

Ministry of the Environment

Environmental Approvals Branch

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December 12, 2013

Memorandum to: Circulation Lists

**Re: Municipal Engineers Association (MEA) Municipal Class Environmental Assessment
Proposed Cycling and Other Amendments Submission– Notice of Proposed
Amendment**

The Municipal Engineers Association (MEA) has submitted a proposed major amendment to the ministry for the Municipal Class EA as a result of its review completed in 2012. The amendment which is the subject of this notice will deal with changes to cycling and trail provisions in the Municipal Class Environmental Assessment (Class EA) as well as administrative clarifications to the Part II Order provisions, amending procedures, source protection guidance, and sample notices in the appendices (refer to summary attached of proposed amendments).

The purpose of this memorandum is to advise you of the availability to review and comment on the proposed amendments that will be made available on the MEA's website at: <http://www.municipalclassea.ca/> and the ministry's EA Activities site (www.ontario.ca/environmentalassessments).

The MEA Class EA is a document approved by the Minister of the Environment that sets out a self-assessment process for how municipalities and private sector developers plan municipal infrastructure projects. The MEA Class EA has itself been subject to review and approval under the Environmental Assessment Act (EAA), which determined, in part, that the application of the Class EA process would enable proponents to meet the intent and purpose of the EAA.

The MEA Class EA allows municipalities to plan, design, construct, maintain, rehabilitate, and/or retire municipal road, water, wastewater and transit projects without having to obtain project-specific approval under the EAA provided that the MEA Class EA process is followed. It is one of eleven Class EAs that has been approved for use in the Province of Ontario.

As indicated in the MEA's 2012 five year review, it is anticipated that a number of amendments to the Class EA would be initiated. This is the first phase of amendments to proceed. A second phase of major amendments are also anticipated at a later date in 2014 to include updating Aboriginal consultation provisions; clarifying master planning sections; updating Class EA documentation requirements; and, other technical and administrative amendments and clarifications.

The ministry is seeking comments from Aboriginal communities, the public, government agencies, and interested persons on MEA's first phase of amendments. The proposed amendments will be available for review and comment on the MEA's and ministry's website until January 14, 2014.

Comments should be submitted to the undersigned prior to the comment deadline. Any comments or concerns received will be considered before any decisions are made by the Minister on the proposed amendments to the Class EA.

Should you have any additional questions about this Class EA amendment or process, please contact Solange Desautels, Environmental Approvals Branch at 1-416-314-7237 or solange.desautels@ontario.ca.

Yours sincerely,

Solange Desautels (A) Supervisor
Project Review Unit
Environmental Approvals Branch

Attachment:

Summary of Class EA 2014 Amendments

Cycling Facilities

- Proposed amendments would make amendments to road cycling facilities to the Class EA and also add off-road multi-use trails. Currently, multi-use trails are exempt from EAA if less than \$3.5 million or must complete an individual EA if more than \$3.5 million (larger trail projects). The Class EA amendments seek to include larger trails under the Class EA.

Clean Water Act-Source Protection

- Under Section A.2. 10 -Relationship of Projects within the Class EA to Other Legislation, the Class EA is proposed to be amended to include additional references to the Clean Water Act and Source Protection Plans. The Class EA itself does not require proponents undertake source protection planning, rather, the Class EA amendments serve as a reminder to proponents to consider source water protection as part of their decision making process.
- The proposed amendments describe what the requirements of the Clean Water Act are and how new drinking water systems will be integrated into existing source protection plans through updates. Municipalities have the opportunity to work with the local source protection committees during the Class EA process to enable the future inclusion of new systems in order to use the tools under the Clean Water Act to protect sources of drinking water. In considering source protection planning, municipalities can also look for opportunities to minimise impact to landowners when the system is integrated into a future source protection plan.
- Proposed amendments add language to the Class EA to provide clarity on how the Clean Water Act protects existing and future sources of drinking water. The inclusion of the Clean Water Act information is consistent with descriptions of other legislation already included in the Class EA document.
- For the second phase of amendments to the Class EA, MEA may look at broader revisions to the Class EA (i.e. changing project schedules for new wells, for example).

Amending Procedures

- Proposed amendments would allow MOE (or any other party) to propose amendments to the Class EA, as well as updates to practices and procedures as it relates to major and minor amendments to the Class EA, and will allow MOE to impose conditions on any amendments consistent with amending procedures in other Class EAs.
- This brings the MEA Class EA into line with the MOE's Codes of Practice.

Part II Order Provisions

- Proposed amendments would update the Part II Order provisions of the Class EA to bring them into line with the Codes of Practice.

- Importantly, this includes ensuring that the timeline for the review of the Part II Order requests commences upon receipt of all necessary information, not from the end of the comment period or when request is received.

Sample Notices

- Proposed amendments update the various sample notices in the appendices of the Class EA to reflect the templates provided in the Codes of Practice and to reflect current language with respect to personal information under the Freedom of Information and Privacy Act.