



PROPOSED AMENDMENTS TO THE MUNICIPAL CLASS EA DOCUMENT

The Municipal Class Environmental Assessment (Class EA) parent document was approved in October 2000. As part of the 5 year review, MEA identified potential amendments as follows:

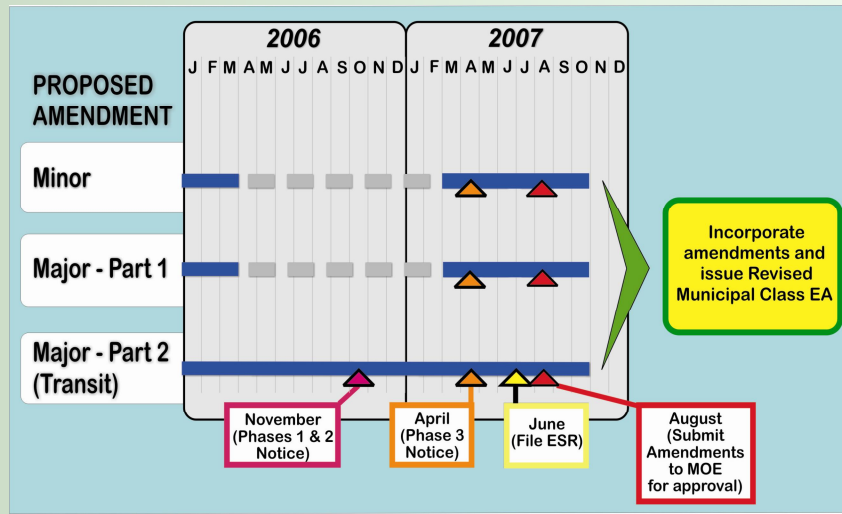
- Minor Amendment
- Major Amendment – Part 1
- Major Amendment – Part 2 – The Addition of Municipal Transit Projects

These are being done in parallel. Once approved by MOE, MEA will incorporate the amendments into the revised Municipal Class EA and re-issue the document (see below)




*PROPOSED
AMENDMENTS
TO THE
MUNICIPAL
CLASS EA
DOCUMENT*

*DRAFT,
Revised April 4/07*



McCormick Rankin Corporation (MRC) was retained by MEA to assist in preparing the amendments.

The attached table outlines the proposed **Minor Amendment**.

	<p>PROPOSED AMENDMENTS TO THE MUNICIPAL CLASS EA</p>	<p>MINOR AMENDMENT</p>
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1. The process for a Minor Amendment is outlined on Page A-15 of the Municipal Class EA.
2. Proposed editing changes are outlined in the MEA’s Five Year Review of the Municipal Class EA and were previously approved as noted on the MEA website, or approved by MOE in their letter dated October 25, 2005.
3. The proposed changes are identified on the following table and will be incorporated in the amended version of the Municipal Class EA document as indicated.
4. An additional change, specifically minor edits to Section A-2-11 regarding CEAA, is also being proposed.

<p>PROPOSED BY MEA - MARCH 13, 2006</p>		<p>AS AGREED BY MOE AND MEA ON MARCH 1, 2007</p>	
<p>AS PROVIDED IN MEA’S FIVE YEAR REVIEW</p>		<p>CHANGES TO MUNICIPAL CLASS EA (2000)</p>	
<p>1.</p>	<p><u>Include Transit or Bus Lanes as Schedule C Projects</u></p> <p>The following minor amendment has been approved:</p> <p><i>“Linear Paved Facility: Means facilities which utilize a linear paved surface including road lanes, or lanes in an exclusive right-of-way for HOV lanes, bus lanes or transit lanes. (Note: new busways or transitways, which include system elements such as stations and park’n’ride, are subject to individual EA requirements.)”</i></p> <p><i>This minor amendment will be incorporated in a reprinting of the Municipal Class EA.</i></p>	<p>This was previously approved by MOE as a minor amendment.</p> <p>Definition of Linear Paved Facility will be revised in the Glossary</p>	<p>Should any additional changes be required as a result of the Major Amendment – Part 2 (i.e. Transit Amendment), the definition will be addressed through approval of the Major Amendment - Part 2 (i.e. Transit Amendment).</p>
<p>2.</p>	<p><u>Structural Rehabilitation +40 years</u></p> <p>The Committee has issued the following clarification:</p>		

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<p><u>Structures of 40 Years Old</u></p> <p>There has been some concern expressed for the appropriate interpretation of the Table in Appendix 1 to the Class EA document as it relates to project type 29 and the requirement to follow a Class B or C approach for structures greater than 40 years of age.</p> <p>In order to clarify the application of this section of Class EA document as it relates to the classification of structural projects, it is important that there is additional interpretation to clarify the applicability of the relevant portions of Appendix 1.</p> <p>Firstly, the following definitions should apply. According to CSA-S6-00 a bridge is defined as:</p> <p><i>“A structure that provides a roadway or walkway for the passage of vehicles, pedestrians, cyclists across an obstruction, gap....and has a span greater than 3 m.”</i></p> <p>By contrast, a culvert is defined by CSA-S6-00 as:</p> <p><i>“A structure that forms an opening through an embankment.”</i></p> <p>On the basis of the foregoing definitions, it is clear that culverts are distinct structure types from bridges and the requirements for such works are adequately covered by project types 17 and 18 in Appendix 1.</p> <p>Bridges are integral portions of the road of which they are a part. It is clear that the intent of project types 1, 19 and 23 in Appendix 1 is to cover projects which have the intent to reinstate a facility to its prior state and that such projects should be approved without delay. The works should result in a rejuvenated bridge that has all the capabilities of the originally constructed bridge. This would include rehabilitations to existing structures where there is no outwardly obvious difference in character or appearance between the previous and resultant facility.</p> <p>The application of project type 29 is poorly worded and contradictory in that it</p>	<ul style="list-style-type: none"> • Definitions of “culvert” and “bridge” to be added to the Glossary • Wording of project type #29 will be revised to read; “Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, where the proposed 	

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	<p>is not possible to “construct a structure” which is “over 40 years old”. It is clear that the intent of project type 29 was to protect bridges of historical significance wherever possible and to ensure that when in doubt the appropriate screenings take place. The issue fundamentally boils down to what constitutes work that would alter the nature and significance of the structure. Any act that would alter the fundamental character of the construction or appearance of the structure should be appropriately scrutinized. To this end, it is recommended that any work that alters the basic structural system, overall configuration or appearance of a structure should fall under a Schedule B or C as applicable. All other work would be covered by items 19 and 23 above.</p> <p><i>The information in this clarification will be included in a minor amendment and then that this minor amendment will be incorporated in a reprinting of the Municipal Class EA.</i></p>	<p>work will alter the basic structural system, overall configuration or appearance of the structure”</p>	<p>To proceed as outlined.</p>
3.	<p><u>Alter the Consultation – Public Notice Requirements to Provide Flexibility for Advertising</u></p> <p>The Committee has issued the following clarification:</p> <p><u>Consultation – Public Notices</u></p> <p>The second paragraph of A.3.5.3 states:</p> <p><i>“For the purposes of this Class EA, 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 issues of the same newspapers. Where no such newspaper exists, the proponent shall be responsible for determining the equivalent local means of achieving the same objective of adequate notification to the general public.”</i></p> <p>The Interpretation Act defines a newspaper as:</p> <p><i>“in a provision requiring publication in a newspaper, means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of</i></p>		

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<p><i>current events of general interest and sold to the public and to regular subscribers; ("journal")"</i></p> <p>However, newsprint papers, which are distributed free of charge, often have better coverage. Also, other notice methods, such as web pages, newsletters and signage have become more popular. The recently revised Municipal Act has recognized these changes and required municipalities to establish a procedure which details how the public will be notified for the various items requiring notification under the Municipal Act. This has enabled Municipalities to design a notice procedure which can be both more effective and less costly.</p> <p>The second paragraph of A3.5.3 should be interpreted to read:</p> <p><i>"For the purposes of this Class EA, a published notice shall mean a notice published in a local newspaper having generally circulation in the area of the project. Two (2) published notices shall mean two (2) notices appearing in separate issues of the same newspaper. Where no such newspaper exists, the proponent shall be responsible for determining the equivalent local means of achieving the same objective of adequate notification to the general public. In cases where a municipality has elected to establish a procedure for notifying the public regarding similar projects under other applicable provincial legislation, the proponent may use that procedure to fulfill their requirements for published notice."</i></p> <p>Proponents are encouraged to establish a procedure to coordinate the public notices for Schedule B and C projects with other municipal notice procedures. For example, notices for Schedule B and C projects, which are associated with a Planning Act application, should be coordinated with the notice required by the Planning Act. Municipalities should establish notice procedures for other Schedule B and C projects in a similar fashion to the notice procedures which they have adopted as required by the Municipal Act.</p> <p><i>The information in this clarification will be included in a minor amendment and then this minor amendment will be incorporated in a reprinting on the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Section A.3.5.3 will be revised accordingly • This paragraph will be added to Section A.3.5.3 	<p>To proceed as outlined.</p>

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4.	<p><u>Reference to Local Improvement Act</u></p> <p>The Committee has issued the following clarification:</p> <p><u>Local Improvement Projects</u></p> <p>The Table in Appendix I to the Class EA document, related to Municipal Road Projects, states that project type 34 – Roadworks undertaken pursuant to the Local Improvement Act, are considered Schedule A Projects. Also, Wastewater Management Projects type 15 and Water Projects type 11 state that projects, pursuant to the Local Improvement Act, are considered Schedule A Projects. However, section 474.10.0 of the new Municipal Act repealed the Local Improvement Act.</p> <p>The Local Improvement Act has essentially been replaced by Ontario Regulation 119/03.</p> <p>Projects planned and approved under this regulation can be considered Schedule A projects under the Municipal Class EA for Environmental Assessment Act Approval.</p> <p><i>The information in this clarification will be included in a minor amendment and then this minor amendment will be incorporated in a reprinting of the Municipal Class EA.</i></p>	<p>Changes will be made to the following Schedules</p> <ul style="list-style-type: none"> • Roads A-34 (p. 1-6) • #15 (p. 1-10) • #11 (p 1-12) • Update Section A.2-10 	To proceed as outlined.
5.	<p><u>Increase Dollar Limits with Inflation</u></p> <p>The dollar limits identified in Appendix 1 of \$1.5m and \$6.0m were established in 1993. Since then inflation has increased prices by 24.5%. Inflation will continue to increase costs.</p> <p><i>A minor amendment to increase the dollar limits from \$1.5m to \$2.0m and \$6.0m to \$8.0m will be requested and that this minor amendment will be incorporated in a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Costs for road schedules to be changed in Appendix 1, pages 1-5 and 1-6 	To proceed as outlined.

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6.	<p><u>The 5 Years Should Begin on the Date the EA is Approved</u></p> <p>Currently section A.4.2.2 states that <i>“If the period of time from filing the Notice of Completion of ESR in the public record to the proposed commencement of construction for the project exceeds five (5) years, the proponent shall review the planning and design process and the current environmental setting to ensure that the project and the mitigation measures are still valid given the current planning context. The review shall be recorded in an addendum to the ESR which shall be placed on the public record.”</i> For some projects, the final approval can be a significant amount to time after the Notice of Completion is filed as the proponent works with objectors and then waits for a decision from the Minister. If approval of the projects takes several years, it can be difficult to arrange to complete a major project within the time remaining within the 5 year deadline.</p> <p>In the event that the reference to “5 years” should ever change, this would require the wording in the document to change. Therefore, rather than referring to a specific number of years, it is proposed to refer to the “prescribed timeframe”.</p> <p><i>A minor amendment will be requested to revise Section A4.2.2 so that prescribed time is from final approval of the project to commencement of construction and that this minor amendment will be incorporated into a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Wording in Section A.4.2.2 to be revised 	<p>To proceed as outlined. In addition, the issue of increasing the time from 5 years to 10 years will be dealt with as part of the approval of the Major Amendment - Part 2 (i.e. Transit Amendment).</p>
7.	<p><u>Notices Regarding Addendum</u></p> <p>It should be clear to the public that when an addendum to an ESR is issued, only the items covered in the addendum are open for review.</p> <p><i>A minor amendment will be requested to reword the sample notice for an addendum to an ESR to make it clear that only the items covered in the addendum are open for review and that this minor amendment will be incorporated in a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Revise Section A.4.2.2 under “Change in Project or Environment” • Change sample notice in Appendix 6 (page 6-7) 	<p>To proceed as outlined.</p>

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8.	<p><u>Construction of Local Roads</u></p> <p>The current Municipal Class EA states:</p> <p><i>“Construction of local roads which are required as condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road.” – Schedule A (Project #22)</i></p> <p>However, Ont. Reg 345/93 exempts works constructed by the private sector unless those works are identified in the Municipal Class EA as Schedule C activities and the works are to service residential development.</p> <p><i>Recommendation</i> <i>A minor amendment will be requested to add a section to A.1.3 which explains Ont. Reg 345/93 and its application but encourages municipalities to consider requiring developers to fully consider appropriate alternatives even if the project is exempt under Ont. Reg 345/93.</i></p>		<p>At their meeting of March 1, 2007, MOE and MEA concluded that the following should be a Schedule A: <i>“Construction of any road which is contained within a plan of subdivision or of local roads which are required as a condition of approval on a site plan, consent, plan of subdivision or plan of condominium which will come into effect under the Planning Act prior to the construction of the road”</i></p> <p>This would replace the wording under roads Project #22 in the Municipal Class EA. MOE and MEA also concluded that this change should be addressed through the Major Amendment – Part 1 process (not the Minor Amendment).</p>
9.	<p><u>Changes in Legislation and Review Procedures</u></p> <p>Section A.2.10 Relationship to Projects within the Class EA to Other Legislations, Page A-45</p> <p>1. References to new provincial statutes that may affect the planning and design of municipal infrastructure should be updated. Examples include:</p> <ul style="list-style-type: none"> ~ the Oak Ridges Moraine Conservation Act, 2001, and the Oak Ridges Conservation Plan enacted in 2001; ~ the Ontario Safe Water Drinking Act, 2002 and its regulations; ~ the Nutrient Management Act, 2002 and its regulation; ~ the Greenbelt Plan; ~ Places to Grow Act; ~ Ontario Regulation 116/01 (Electricity Regulation); and ~ Municipal Act, 2001. 	<ul style="list-style-type: none"> • Include under Section A.2.10 	<p>To proceed as outlined. In addition, MOE requested that reference to Section 3.3(1) of the Ontario EA Act be made, which removes traffic calming as being a subject activity.</p> <p>In an email dated March 16, 2007, MOE requested that reference be made to the following documents:</p> <ul style="list-style-type: none"> • <i>Clean Water Act, 2006</i> • <i>Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement, December 2005</i>

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	<p>2. This section should state that proponents will be required to demonstrate they have completed the EA process when submitting applications under the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>. Proponents are requested to provide copies of Notices of Completion and confirm that no Part II order requests are outstanding.</p> <p><i>A minor amendment will be requested to include the above information and that this minor amendment will be incorporated into a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Include under Section A.2.10 	
10.	<p><u>Changes in Legislation and Review Procedures</u></p> <p>Section A.2.10 and A.2.11 Relationship to Projects within the Class EA to Other Legislations, Page A-45</p> <p>Guidelines being finalized by DFO to identify federal information requirements for projects that are subject to both Federal Fisheries Act, and MEA's Class EA. Also, effective May 29th, 2004, responsibility for the Navigable Waters Act switched to Transport Canada. These sections should reference the above.</p> <p><i>A minor amendment will be requested to include the above information and that this minor amendment will be incorporated into a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> • Sections A.2.10 and A.2.11 to be revised 	<p>Add reference to “<i>Information Requirements for Municipal Class Environmental Assessment Projects – Guidance Document</i>”. The focus of this Guidance Document is on projects for which Fisheries and Oceans Canada, Transport Canada (Navigable Waters Protection Program), Environment Canada and Industry Canada are involved, since these are the departments that most frequently have an interest in municipal projects.</p>
11.	<p><u>References to Drainage Act on Pages A-49, C-16 and 1-11 Schedule A</u></p> <p>Section A.2.10.5 identifies that drainage works regulated under the Drainage Act are exempt from the Act by Ontario Regulation 334, section 5.(2)(c). This provision is repeated in the Class EA.</p> <p>Section 5.(2)(c) of O.R. 334 does not align with <i>Ontario Water Resources Act</i>, section 53.(6)(d). Section 53.(6)(d) only exempts drainage works for agricultural purposes. Therefore, references to the Drainage Act should be</p>		

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	<p>revised to read;</p> <p><i>Certain drainage works, regulated under the Drainage Act are exempt under Ontario Regulation 334.</i></p> <p><i>A minor amendment will be requested to include the above information and that this minor amendment will be incorporated into a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> Sections A.2.10.5 and C.1.3.1 to be revised 	<p>Rewrite and make clear that if works are approved by the Drainage Act, they are Schedule A and include as part of the Major Amendment Part 1.</p>
12.	<p><u>Appendix 1, Schedule B, item 25, Page 1-15</u></p> <p>Class EA describes construction and replacement of dams and weirs, but does not identify removal of these activities. Scheduled activities should also capture removal of these activities.</p> <p><i>A minor amendment will be requested to include the above information and that this minor amendment will be incorporated into a reprinting of the Municipal Class EA.</i></p>	<ul style="list-style-type: none"> New project type to be added as item #26 	<p>To proceed as outlined.</p>