



# STAFF REPORT ACTION REQUIRED

## 2007 Amendments to the Municipal Class Environmental Assessment

<b>Date:</b>	May 30, 2007
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services General Manager, Toronto Water
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	p:2007\ClusterB\tra\tim\pw07011tim

### SUMMARY

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This report provides an overview of the Municipal Engineers Association’s (MEA) 5 Year Review of the Municipal Class Environmental Assessment (Class EA) and recommends that City Council, in its capacity as one of the proponent municipalities of the Class EA, endorse the amendments proposed by the MEA that comprise the 5 Year Review.

### RECOMMENDATIONS

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#### The Transportation Services and Toronto Water Divisions recommend that:

1. City Council endorse the attached amendments to the Municipal Class Environmental Assessment document as proposed by the Municipal Engineers Association, described herein and included as Attachment Nos. 1 and 2.
2. The City Clerk forward this report to the Municipal Engineers Association for its information and any necessary action.

#### Financial Impact

The recommendations do not have any financial impact beyond what has already been approved in the current year’s budget.

## **BACKGROUND**

The City of Toronto is a proponent municipality of the MEA Class EA. This proponent has a history dating back to the original development of the MEA Class EA, approved in 1983. The current Class EA document was approved in October 2000 by the Minister of the Environment as part of a regular five year update process. The City has participated in the regular updates and amendments of the Class EA as well as the annual monitoring reports that are submitted to the Ministry of the Environment.

As part of the Ministerial approval there is a requirement that every five years the MEA submit a review of the Class EA to ensure that the process is still compliant with legislative requirements and planning practices and continues to satisfy the purpose of the Environmental Assessment Act.

In 2005 the MEA initiated a review of the Class EA, which consists of three amendments referred to as the following:

- Minor Amendment
- Major Amendment – Part 1
- Major Amendment – Part 2

The Class EA includes a built-in amending procedure that allows the MEA, along with the municipal proponents, to amend the Class EA as the need arises. The City of Toronto, as a proponent of the Municipal Class EA, approved this amending procedure. The MEA is using this amending procedure for the proposed Minor and Major Amendments.

The City of Toronto, as one of the 12 proponent municipalities of the Class EA, has been requested by the MEA to provide its endorsement of the proposed amendments.

## **COMMENTS**

### **Minor Amendment**

The proposed Minor Amendment includes the following:

- Providing clarification of definitions and wording for specific projects that are part of the Class EA;
- proposing a number of changes such as revising the project cost thresholds used in determining certain road project schedules to account for inflation; and,
- including references to new provincial statutes that may affect the planning and design of municipal infrastructure.

Staff from both Transportation Services and Toronto Water view these amendments as appropriate and beneficial to the conduct of Municipal Class Environmental Assessments in the City of Toronto. Full details of the Minor Amendment are provided in Attachment No. 1.

## Major Amendment - Part 1

Currently, the Class EA has a category of projects referred to as Schedule A projects. These projects are pre-approved and may proceed to implementation without following the full Class EA planning process. The MEA is proposing to create another category referred to as Schedule A<sup>+</sup>. As with the Schedule A projects, Schedule A<sup>+</sup> projects are pre-approved and may proceed to implementation without following the full Class EA planning process. However, in contrast to Schedule A projects, the public is to be advised prior to implementation of Schedule A<sup>+</sup> projects. The manner in which the public is to be advised is to be determined by the proponent municipality.

The proposed Schedule A<sup>+</sup> projects list is being created by re-designating a number of existing Road and Water and Wastewater projects. The majority of the projects affected are currently Schedule A projects, however, a number of Schedule B projects are included and these are primarily Water and Wastewater projects. The re-designation of Schedule B projects would result in a reduction of effort on the part of the City and would considerably speed up the implementation of these projects.

Some examples of current Schedule A projects that are being proposed as Schedule A<sup>+</sup> projects are as follows:

- Construction or operation of sidewalks or bicycle paths within existing rights-of-way; and,
- Retiring of existing laneways.

Examples of current Schedule B projects that are being proposed as Schedule A<sup>+</sup> projects are as follows:

- Retirement of existing roads; and,
- Modify, retrofit, or improve a retention/detention facility including outfall or infiltration system for the purpose of stormwater quality control. Biological treatment through the establishment of constructed wetlands is permitted.

Staff from both Transportation Services and Toronto Water view these amendments as appropriate and beneficial to the conduct of Municipal Class Environmental Assessments in the City of Toronto.

Pertaining to the public notice requirement, it is common practice in the City of Toronto to notify residents prior to initiating Schedule A projects. Therefore, for the majority of proposed Schedule A<sup>+</sup> projects, the new public notification requirement would not result in any additional work beyond what is already included in City projects.

City staff developed a notification guideline document in 2002 entitled “Notification Guide for Design and Construction” (Notification Guide). This document was prepared primarily to assist Technical Services staff when undertaking Schedule A projects and projects that do not fall under the requirements of the Class EA process, such as

reconstructing a sidewalk, repairing a roadway or relining a watermain. The Notification Guide identifies a number of public notification methods, including public notices to the local community and stakeholders and public meetings. As well, the Notification Guide identifies a number of potential notification points throughout the duration of a project, such as during the Detailed Design phase, after the Tender has been awarded, during construction and post construction. The actual type and extent of notification would be based upon the specific project.

Staff from Transportation Services, Toronto Water and Technical Services will be reviewing and updating the Notification Guide to ensure that it is consistent with the Schedule A<sup>+</sup> requirements of the Class EA.

### **Major Amendment - Part 2**

The MEA, on behalf of municipal proponents (including the City of Toronto), has developed a Chapter for inclusion in the Class EA for municipal transit projects, with the exception of subways.

This issue was the subject of a separate joint staff report (May 7, 2007) from City Planning and Transportation Services, entitled “A New Class Environmental Assessment Process for Transit Projects” (Clause 6, Planning and Growth Management Committee meeting of May 31, 2007, <http://www.toronto.ca/legdocs/mmis/2007/pg/bgrd/backgroundfile-3930.pdf> ).

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## **SIGNATURE**

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## **ATTACHMENTS**

Attachment 1: Municipal Engineers Association, Proposed Amendments to the  
Municipal Class EA Document – Minor Amendment

Attachment 2: Municipal Engineers Association, Proposed Amendments to the Municipal  
Class EA Document – Major Amendment – Part 1