



# 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)

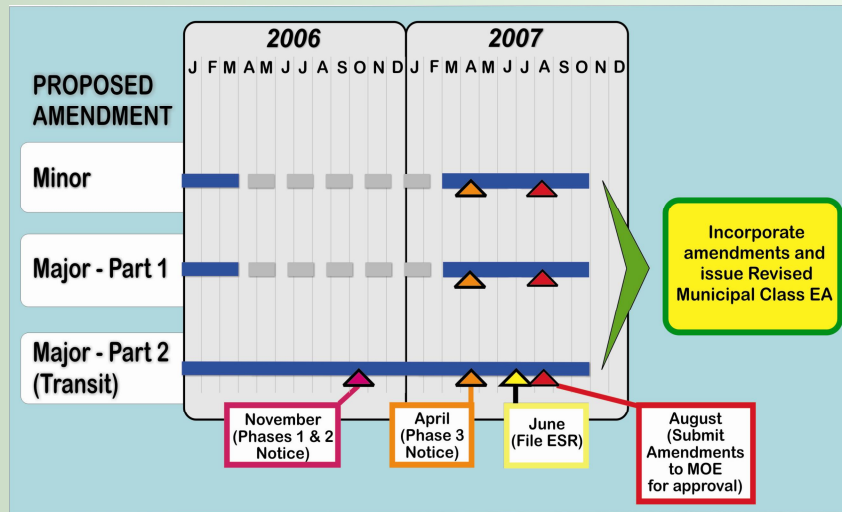


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*PROPOSED AMENDMENTS TO THE MUNICIPAL CLASS EA DOCUMENT*

*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 **Major Amendment – Part 1**.

	<p><b>PROPOSED AMENDMENTS TO THE MUNICIPAL CLASS EA</b></p>	<p><b>MAJOR AMENDMENT – PART 1</b></p>
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ISSUE	COMMENTS FROM FEBRUARY 20, 2006, MEA COMMITTEE MEETING		AS AGREED BY MOE AND MEA ON MARCH 1, 2007	
	SCHEDULE			
	Current	Proposed		
<p><b>New Schedule A<sup>+</sup></b></p>	<p>The Committee discussed and agreed that the definition of Schedule A<sup>+</sup> activities should be “<i>Pre-approved. Public is to be advised prior to project implementation. Manner in which public is advised is to be determined by the proponent</i>”. There will be no appeal to MOE on these projects following Council’s decision.</p> <p>The Committee proceeded to review the List of Schedules from the 2000 Class EA document and identified a number of potential Schedule A<sup>+</sup> activities. These activities are listed below (<i>Number refers to Activity descriptions in existing List of Schedules</i>).</p>		<p>This is acceptable to MOE</p>	
<p><i>Road Projects</i></p>	<p>#3 – Sidewalks or Bicycle Paths within the ROW</p>	<p>A</p>	<p>A+</p>	
<p>#5 – Urban Resurfacing Projects (but not Rural, remains A)</p>	<p>A</p>	<p>A+</p>		
<p>#11 – Streetscaping initiatives less than \$2.0 M</p>	<p>A</p>	<p>A+</p>		
<p>#12 – Local Improvements less than \$2.0 M (but not guide rail installation, remains A)</p>	<p>A</p>	<p>A+</p>		
<p>#19 – Road Reconstruction – same purpose, use, capacity and location</p>	<p>A</p>	<p>A+</p>		
<p>#23 – Water Crossing – same purpose, use, capacity and location (#17 remains A due to generally smaller project size and frequency)</p>	<p>A</p>	<p>A+</p>		
<p>#30 – Noise barriers at any cost</p>	<p>A and B</p>	<p>A+</p>		
<p>#38 – Retirement of existing roads and related facilities</p>	<p>B</p>	<p>A+</p>		

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		SCHEDULE		
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	#39 – Retirement of existing laneways	A	A+	
	#41 – Traffic Calming Measures	B and C	No longer applicable since now exempt from Ontario EA Act	
<i>Water(W) and Wastewater (WW) Projects From A to A<sup>+</sup></i>	#9 (WW) – Expanded service area in ROW including trenchless tunnelling	A	A+	
	#3 (W) – Expand service up to existing rated capacity where no land acquisition required	A	A+	
	#6 (W) – Expanded service area in ROW or corridor including trenchless tunneling	A	A+	
<i>Water(W) and Wastewater (WW) Projects From B to A<sup>+</sup></i>	#4 (WW) – Modify etc. Detention/Retention Facility	B	A+	
	#8 (WW) – Retirement of sewage facility which would have been subject to EA Act for establishment	B	A+	
	#9 (WW) – Increases in capacity in an existing building where the Province is issuing a revised C of A.	B	A+	
	#10 (WW) – Adding standby power in an existing building	B	A+	
	#17 (WW) – Adding clause except by trenchless tunneling	B	A+	
	#4 (W) – Retirement of a water facility that would have been subject to EA Act for establishment	B	A+	

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	#5 (W) – Increase pumping station capacity in an existing building	B	A+	
	#6 (W) – Installation of new standby power in an existing building	B	A+	
Water(W) and Wastewater (WW) Projects From B to A	#12 (WW) – Capacity increases above rated capacity due to improvements to operations and maintenance without construction of works to expand existing facility.	B	A	
	#12 (W) – Capacity increases due to improvements to operations and maintenance (i.e. new chemicals)	B	A	
<b>SPECIFIC ISSUES</b>				
<p><b>1. <u>Addition of Bike Lanes</u></b></p> <p>The current Municipal Class EA designates “Construction or Operation of Sidewalks or Bicycle Paths Within Existing Right-of-Way” as a Schedule A activity.</p> <p><i>Bike Lanes would be identified in the appropriate Schedule.</i></p>	<p><i>Discussion</i></p> <p>The Committee concurred that the addition of bike lanes to an existing right-of-way would only have minor impacts if any, given that it is within an existing ROW. If the addition of bike lanes affects road capacity, then the project would fall under Schedule #20 (&lt;1.5 million B; &gt; 1.5 million C) as per the 2000 document.</p> <p>The addition of bike lanes to an existing ROW should continue to be pre-approved, as they are considered to be limited in scale and have minimal adverse environmental effects. Therefore the Committee concluded that such projects should have public notification.</p> <p><i>Conclusion</i></p> <p>The Committee agreed that, assuming vehicle capacity is not impacted (i.e. a reduction of vehicle lanes), the addition of bike lanes within the existing right-of-way could proceed under Schedule A+.</p>	A	A+	To proceed as outlined.
<p><b>2. <u>Conversion of One Way or Two Way Streets</u></b></p> <p>Conversion of streets would be</p>	<p><i>Discussion</i></p> <p>The Committee noted that impacts resulting from the conversion of one way or two way streets have impacts typically beyond the streets that are converted, such as overall changes in travel patterns and the</p>			

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		Current	Proposed	
<p>identified in the appropriate schedule.</p>	<p>resulting impacts on the social and economic environment of the area. The Committee discussed the scope of the street conversions (i.e. 1 or 2 localized streets versus an entire network) and it was noted that the municipality might be better able to examine such issues.</p> <p>Some Committee members felt strongly that this should be more than A or A+ (i.e. should be B or C), while others noted that should any changes result, then this would be covered by Schedule #20 (&lt;1.5 million B; &gt; 1.5 million C), plus a proponent can always elevate a project to a B.</p> <p><i>Conclusion</i> The Committee concluded that the activity should be classified as a Schedule A+ activity.</p>	-	A+	To proceed as outlined.
<p>3. <u>Parking or Turning Lane Markings</u></p> <p><i>Parking or Turning Lane Markings would be identified in the appropriate Schedule.</i></p>	<p><i>Discussion</i> Regarding new or revised parking or turning lane markings, the Committee discussed the possible impacts on the social and economic environments associated with restricting the availability of parking, or increasing/decreasing vehicle travel lanes, in urban areas. It was noted that in a congested downtown area of a city, this could have major impacts. It was agreed that there are a number of possible impacts, and that municipal government/councillors should be capable of addressing concerns.</p> <p>The Committee noted that changing lane markings can affect road capacity therefore resulting in a number of possible impacts on the surrounding area. However, it was also noted that the project activity often consists of painting lines on the roadway, which is a relatively minor activity and not of provincial interest.</p> <p>Additional discussion noted that one possible situation that might have serious effects on the community, would involve changing a 4-lane cross-section consisting of 2 travel and 2 parking lanes to 4</p>			

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	<p>travel lanes. Situations such as this would require clarification, however it was agreed that the activity should not be a Schedule B activity.</p> <p>The Committee concluded that the activity should be listed under Schedule A.</p> <p>The Committee further discussed whether the activity should be included under Schedule A, Construction or Reconstruction of Linear Paved Facilities and Related Facilities #12 (localized improvements) or #20 (continuous improvements) of the existing Appendix 1 Project Schedule.</p> <p>It was noted that #12 and #20 both relate to physical construction, and that changes in lane markings is not a construction item.</p> <p><i>Conclusion</i> The Committee concluded that new lane markings on an existing cross-section should be a new section under Schedule A, with the understanding that if it is an issue to a specific community, the proponent can elevate the project schedule</p>	-	A	To proceed as outlined.
<p><b>4. <u>Water Crossing by Tunneling</u></b></p> <p>Point 11 on Page 1-16 of the current Municipal Class EA designates:</p> <p>“Water crossing by a new or replacement water facility.”</p> <p>as a Schedule B activity.</p> <p>New technology has made it practical to install watermains by tunneling under a water course and causing no disruption.</p>	<p><i>Discussion</i></p> <p>The Committee discussed project activity #11 on p. 1-16 of the existing document, and indicated that new technology allows the installation of new facilities under a watercourse without causing a disruption. The Committee discussed the project activities and schedules that might be appropriate to include tunnelling, on the basis that such a method causes no disruption.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that:</p>			

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<p><b><i>Water Crossing by Tunneling would be identified in the appropriate Schedule.</i></b></p>	<ul style="list-style-type: none"> <li>• While “Water crossing by a new or replacement water facility” is currently a Schedule B (Water) project activity, as per p. 1-16 of the current Class EA,</li> <li>• in the Committee’s opinion, trenchless water crossings should be a pre-approved activity as part of project activities under Schedule A: #6 (Water) as well as #9 (Wastewater).</li> <li>• these two activities, however, were previously reviewed and are proposed to be A+. Therefore the proposed activity #1 of A+ (Water) will read “Establish, extend or enlarge a water distribution system and all works necessary to connect the system to an existing system or water source, provided all such facilities are in either an existing road allowance or are in an existing utility corridor, <i>including tunnelling for trenchless water crossings</i>”. Furthermore, proposed activity #1 of A+ (Wastewater) will read “Establish, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage or natural drainage outlet, provided all such facilities are in either an existing road allowance or an existing utility corridor, <i>including tunnelling for trenchless water crossings</i>”.</li> </ul>	B	A+	To proceed as outlined.

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		SCHEDULE		In their email of March 16, 2007, MOE advised that MEA’s recommendations under Item 5 are acceptable to MOE.
		Current	Proposed	
<p><b>5. Changes Proposed by MOE to Schedules as per the Municipal Class EA 5 Year Review</b></p> <p>The changes in Schedules noted in this section have been proposed by MOE as part of the MEA 5 Year Review. The MEA Committee discussed each of the proposed changes, as described below, on February 20, 2006.</p>				
<p>5. a) Appendix 1, Schedule A, Water Projects, Page 1-11, item 1, 7<sup>th</sup> bullet – remove “replacement” from item</p> <p><u>Existing Wording:</u> <i>repairs, cleaning or replacement of a well or intake.</i></p> <p><u>Proposed Wording (MOE):</u> <i>“repairs or cleaning of a well or intake”</i></p>	<p><i>Discussion</i></p> <p>The Committee discussed the rationale for removing “replacement” with respect to surface water intakes. It was agreed that such replacements have the potential for major impacts.</p> <p>The Committee noted that the replacement of surface water intakes might be more appropriate as a Schedule B activity as it allows for alternatives to be determined and assessed.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that “replacement” should be removed from the activity, and that the replacement of a well or intake instead be listed as a Schedule B activity.</p>	A	B	To proceed as outlined.
<p>5. b) Appendix 1, Schedule A, Water Projects, Page 1-11, Item 3 – add “or new building” after “acquisition”</p> <p><u>Existing Wording:</u> <i>“Expand/refurbish/upgrade water treatment plant up to existing rated capacity where no land acquisition is required.”</i></p>	<p><i>Conclusion</i></p> <p>The Committee does not support MOE’s proposed change. The Committee proposed that it be a Schedule A+. Follow-up with MOE required.</p>	A	A+	To proceed as outlined.



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		SCHEDULE		
		Current	Proposed	
<p><u>Proposed Wording (MOE):</u>  <i>“Expand/refurbish/upgrade water treatment plant up to existing rated capacity where no land acquisition or new building is required.”</i></p>				
<p>5. c) Appendix 1, Schedule A, Water Projects, Page 1-11, Item 5 – remove “install new wells or” from the clause</p> <p><u>Existing Wording:</u> <i>“Install new wells or deepen existing wells or increase pumping capacity of existing wells, at an existing municipal well site, where the existing rated yield will not be exceeded.”</i></p> <p><u>Proposed Wording (MOE):</u> <i>“Deepen existing wells or increase pumping capacity at existing municipal well site, where the existing rated yield will not be exceeded.”</i></p>	<p><i>Discussion</i></p> <p>The Committee said that since MOE would be commenting as part of issuing a Certificate of Approval (C of A), this activity should remain an A.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that they do not agree with the proposed change, and that MOE’s rationale for the change needs to be determined. Follow-up with MOE required.</p>	A	No change proposed by MEA	To proceed as outlined.
<p>5. d) Appendix 1, Schedule A, Water Projects, Page 1-11, Item 1 – 10<sup>th</sup> bullet point</p> <p><u>Existing Wording:</u> <i>“Installation or replacement of standby power equipment where new equipment is</i></p>	<p><i>Discussion</i></p> <p>The Committee indicated that regardless if whether or not the existing building previously contained standby power equipment, the installation or replacement of standby power equipment would not physically alter the building.</p>			

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		Current	Proposed	
<p>located within an existing building or structure.”</p> <p><u>Proposed Wording (MOE):</u>                      “Installation or replacement of standby power equipment where the new equipment is located within a building or structure which previously contained standby power equipment.”</p>	<p><i>Conclusion</i></p> <p>The Committee does not agree with the proposed change. Follow-up with MOE required.</p>	A	No change proposed by MEA	To proceed as outlined.
<p>5. e) Appendix 1, Schedule B, Water Projects, Page 1-16 Item 6</p> <p><u>Existing Wording:</u> “Installation or replacement of standby power equipment located in a new building or structure.”</p> <p><u>Proposed Wording (MOE):</u>                      “Installation or replacement of standby power equipment where the new equipment is not located within a building or structure which previously contained standby power equipment.”</p>	<p><i>Discussion</i></p> <p>The Committee agrees with the existing wording and feels that the proposed changes are not required.</p> <p><i>Conclusion</i></p> <p>The Committee does not agree with the proposed change. Follow-up with MOE required.</p>	B	No change proposed by MEA	To proceed as outlined.
<p>5. f) Appendix 1, Schedule B, Water Projects, 1-16, Item 12 – remove new or expanded water intake pipe</p>	<p><i>Discussion</i></p> <p>The Committee indicated that MOE’s proposed wording is appropriate, as the existing wording appears to be contradictory.</p>			

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		SCHEDULE		In their email of March 16, 2007, MOE advised that MEA's recommendations under Item 5 are acceptable to MOE.
		Current	Proposed	
<p><u>Existing Wording:</u> “Increase water treatment plant capacity including new or expanded water intake beyond existing rated capacity through improvements to operations and maintenance activities only but without construction of works to expand, modify or retrofit the plant.”</p> <p><u>Proposed Wording (MOE):</u> “Increase water treatment plant capacity beyond existing rated capacity through improvements to operations and maintenance activities only but without construction of works to expand, modify or retrofit the plant.”</p>	<p>However, the Committee also discussed a situation of increased capacity that occurs due to improved operations and maintenance activities, and concluded that it should not be considered a Schedule B activity if no physical changes have been made to the facility.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that:</p> <ul style="list-style-type: none"> <li>• The wording should be changed as per the MOE suggestion.</li> <li>• The Committee also concluded that the project activity be changed from a B to A since no physical changes are proposed.</li> </ul> <p>Follow-up with MOE required.</p>	B	A	To proceed as outlined.
<p>5. g) Page 1-11, Item 1, Water Projects and Page 1-16, item 6 references to “standby power equipment”</p>	<p><i>Conclusion</i></p> <p>The Committee feels that the introduction of standing power equipment should be an A+ activity and should be approved through a Certificate of Approval.</p>	A and B	A+	To proceed as outlined.

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		SCHEDULE		
		Current	Proposed	
<p><b>The following are items that MEA has been asked to comment on.</b></p> <p>The changes in Schedules noted in this section have been brought to the attention of MEA as part of the MEA 5 Year Review. The MEA Committee discussed each of the proposed changes, as noted below, on February 20, 2006.</p>				
<p><b>6. <u>Traffic Calming</u></b></p> <p>Currently traffic calming measures are designated:                      Schedule B &lt; \$1.5m                      Schedule C &gt; \$1.5m</p> <p><i>Traffic Calming would be identified in the appropriate Schedule.</i></p>	<p><i>Discussion</i></p> <p>The Committee indicated that there has been considerable discussion regarding this. MEA feels strongly that traffic calming is a local issue.</p> <p><i>Conclusion</i></p> <p>While traffic calming is currently either a Schedule B or C activity, the Committee concluded that it should be changed to A+.</p>	B or C	*	<p><b>*This is no longer applicable.</b> With the passing of the City of Toronto Act, the EA Act was amended. Section 3.3 (1) states that traffic calming is not subject to the Ontario EA Act.</p>
<p><b>7. <u>Include Shoreline Works Such as Off Shore Breakwater, Shore Connected Breakwater, Groynes and Sea Wall</u></b></p> <p><i>Shore Projects would be identified in the appropriate Schedule.</i></p>	<p><i>Discussion</i></p> <p>The Committee noted that the activity is presently listed as a Schedule C activity.</p> <p><i>Conclusion</i></p> <p>The Committee agreed that the present listing as a Schedule C activity is appropriate and should remain as such.</p>	C	No Change	To proceed as outlined.
<p><b>8. <u>Increase Dollar Limits for Intersection Improvement So That It Does Not Go To A Schedule C At \$1.5 million</u></b></p> <p><i>Intersection Improvement would be identified in the appropriate Schedule.</i></p>	<p><i>Discussion</i></p> <p>The Committee noted that the dollar limits for B projects have been increased from \$1.5 to \$2.0 million as part of the Minor Amendment.</p> <p><i>Conclusion</i></p> <p>Given this, the Committee concluded that as a result of the increase, the Schedule B listing is still appropriate for intersection improvements.</p>	B	No Change	To proceed as outlined.

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<p><b>9. <u>Reclassify or Redefine Road Closure</u></b></p> <p>Certain proponents have suggested that Road Closure projects should shift to Schedule A.</p> <p><b>Road Closure would be identified in the appropriate Schedule.</b></p>	<p><i>Discussion</i></p> <p>The Committee discussed the activity and noted that it is presently a Schedule B on the basis that municipal infrastructure which is required to fulfill the requirements of the Municipal Class EA to be built, should also be subject to the process (as a Schedule B) should they be closed. It was noted that this is applicable to an existing, opened road allowance with an existing road surface, but not an unopened road allowance as defined in the glossary of the Municipal Class EA 2000 document.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that the activity should be changed to Schedule A+, on the basis that public notification is necessary and concerns are more appropriately addressed at the local municipal level.</p>	B	A+	To proceed as outlined.
<p><b>10. <u>Municipal Drain Projects</u></b></p> <p>The Minor Amendment will explain that certain drainage works, regulated under the Drainage Act, are exempt under Ontario Regulation 334.</p> <p><b>Other drainage works, which are exempt, will be identified in the appropriate schedule.</b></p>	<p><i>Discussion</i></p> <p>Some municipal drain projects are exempt under Ontario Reg. 334. It was noted that the City of Ottawa had inquired about drain projects with major impacts, and suggested that such projects should be subject to both the Class EA and the Drainage Act.</p> <p>The Committee noted that while the Drainage Act tends to focus on technical aspects, the existing wording in the Municipal Class EA is appropriate.</p> <p><i>Conclusion</i></p> <p>The Committee concluded that no changes are required to the existing wording which reads “Certain drainage works, regulated under the <b>Drainage Act</b>, are exempt under Ontario Regulation 334”.</p>	A	No change proposed by MEA	Further to MOE’s comments, it is proposed to revise the text to read, <i>Drainage works, which are approved under the Drainage Act, are Schedule A.</i> See No. 11 under Minor Amendment.

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			Current	Proposed
<p><b>11. <u>Construction of Local Roads</u></b></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</i></p> <p>However, Ont. Reg 245/93 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>Initially proposed by MEA on March 13, 2006, to be included as part of the Minor Amendment.</p> <p>Therefore 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.</p>			<p>At the March 1, 2007 meeting, MOE and MEA concluded to shift this issue to be part of the Major Amendment – Part 1 and revise so that <b>all</b> roads contained within a Plan of Subdivision are Schedule A.</p> <p>Accordingly, the proposed wording is:</p> <p><i>“Schedule A - 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>