement plans are set out in the Planning Act and O.R. 543/06 for:</p> <ul style="list-style-type: none"> • notices that exclude notices posted on a property (personal service, ordinary mail and newspaper) • notices that are posted on a property <p>Notice content for plans of subdivision/condominiums (Planning Act and O.R. 544/06), including details relating to:</p> <ul style="list-style-type: none"> • notices that exclude notices posted on a property (personal service, ordinary mail and newspaper) • notices that are posted on a property
<i>Availability of Documentation for Public Review</i>	
(using an integrated approach, public review requirements must be met for both planning and class EA matters)	
Minimum 30-day public review of Class EA documentation	<p>Official plans/plan amendments and community improvement plans</p> <p>a minimum 20-day public review of related information and material prior to a public meeting</p> <p>Plans of subdivision/condominiums</p> <p>Within 15 days after notice of a complete application is given, information and materials must be made available to the public before a public meeting is held</p>

Notice of Adoption / Notice of Approval	
<p>Individual Recipients:</p> <ul style="list-style-type: none"> • Appropriate review agencies <p>Those who provide a written request for notice</p>	<p>MUNICIPALITY EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments and community improvement plans –</p> <p>Written notice of adoption must be provided no later than 15 days after the day a plan adopted. Notice requirements are contained in the Planning Act and O.R. 543/06 for the</p> <ul style="list-style-type: none"> • content of the notice, including who may appeal to the Ontario Municipal Board and who may be added as a party to the hearing of the appeal • recipients of the notice <p>MUNICIPALITY NOT EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments (excluding community improvement plans) – Written notice of adoption must be provided no later than 15 days after the day a plan adopted. Notice requirements are contained in the Planning Act and O.R. 543/06 for the</p> <ul style="list-style-type: none"> • content of the notice • recipients of the notice <p>Materials are then forwarded to the approval authority who gives written notice of its decision. Notice requirements are contained the Planning Act and O.R. 543/06</p> <ul style="list-style-type: none"> • content of the notice, including who may appeal to the Ontario Municipal Board and who may be added as a party to the hearing of the appeal • recipients of the notice <p>Plans of subdivision/condominium: when the approval authority makes a decision no sooner than 14 days after the holding of a public meeting, notice of the decision requirements are contained in the Planning Act and O.R. 544/06 for the</p> <p>content of the notice, including who may appeal to the Ontario Municipal Board and who may be added as a party to the hearing of the appeal recipients of the notice</p>
Ontario Municipal Board (OMB)	
<p>Class EA matters involved in an integrated approach are appealed to the OMB</p>	<p>MUNICIPALITIES EXEMPT FROM APPROVAL</p> <p>Official plans/plan amendments and community improvement plans: not later than 20 days after the day that the giving of notice is completed, all or part of the decision of council to adopt all or part of the plan may be appealed to the OMB by filing a notice of appeal with the clerk of the municipality</p>

	<p>MUNICIPALITIES NOT EXEMPT FROM APPROVAL:</p> <p>Official plans/plan amendments (excluding community improvement plans): not later than 20 days after the day that the giving of the notice of decision is completed, all or part of the decision of the approval authority may be appealed to the OMB by filing a notice of appeal with the approval authority</p> <p>Plans of Subdivision/Condominium: not later than 20 days after the day that the giving of notice is completed, the decision, the lapsing provision or any of the conditions may be appealed to the OMB, by filing a notice of appeal with the approval authority</p>
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A.2.9.6 Considerations When Using the Integrated Approach

A.2.9.6.1 Project Boundaries

Projects being planned using the integrated approach can include infrastructure that is located on lands beyond the boundaries of the lands that are the subject of the specific Planning Act application provided that the need for the infrastructure is triggered by the project being planned. Any infrastructure extending beyond the Planning Act application boundaries must be directly related to and required by the application(s).

For example, a Planning Act application for a plan of subdivision may have a requirement to service the subdivision through a connection to an off-site water tower or stormwater management facility. Another example would be if an extension to a collector road is needed for a short distance beyond the area involved in the Planning Act application to connect the subdivision to the existing road network. If infrastructure beyond the boundaries of the Planning Act application is required, the off-site infrastructure project must at a minimum involve the municipality as a co-proponent.

When a project extends beyond the Planning Act application boundaries the associated investigations and EA documentation also needs to extend beyond the Planning Act application boundaries. Existing conditions and environmental effect boundaries, for example would need to be expanded appropriately beyond the Planning Act application boundary.

As noted in section A.2.9.2, municipalities should not avoid their EA requirements through the use of conditions on a Planning Act approval where the appropriate proponent for the work is the municipality. Off-site infrastructure should only be a requirement of a Planning Act application if the infrastructure is directly related to the project.

Notice for a project being planned using the integrated approach must clearly identify all infrastructure outside the boundaries of lands that are the subject of the specific Planning Act application and the boundaries of the area of land affected by both the prescribed notice and the proposed infrastructure itself. Recognizing that this may not be possible at the earliest stages of project planning when the need for specific infrastructure may not yet have been determined, the

level of information included in the notices should increase as project planning decisions are made.

The proponent must address all required Phases for the project under this Class EA, including any infrastructure located outside the boundaries of the lands that are the subject of the specific Planning Act application in the documentation required under section A.2.9.4.

A.2.9.6.2 Revisions to a Project Planned Using the Integrated Approach

It may be necessary to revise a project that has been planned using the integrated approach due to environmental implications of changes to the project or due to a delay in implementation. Changes to a project can be made following the addenda procedures outlined in this Class EA (refer to section A.4.1.1 and A.4.3).

A.2.9.6.3 Lapse of Time

If a proponent planning a project using the integrated approach has fulfilled its requirements under the Planning Act and EA Act, the project will be subject to the review requirements associated with the Planning Act approval and not the time lapse provision set out in this Class EA. The Planning Act does not contain an automatic review of an approval or an automatic expiry if a Planning Act approval is not implemented. A municipality may, however, include a time lapse provision in certain Planning Act approval(s) (e.g., a municipality may provide a deadline for the proponent to fulfill the conditions of a draft plan of subdivision) and/or seek reconsideration of matters through its regular planning reviews.

[sidebar]

As a matter of good practice and to ensure its currency, municipalities and private sector proponents should undertake a review of the documentation prepared in accordance with section A.2.9.4 if the infrastructure has not been constructed within ten years. The municipality may also apply conditions to planning approvals to require review of the documentation prepared in accordance with section A.2.9.4 if the infrastructure has not been constructed within ten years.

A.2.9.6.4 Considerations

By combining environmental assessment and land use planning processes into a single approach, proponents can streamline their efforts and more effectively meet the requirements of both the Planning Act and Environmental Assessment Act. However, a proponent is not required to follow an integrated approach if both acts apply. Considerations need to be made by the proponent(s) regarding the project schedule, timing of the Planning Act applications, completion of studies, public and stakeholder interest and implementation target dates, amongst other factors.

It is also possible to terminate an integrated approach once the process has been initiated, if during the course of the project, considerations suggest that two separate processes may be more effective. Work undertaken prior to this decision does not need to be redone as it was undertaken with the intent of meeting both acts. However, future work must still meet the requirements of

this Class EA and the Planning Act approvals process being used. If termination of an integrated approach occurs following the announcement or public notification of a project having been given, subsequent notices, or independent notices, shall be issued advising that an integrated approach is no longer being followed.

A.2.9.7 Monitoring the Application of the Approach to Integrate with the Planning Act

After proponents have completed a project using the integrated approach, proponents should briefly summarize how a project has met the conditions in section A.2.9 (+/- 2 pages) and copy this to MOE, Director, EAAB including copies of the mandatory public and review agency notices. Doing so will assist in monitoring the effectiveness and benefits of the integrated approach.

The information provided to MOE, Director, EAAB should include a description of:

- the Planning Act application that was integrated with the Class EA process
- how the requirements of the Class EA process were fulfilled with respect to the appropriate Phase 1 through 4 requirements
- consultation undertaken, including copies of notices
- project documentation

Representatives of the MOE, MEA and MMAH will meet on an annual basis to review the submissions received, any comments provided and to discuss the effectiveness of the integrated approach.

A.2.9.8 Phase in Process

Changes to the integration provisions in the 2007 Class EA are intended to provide clarification about how the process works. The fundamental steps in planning a project using the integrated approach remain unaltered. If a proponent, based on the clarifications made to the integrated approach, intend to give notice of changing from a standard Class EA process to an integrated approach process, notification of the change in process shall be made to the public and stakeholders involved in the process including MOE and MMAH. Notice of a proponent's intent to change to the use of an integrated approach for a project may not be given if the Notices of Completion for the infrastructure project has been filed or a decision rendered on the Planning Act application.

Clarifications

CLARIFICATION DAMS & WEIRS

In Appendix 1(ii) Municipal Water and Wastewater Projects, under Wastewater Projects, projects involving dams and weirs include:

Schedule A

13) Reconstruct an existing dam or weir at the same location and for the same purpose, use and capacity;

Schedule B

19) Works undertaken in a watercourse for the purposes of flood control or erosion control which may include:

- bank or slope regrading
- deepening the watercourse
- relocation, realignment or channelization of watercourse
- revetment including soil bio-engineering techniques
- reconstruction of a weir or dam.

25) Removal of an existing weir or dam.

Schedule C

10) Construct a new dam or weir in a watercourse.

The dams and weirs referred to in these sections are flow control structures located within a watercourse. Any outfall structure at a treatment facility or lagoon would be part of that treatment facility or lagoon and would not be considered a dam or weir within one of these sections.

CLARIFICATION SEPTAGE CLASSIFICATION

Septic tanks need to be cleaned out regularly. Normally the contents, septage, is removed by a truck. While the septage is being hauled it is considered a waste product and subject to the associated regulations. However, when the septage is off loaded, it is considered wastewater and holding or treatment facilities receiving the septage need to be approved under the MCEA in accordance with the appropriate schedule definitions for public/private sector proponents.

CLARIFICATION NOTICES

Section A.3.6 discusses consultation with review agencies. As stated in bold text in this section, “**Other than the agencies to be contacted in all cases (see below) indicated, only those agencies who are likely to have an interest in the project need to be contacted.**”

In particular, the Ministry of the Attorney General should only be contacted if the project is relevant to that Ministry.

Appendix 6 contains a sample covering memo to the Ministry of the Environment (MOE) Environmental Assessment and Approvals Branch which is to accompany Notices of Completion for Schedule B and C projects. All Notices of Completion should now be emailed to MEA.Notices.EAAB@ontario.ca rather than the address indicated on the sample notice. A copy must also still be sent to the Regional EA Planner/Coordinator.

CLARIFICATION PROJECT IDENTIFICATION AND PIECEMEALING

Section A.2.2 describes Phase 1 of the Class EA process - identification and description of the problem or opportunity. Proponents are reminded that in determining what the project is (i.e., the scope of the project) that will be undertaken, proponents are not allowed to break down the project into its component parts or phases, with each part or phase being addressed through separate studies. This would constitute piecemealing and piecemealing is prohibited. In addition, proponents are reminded that the activity with the highest schedule determines the EA requirements (i.e., if one component is listed under Schedule A, another under Schedule B and another under Schedule C, the entire project is subject to Schedule C).

NOTICE OF INTENT TO AMEND THE MCEA MCEA CONSISTENCY

As part of the next five year review and prior to the next reprinting of the MCEA, wording in the MCEA will be reviewed to identify areas requiring change to reflect new requirements under the *Safe Drinking Water Act, 2002* and to include the concept of a drinking water system with multiple supply and/or treatment systems.

Also, to ensure consistency with the MOE Code of Practice, Preparing, Reviewing and Using Class Environmental Assessments in Ontario (2009), proposed amendments to the MCEA will include:

- i) “Consultation Plan” will be changed to “Consultation Summary;”
- ii) “Key Principles of Successful EA Planning” will be changed to “EA Principles”;
and
- iii) definitions will be added or amended as required.

In the meantime, proponents are encouraged to note this proposed amendment.

Appendix 1 – Project Schedule Changes

Appendix 1 – Project Schedule Changes

Phase In

If a proponent, based on the amendments made to these schedules, intends to change the schedule of any project for which a Public Notice (i.e., Notice of Public Meeting) has been issued under the 2007 MEA Class EA, notification of the change in schedule shall be made to the public and stakeholders involved in the process. If a Notice of Completion has been issued, the project should proceed as previously defined.

Activity	Description	Current Schedule	Proposed Schedule	Rationale	
Roads					
30 *	Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, which after appropriate evaluation is found to have cultural heritage value .* *Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.	B <2.7m C >2.7m	B <2.7m C >2.7m	same	Amend description as shown. When the MCEA was first created in the 1980s, 40 year old structures were structures that predated WWII. Construction techniques and material of that time were often unique and many of the structures are historically significant. During the 1950s and 1960s, many new structures were constructed in Ontario and most of these structures followed standard templates. Even though they are now more than 40 years old, they are not historically significant. Structures that satisfy the screening criteria have been predetermined to not be historically significant and are therefore Schedule A projects. The 40 year old threshold is an indicator of potential when conducting a preliminary survey for identification of cultural heritage resources. While the presence of a built feature that is 40 or more years old does not automatically signify cultural heritage value, it does make it more likely that the property could have cultural heritage value or interest. If the property meets the criteria in Ontario Regulation 9/06, it is a cultural heritage resource.
New*	Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old which after appropriate evaluation is found not to have cultural heritage value .* *Determination of cultural heritage value will be in accordance with a screening checklist developed with the Ministry of Tourism and Culture (MTC) and posted on the MEA website.	B <2.7m C >2.7m	B <2.7m C >2.7m	A	Amend description as shown. When the MCEA was first created in the 1980s, 40 year old structures were structures that predated WWII. Construction techniques and material of that time were often unique and many of the structures are historically significant. During the 1950s and 1960s, many new structures were constructed in Ontario and most of these structures followed standard templates. Even though they are now more than 40 years old, they are not historically significant. Structures that satisfy the screening criteria have been predetermined to not be historically significant and are therefore Schedule A projects. The 40 year old threshold is an indicator of potential when conducting a preliminary survey for identification of cultural heritage resources. While the presence of a built feature that is 40 or more years old does not automatically signify cultural heritage value, it does make it more likely that the property could have cultural heritage value or interest. If the property meets the criteria in Ontario Regulation 9/06, it is a cultural heritage resource.
11 *	Streetscaping (e.g. decorative lighting, sidewalk improvements, benches, landscaping not part of another project).	A+ <2.7m B > 2.2m	A+ <2.7m B > 2.2m	A+	Streetscape projects are more of local interest rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
12 *	a) Construction of localized operational improvements at specific locations b) Installation of guide rails	A+ <2.7m B > 2.7m	A+ <2.7m B > 2.7m	A+	Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
16	Establishment of a roadside park or picnic area.	B	B	A+	Municipalities commonly establish parks for the community. Roadside parks or picnic areas should follow the same local approval process.
18	Construction of a new culvert or increase in culvert size due to change in the drainage area.	B	B	A+	The technical requirements for the new increased sized culvert are confirmed through the Certificate of Approval process. The actual construction of the culverts are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
37 *	Expansions, improvements and modifications to existing patrol yard and maintenance facilities where land acquisition is required provided project conforms to Planning Act requirements and with municipal and other requirements.	B <2.7m C >2.7m	B <2.7m C >2.7m	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.

Activity	Description	Current Schedule	Proposed Schedule	Rationale	
38 *	Establish new patrol yards or maintenance facilities <i>provided project conforms to planning Act requirements and with municipal and other requirements.</i>		B <2.7m C >2.7m	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
42	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.				This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>
Wastewater					
2	Establish a new stormwater retention/detention pond and appurtenances or infiltration systems including outfall to receiving water body <i>where additional property is required.</i>		B	B	Text added for clarification.
3	Enlarge stormwater retention/detention ponds/tanks or sanitary or combined sewage detention tanks by addition or replacement, <i>where additional property is required.</i>		B	B	Text added for clarification.
7	Retire a facility which would have been subject to either Schedule B or C of the MCEA for its establishment.		B	A+	Retiring a facility removes the impact of that facility. The community should be notified of retirement so they can be involved in a local decision regarding plans for any cleanup and the future use of the site.
9	Installation or replacement of standby power equipment where new equipment is located in a new building or structure.		B	A	This work is now subject to a regulation – Ontario Regulation 116/01.
11	Establish new or replace or expand existing stormwater detention/retention ponds or tanks and appurtenances including outfall to receiving water body provided all such facilities are in either an existing utility corridor or an existing road allowance <i>where no additional property is required.</i>		A	A	Utility Corridors are not always linear and this means that expansion of a stormwater management facility is a Schedule A activity provided no additional property is required. Text added for clarification.
12	Expansion, improvement or modification to existing patrol yard equipment or material storage facilities and maintenance facilities where land acquisition is required <i>provided project conforms to Planning Act requirements and with municipal and other requirements.</i>		B	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
14	New service facilities <i>provided project conforms to Planning Act requirements and with municipal and other requirements.</i>		B	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
18.	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.				This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>

Water					
4	Retire a water facility which would have been subject to either Schedule B or C of the MCEA for its establishment.		B	A+	Retiring a facility removes the impact of that facility. The community should be notified of retirement so they can be involved in a local decision regarding plans for any cleanup and the future use of the site.
6	Installation or replacement of standby power equipment where new equipment is located in a new building or structure.		B	A	This work is now subject to a regulation – Ontario Regulation 116/01.
7	Expansion, improvement or modification to existing patrol yard equipment or material storage facilities and maintenance facilities where land acquisition is required <i>provided project conforms to Planning Act requirements and with municipal and other requirements.</i>		B	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.
9	New service facilities <i>provided project conforms to Planning Act requirements and with municipal and other requirements.</i>		B	A	Amend description as shown. Municipalities routinely process and approve applications for commercial/industrial projects with similar impacts.

Activity	Description	Current Schedule	Proposed Schedule	Rationale
11.	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.			This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>
Transit				
5	Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes, queue jump lanes, and roadway access ramps etc) with the potential for some adverse environmental effects.	B	A+	Intersection improvement projects are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
12	Construction of a new culvert or increase in culvert size due to change in the drainage area.	B	A+	The technical requirements for the new increased sized culvert are confirmed through the Certificate of Approval process. The actual construction of the culverts are of local rather than provincial interest. Impacted stakeholders should be notified but the final project details should be decided locally.
39	Any Project which is subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act.			This activity listing has been replaced with the following text to be included in the preface to the tables/listings. <i>Proponents are encouraged to review section A.2.9 for opportunities to integrate Class EA projects with the Planning Act.</i>

NOTE * Please take notice that, as of March 12, 2010, the MOE has approved a Minor Amendment to update the MCEA and replace the \$2.2 million maximum allowable project cost limit with the increased figure of \$2.7 million, and the \$8.7 million limit for project cost limit with the figure \$10.7 million. This change has been in effect since March 10, 2010.

To account for changes in construction costs, the identified cost limits will be adjusted on an annual basis in accordance with the Ministry of Transportation's tender price index. The MEA Monitoring Committee will calculate the new cost thresholds on an annual basis and will notify interested persons of the new cost thresholds. Cost thresholds will be in effect from January 1 to December 31 of each year. The cost threshold in place at the time a project is initiated shall be the cost threshold used to determine the applicable process to be followed throughout the completion of the Class EA process.