

## 2. Municipal Class Environmental Assessment Planning Process

### 2.1 Overview

All municipalities in Ontario are subject to the provisions of the Ontario *Environmental Assessment Act* and its requirements to prepare an Environmental Assessment for applicable public works projects. The Ontario Municipal Engineers Association “Municipal Class Environmental Assessment” manual (October 2000, as amended in 2007, 2011 and 2015) provides municipalities with a phased planning procedure, to plan and undertake all municipal sewage, water, stormwater management and transportation projects that occur frequently, are usually limited in scale and have a predictable range of environmental impacts and applicable mitigation measures.

In Ontario, infrastructure projects are subject to the Municipal Class Environmental Assessment process and must follow a series of mandatory steps as outlined in the Municipal Engineers Association Municipal Class Environmental Assessment manual. The Municipal Class Environmental Assessment manual consists of five phases and the application of the phases depends on the Municipal Class Environmental Assessment Schedule that applies to a project. The phases are summarized below:

- **Phase 1 – Problem or Opportunity:** Identify the problems or opportunities to be addressed and the needs and justification
- **Phase 2 – Alternative Solutions:** Identify alternative solutions to the problems or opportunities by taking into consideration the existing environment, and establish the preferred solution considering public, review agency, stakeholder and Indigenous Communities review and input.
- **Phase 3 – Alternative Design Concepts for the Preferred Solution:** Examine alternative methods of implementing the preferred solution based upon the existing environment, public and agency input, anticipated environmental effects and methods of minimizing negative effects and maximizing positive effects.
- **Phase 4 – Environmental Study Report:** Document in an Environmental Study Report, a summary of the rationale, planning, design, and consultation process for the project as established through Phases 1 to 3 above and make such documentation available for scrutiny by the public, review agencies, stakeholders and potentially impacted Indigenous Communities.
- **Phase 5 – Implementation:** Complete contract drawings and documents, proceed to construction and operation, and monitor construction for adherence to environmental provisions and commitments. Also, where special conditions dictate, monitor the operation of the completed facilities.

Only Phases 1, 2 and 5 of the Municipal Class Environmental Assessment process apply to the proposed storm sewer works and upsizing of the Mimico Creek outfall in accordance with the Schedule B project category. The Municipal Class Environmental Assessment process ensures that all projects are carried out with effectiveness, efficiency and fairness. The process serves as a mechanism for understanding economic, social and environmental concerns while implementing improvements to municipal infrastructure.

## 2.2 Project Planning Schedules

The Municipal Class Environmental Assessment defines four types of projects and the processes required for each (referred to as Schedule A, A+, B, or C). The selection of the appropriate schedule is dependent on the anticipated level of environmental impact, and for some projects, the anticipated construction costs. Projects are categorized according to their environmental significance and their effects on the surrounding environment. This study is categorized as a Schedule B planning activity. The following describes the Municipal Class Environmental Assessment planning schedules:

- **Schedule A<sup>1</sup>:** Projects are limited in scale, have minimal adverse environmental effects and include a number of municipal maintenance and operational activities. These projects are pre-approved and may proceed to implementation without following the full Municipal Class Environmental Assessment planning process.
- **Schedule A+:** The purpose of Schedule A+ is to ensure appropriate public notification for certain projects that are pre-approved under the Municipal Class Environmental Assessment. It is appropriate to inform the public of municipal infrastructure project(s) being constructed or implemented in their area.
- **Schedule B:** Projects have the potential for some adverse environmental effects. The proponent is required to undertake a screening process (Phases 1 and 2), involving mandatory contact with directly affected public and with relevant review agencies to ensure that they are aware of the project and that their concerns are addressed. If there are no outstanding concerns, then the proponent may proceed to implementation. At the end of Phase 2, a Project File documenting the planning process followed through Phases 1 and 2 shall be finalized and made available for public and agency review. However, if a concern is raised

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<sup>1</sup> Historically, projects classified as Schedule A and A+ were considered pre-approved; however, the passing of Bill 108 (More Homes, More Choice Act) resulted in an amendment to the EA Act so that these low impact projects are now considered exempt from the Act. Schedule A projects can proceed to implementation. However, Schedule A+ projects, although exempt from the EA Act, must complete some form of public notification suitable to the project prior to construction.

related to aboriginal and treaty rights which cannot be resolved, a Section 16 Order request may be requested and considered by the Minister of the Environment, Parks and Conservation. Alternatively, the proponent may elect voluntarily to plan the project as a Schedule C undertaking.

- **Schedule C:** Projects have the potential for significant adverse environmental effects and must proceed under the full planning and documentation (Phases 1 to 4) procedures specified in the Municipal Class Environmental Assessment manual. Schedule C projects require that an Environmental Study Report be prepared and filed for review by the public and review agencies. If concerns related to aboriginal and treaty rights are raised that cannot be resolved then a Section 16 Order may be requested.

### **2.2.1 Area 53 Bundle B Municipal Class Environmental Assessment Schedule**

As this project is associated with Alternative STM 53-49 under Assignment number 53-33 and involves the installation of linear infrastructure and upsizing of an existing outfall to Mimico Creek that is outside of (in this case outfall) an existing road allowance and or existing utility corridor (Schedule B trigger), Phase 1 (Problem or Opportunity Statement) and Phase 2 (Alternative Solutions) of the Municipal Class Environmental Assessment planning process apply to this project. If there are no concerns raised, Phase 5 (Implementation) can be completed which includes three steps: completion of contract drawings and tender documents, proceeding to construction and operation, and monitoring for environmental provisions and commitments.

Assignment number 53-33 also includes sanitary works (described in **Section 3.1.1**) which are not within the scope of this Schedule B Municipal Class Environmental Assessment study as they will be within the existing road allowance and are therefore considered Schedule A+ (pre-approved). The public will be advised prior to the implementation of the sanitary works.

## **2.3 Communications and Consultation Overview**

The Municipal Engineers Association Municipal Class Environmental Assessment manual outlines specific mandatory public and agency consultation contact points and methods for Schedule B undertakings, all of which have been completed for this study. The following summarizes the consultation activities undertaken for this study:

- Development of a contact list at the onset of the Project to notify agencies, stakeholders, Indigenous Communities, and members of the public that requested to be kept informed

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- Distribution of the Notice of Commencement and Public Consultation, and Notice of Completion
- Posting of relevant project details on the City's website: [www.toronto.ca/bf53](http://www.toronto.ca/bf53)
- Hosting a virtual Public Consultation Event giving interested participants, including community members, an opportunity to review the Project, including alternative solutions, and provide feedback for consideration
- Outreach and information sharing with Indigenous Communities that may potentially be interested in the Project

All comments received were considered and addressed to the extent possible. Refer to **Section 9** for the overview of consultation completed for Phases 1 and 2 of this Municipal Class Environmental Assessment study.

## 2.4 Public Review of Project File and Next Steps

This Project File comprises the documentation for Schedule B requirements. Placement of the Project for public review completes Phase 2 of the Project. The Project File is available for public review and comment for a period of 30 calendar days starting on **[date to be confirmed]** and ending on **[date to be confirmed]**. To facilitate public review of the Project File, the report is available on the City's website: [www.toronto.ca/bf53](http://www.toronto.ca/bf53). Alternative arrangements to view the report are available upon request.

Interested persons may provide written comments to the City's Senior Public Consultation Coordinator by **[date to be confirmed]**. All comments and concerns should be sent directly to the City:

### Mae Lee

Senior Public Consultation Coordinator

City of Toronto

Metro Hall, 55 John Street

Toronto, ON M5V 3C6

Email: [floodingstudy@toronto.ca](mailto:floodingstudy@toronto.ca)

Tel: 416-392-8210

Website: [Toronto.ca/bfea](http://Toronto.ca/bfea)

In addition, a Section 16 Order request may be made to the Ministry of the Environment, Conservation and Parks for an order requiring a higher level of study (i.e., requiring an individual/ comprehensive Environmental Assessment approval before being able to proceed), or that conditions be imposed (e.g., require further studies), only on the grounds that the requested order may prevent, mitigate or remedy adverse impacts on

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constitutionally protected Aboriginal and treaty rights. Requests on other grounds will not be considered. Requests should include the requester contact information and full name.

The request should be sent in writing or by email to both contacts below and a copy must also be sent to the City of Toronto contact.

- Minister of the Environment, Conservation and Parks  
Ministry of Environment, Conservation and Parks  
777 Bay Street, 5th Floor, Toronto, Ontario M7A 2J3  
[Click here to email the Minister of the Environment, Conservation and Parks](#)
- Director, Environmental Assessment Branch  
Ministry of Environment, Conservation and Parks  
135 St. Clair Avenue West, 1st Floor, Toronto, Ontario M4V 1P5  
[Click here to email the Director of the Ministry of Environment, Conservation and Parks](#)

Please visit the ministry's website for more information on requests for orders under Section 16 of the *Environmental Assessment Act* at: [Click here for the Environmental Assessment Act - Section 16 Order Requests.](#)

All personal information included in your request – such as name, address, telephone number and property location – is collected, under the authority of Section 30 of the Environmental Assessment Act and is collected and maintained for the purpose of creating a record that is available to the general public. As this information is collected for the purpose of a public record, the protection of personal information provided in the *Freedom of Information and Protection of Privacy Act* does not apply (s.37). Personal information you submit will become part of a public record that is available to the general public unless you request that your personal information remain confidential.