

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

PROBLEM OR
OPPORTUNITY ••

ALTERNATIVE •
SOLUTIONS

DESIGN CONCEPTS ••
FOR PREFERRED
SOLUTION

ENVIRONMENTAL •• vs+
STUDY REPORT

IMPLEMENTATION



**MUNICIPAL
ENGINEERS
ASSOCIATION**

October 2000, as amended in 2007

Approved by Order-in-Council no. 1923/2000



**Municipal
Engineers
Associati**

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RECEIVED

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Nov 1 2007

MUNICIPAL ENGINEERS

September, 2007

The Municipal Engineers Association (MEA) is pleased to present the amended Municipal Class Environmental Assessment document for municipal projects.

In 2000, the new Municipal Class EA was approved as per Order-in-Council 1923/2000.

In 2006/7, MEA, supported by its Volunteer members, partners from the Transit community and the Ministry of the Environment, developed a series of amendments to address comments from the five year review, to expand the scope and to improve the function of the Municipal Class EA. Three amendments were submitted to the Ministry of Environment for review and approval, including:

- A minor amendment which addresses a number of housekeeping issues;
- A major amendment which creates a new sub-class of activities (Schedule A+) and reorganizes the classification of certain activities; and
- A new chapter which expands the scope of the Class EA to include municipal transit projects.

With the approval of these amendments, MEA is releasing the amended Municipal Class EA, which is referred to as:

**Municipal Class Environmental Assessment
October 2000, as amended in 2007**

Our thanks go to the members of the MEA/MOE Monitoring Committee as chaired by Mr. Paul Knowles P.Eng., to the members of the Transit Sub-Committee as chaired by Mr. Uwe Mader P.Eng., and to our Executive Director Mr. Jeff Seaton P.Eng. for his constant attention to the concerns of our Association.

MEA will continue to monitor the application of the Municipal Class EA process. We welcome comments from the users of the document, so that it can continue to maintain its relevance and effectiveness.

Yours truly,

Ron Standish P.Eng.
President, MEA

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of the
Environment

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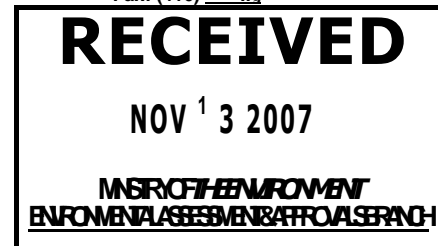


Environmental Assessment and Approvals Branch

Tel: (416) 314-7213
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September 11, 2007

Municipal Clerks



**Municipal Engineers Association
Municipal Class Environmental Assessment
Notice of Approval of Amendments**

Pursuant to condition 3 of the Municipal Engineers Association's (MEA) Municipal Class Environmental Assessment (Class EA) *Environmental Assessment Act* (EAA) Notice of Approval, MEA has completed a five year review of its Class EA. MEA amended its Class EA to include a new Part D for municipal transit projects and revised the text and schedules of its existing Class EA to reflect changes in legislation and planning practices.

On September 6, 2007, the Minister of the Environment approved MEA's amendments. A copy of the Notice of Approval of Amendments is attached for your reference.

MEA will be reprinting its Class EA to consolidate the recently approved amendments. MEA plans to have the consolidated version of its amended Class EA available by mid October. Further information on how to obtain a copy of the amended Class EA will be made available on MEA's web site at www.municipalengineers.on.ca.

This notice is to inform municipalities of the Minister's approval of the amendments. Municipalities currently engaged in an individual environmental assessment process in respect of transit projects now covered by the Transit Chapter may wish to refer to the transition provisions of section D.1.1.1 of the approved Transit Chapter.

Should municipalities wish to use the Transit Chapter to complete an already commenced individual environmental assessment process, they are required to notify the Director of the Environmental Assessment and Approvals Branch by November 5, 2007. Should you have any further questions *regarding the* Transit Chapter's transition provisions, please contact Ms. Gemma Connolly, Special Project Officer, Environmental Assessment and Approvals Branch at (416) 314-7213.

Yours sincerely,

Arkf r & d 7 1 1 1

 Frances O'Mara Director Environmental
Assessment and Approvals Branch

Attachment
MEA's Notice of Approval of Amendments

Ministry
of the
Environment

Office of the Minister

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ENV1283MC-2007-3367

SEP 06 2007

Mr. Paul Knowles, P.Eng.
Chair
Municipal Engineers Association
Monitoring Committee
CIO Corporation of the Town of Carleton Place
175 Bridge Street
Carleton Place ON K7C 2V8

Dear Mr. Knowles:

Pursuant to Condition 3 of the *Environmental Assessment Act* (EAA) Notice of Approval of the Municipal Engineers Association's (MEA) Municipal Class Environmental Assessment (Class EA), I am pleased to advise that I have approved the amendments to the Class EA.

Thank you for completing your 5 year review and updating your Class EA to reflect changes in existing legislation and policies.. I am particularly pleased that MEA incorporated a Transit Chapter into its Class EA. The Transit Chapter is a key initiative in improving the environmental assessment process for municipal transit projects.

Municipalities and provincial agencies such as the Ministry of Public Infrastructure Renewal worked closely with MEA to develop a pre-approved environmental assessment process that will allow municipalities to implement their transit policy objectives in a more streamlined and cost effective manner. More importantly, municipalities will now be able to undertake initiatives that are designed to significantly reduce greenhouse gas emissions, reduce traffic congestion, and provide for environmentally sustainable communities.

I have attached a copy of the Notice of Approval of Amendments to the Class EA. MEA is required to undertake the next review of its Class EA in five years. I look forward to the continued monitoring of the Class EA effectiveness, and any update and changes that you may have in the future.

Mr. Paul Knowles
Page 7.

Thank you for submission.

Your truly',

A handwritten signature in black ink that reads "Laurel Broten". The signature is written in a cursive, flowing style.

Laurel C. Broten
Minister of the Environment

Attachment

- c Mr. Jeff Seaton, Executive Director
Mr. Uwe Mader. Monitoring Committee

Environmental Assessment Act

NOTICE OF APPROVAL OF AMENDMENTS

**Municipal Engineers Association
Municipal Class Environmental Assessment**

RE: Municipal Class Environmental Assessment (Class EA)

Proponent: Municipal Engineers Association (MEA)

EA File No.: EA-03-03-02-02

Having considered the purpose and provisions of the *Environmental Assessment Act*, the Class EA, condition 3 of MEA's *Environmental Assessment Act* Notice of Approval, MEA's submissions, MEA's public consultation and its response to submissions, I hereby approve and amend the Class EA.

REASONS

My reasons for approving and amending the MEA's Class EA are:

- (1) The amendments were prepared in accordance with Condition 3 of its *Environmental Assessment Act* approval, dated October 3, 2000 and the amendment provisions outlined in section A.1.5.2 of its Class EA.
- (2) MEA prepared an Environmental Study Report (ESR) to address the effects of incorporating a Transit Chapter into its Class EA. The ESR concluded that, on balance, the advantages of incorporating a Transit Chapter outweigh its disadvantages which appear to be valid.
- (³) MEA consulted on its amendments and demonstrated that the amendments were consistent with current legislation requirements and planning practices to provide for a more effective planning process to deliver municipal infrastructure and servicing in a more efficient and environmentally sustainable manner.
- (4) The Government Review Team and public review have indicated no outstanding concerns that have not been addressed. No Part II Order requests were received during the public comment period.
- (5) The Class EA process has proven to be a successful and efficient process for municipalities to conduct the environmental assessment of other municipal infrastructure projects. The Class EA process is familiar to the ministry, Government Review Team municipalities and members of the public.

- (6) The Class EA process would allow for a more expeditious review of transit projects while maintaining a detailed review of environmental effects and providing a consistent provincial environmental assessment process for transit projects;
- (7) Given the increasing urbanization in Ontario's municipalities, significant concerns about reducing regional and local air pollution, public demands for increased public transit and increased municipal integration and autonomy in transit planning, in my opinion the circumstances suggest that an amendment to the Class EA is in the public interest.
- (8) MEA's amendments are consistent with its Class EA, the purpose and provisions of the *Environmental Assessment Act* and are in the public interest.

Dated the 06^{.14} day of ...e.pknibee 2007 at TORONTO.



Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, Ontario
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**Municipal
Engineers
Association**

530 Otto Road, Unit 2
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Tel: (905) 795-2555
Fax: (905) 795-2660

November 2, 2000

The Municipal Engineers Association is pleased to present the **new Class Environmental Assessment** document for municipal projects. This document reflects the five (5) year update of the Class Environmental Assessment documents approved by the then Ministry of Environment & Energy on June 3, 1993.

Over the years, the Class EA process has greatly facilitated the design and construction of road, water and wastewater projects. The recently approved amendments serve to further streamline this process and assist in planning and design activities in municipalities.

The development of the Class EA document reflects one of the most significant undertakings by the Municipal Engineers Association. Being a volunteer body, MEA is indebted to all of those individuals who assisted in this undertaking. In particular, we would thank the members of the MEA/MOE Monitoring Committee under the direction of the Chair, Kathleen Lewellyn-Thomas, P.Eng. A particular thanks goes out to Leslie Scott of McCormick-Rankin who went above and beyond the call-of-duty to ensure the project reached fruition. Congratulations to all on a job well done!

I would note that MEA will continue to monitor the application of the Class EA process with formal reporting on its effectiveness every five (5) years to the MOE. We welcome comments from users of the document, so that it can continue to maintain its relevance and effectiveness in future years.

Sincerely,

**M. Iatonna, P.Eng.
President, MEA**

ENVIRONMENTAL ASSESSMENT ACT

SECTION 9

NOTICE OF APPROVAL OF CLASS ENVIRONMENTAL ASSESSMENT

RE: The Municipal Engineers Association's Municipal Class Environmental Assessment

Proponent: Municipal Engineers Association on behalf of the Proponent Municipalities of:

**The Corporation of the Town of Carleton Place
The Corporation of the City of Barrie
The Corporation of the City of London
The Corporation of the City of Thunder Bay
The Corporation of the City of Sault Ste. Marie
The Corporation of the City of Toronto
The Corporation of the City of Guelph
The Corporation of the County of Lanark
The Regional Municipality of Durham
The Regional Municipality of Waterloo
The Regional Municipality of Niagara
The Regional Municipality of Ottawa-Carleton**

EA File. No.: MU-0014

TAKE NOTICE that the period for requiring a hearing, provided for in the Notice of Completion of the Review for the above noted Class Environmental Assessment, expired on September 13, 1999. I received six submissions before the expiration date. One submission required a hearing by the Environmental Assessment Board based on the deletion of certain water and wastewater projects from the listing of Schedule A activities.

I do not consider it advisable or necessary to hold a hearing. The Municipal Engineers Association, on behalf of the proponent municipalities, is reinstating the deleted projects from the listing of Schedule A activities. I do not consider it necessary to impose conditions on the revised Schedule A activities of the amended Class Environmental Assessment. Having considered the purpose of the *Environmental Assessment Act*, the

Terms of Reference, the Environmental Assessment, the Review and the submissions received, I hereby give approval to *fir-iweeti-with* the Class Environmental Assessment, subject to the following conditions.

1. The proponent municipalities, or the MEA on behalf of the proponent municipalities, and any other municipalities or developers for whose works the environmental assessment has been prepared, shall comply with the provisions of the Environmental Assessment all of which are incorporated herein by reference, except as provided in these conditions and as approved in any other approvals under the *Environmental Assessment Act* and any other statute.
2. This Municipal Class Environmental Assessment replaces the Class Environmental Assessment for Municipal Water and Wastewater Projects and the Class Environmental Assessment for Municipal Road Projects, approved pursuant to Order-in-Council no. 836/87 and 837/87 respectively, under the *Environmental Assessment Act*.
3. A review of the Municipal Class Environmental Assessment shall be undertaken by the proponents, or the Municipal Engineers Association on behalf of the proponents, every five years from the date of this approval in order to ensure that the environmental assessment is still compliant with legislative requirements and planning practices and continues to satisfy the purpose of the *Environmental Assessment Act*. The proponents, or the Municipal Engineers Association on behalf of the proponents, will provide, by letter, the Director of the Environmental Assessment and Approvals Branch, the results of the review. This review will include a summary of any issues and amendments that may arise during the review period and **will include a detailed account of how the issues and amendments will be addressed, for approval by the Director of the Environmental Assessment and Approvals Branch. Any revisions, additions or updates can be made using the amending procedure prescribed in the environmental assessment.**
4. **The proponents, or the Municipal Engineers Association on behalf of the proponents, shall work to further define and implement a Municipal Class Environmental Assessment Monitoring Program. Details of this Program and its implementation shall be developed by the proponents, and/or the Municipal Engineers Association acting on behalf of the proponents and approved by the Director of the Environmental Assessment and Approvals Branch of the Ministry of Environment. These details shall be submitted to the Director of the Environmental Assessment and Approvals Branch for approval within one year of the date of this approval. Yearly Monitoring Reports will be submitted to the Director of the Environmental Assessment and Approvals Branch commencing two years after the date of this approval and then every year thereafter. In order to ensure compliance with the Class environmental assessment process and the implementation of the projects under the Class process, the monitoring program shall provide clear documentation of how the Municipal Class Environmental**

Assessment is consistent with Class Environmental Assessment program objectives.

5. Following approval of this Class Environmental Assessment, the proponents, or the Municipal Engineers Association on behalf of the proponents, shall incorporate the editorial comments proposed during the review period in the Municipal Class Environmental Assessment, as outlined in their letter dated April 23, 1999, and prepare copies of the revised text. Copies of the revised text of the approved Class Environmental Assessment shall be made available by the Municipal Engineers Association no later than 60 days after the approval of the Lieutenant Governor in Council. Thirty (30) printed copies of the revised text are to be provided to the Environmental Assessment and Approvals Branch of the Ministry of Environment.

REASONS:

My reasons for giving approval are:

- 1 On the basis of the proponent's Environmental Assessment and the Government Review, the proponent's conclusion that, on balance, the advantages of proponents proceeding pursuant to the Municipal Class Environmental Assessment outweigh its disadvantages appears to be valid.
2. No other beneficial alternative method of proceeding with projects as approved for in the Municipal Class Environmental Assessment was identified.
3. Issues raised in the submissions are best addressed by the provision of Conditions of this approval.
4. The Government Review Team has indicated no outstanding concerns that can not be addressed through conditions of approval. The public review of the Environmental Assessment did not identify any outstanding concerns which can not be addressed through these conditions of approval.

5. I am not a

Environmental Assessment which suggest that a hearing should be required.

Dated the *ti* day of Ockbcle, 2000 at TORONTO.



-eCivothi

Minister of the Environment
135 St. Clair Avenue West
15th Floor
Toronto, Ontario
M4V 1P5

-i-

Approved by O.C. No. _____

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT

PHASE 1

PHASE 2

PHASE 3

PHASE 4

PHASE 5

*PROBLEM OR
OPPORTUNITY*

*ALTERNATIVE
SOLUTIONS*

*..... DESIGN CONCEPTS
FOR PREFERRED*

*ENVIRONMENTAL
STUDY REPORT*

..9 IMPLEMENTATION



**MUNICIPAL
ENGINEERS
ASSOCIATION**

October 2000, as amended in 2007

Approved by Order-in-Council no. 1923/2000

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EXECUTIVE SUMMARY

INTRODUCTION

In 1987, the first Municipal Class Environmental Assessments (EAs), prepared by the Municipal Engineers Association (MEA) on behalf of Ontario municipalities, were approved under the Ontario Environmental Assessment (EA) Act for municipal road projects, and municipal water and wastewater projects. In 1993, the Municipal Class EAs were reviewed, updated and their approval extended.

In 2000, the Class EAs for Municipal Road Projects and Municipal Water and Wastewater Projects were consolidated and updated, and approved under Part 11.1 of the amended Ontario EA Act by Order-in-Council on October 4, 2000. Since many municipalities and stakeholders indicated that the process is working well, and, recognizing that much had been achieved over the years of working with and refining the Municipal Class EAs, the main guiding principle was to maintain the substance of the existing process while making any necessary changes.

As part of its 5-year review of the Municipal Class EA (2000), MEA proposed a number of amendments which were posted on MEA's website under "Municipal Class EA — Change Management". The amendments are as follows:

Minor Amendment

- minor modification to the document

Major Amendment — Part 1

addition of a new Project Schedule A+, defined as, "*pre-approved, however, the public is to be advised prior to implementation. The manner in which the public is to be advised is to be determined by the proponent.*"

- increase cost thresholds for road projects**
- other changes as identified during review**

Major Amendment — Part 2

addition of Municipal Transit Projects

With the approval of the amendments, MEA is releasing the amended Municipal Class EA which is referred to as:

**Municipal Class Environmental Assessment
October 2000, as amended in 2007**

DESCRIPTION OF THE CLASS OF UNDERTAKINGS

The Municipal Class EA applies to municipal infrastructure projects including roads, water and wastewater projects. Since projects undertaken by municipalities can vary in their environmental impact, such projects are classified in this Class EA in terms of schedules:

- **Schedule A** generally includes normal or emergency operational and maintenance activities
the environmental effects of these activities are usually minimal and, therefore, these projects are pre-approved
- **Schedule A+** in 2007, MEA introduced Schedule A+. These projects are pre-approved, however the public is to be advised prior to project implementation. The manner in which the public is advised is to be determined by the proponent. Schedule A+ is discussed in Section A.1.2.2.
- **Schedule B** generally includes improvements and minor expansions to existing facilities
there is the potential for some adverse environmental impacts and therefore the proponent is required to proceed through a screening process including consultation with those who may be affected
- **Schedule C** generally includes the construction of new facilities and major expansions to existing facilities
these projects proceed through the environmental assessment planning process outlined in the Class EA

A detailed description of projects and activities that fall under each of these schedules is provided in Parts B, C, and D, and in Appendix 1.

REASONS FOR USING A CLASS ENVIRONMENTAL ASSESSMENT WITH RESPECT TO UNDERTAKINGS IN THE CLASS

The "parent" Municipal Class EA enables the planning of municipal infrastructure to be undertaken in accordance with an approved procedure designed to protect the environment. The Class EA approach to dealing with municipal infrastructure projects has been proven to be an effective way of complying with the EA Act through twenty years of experience. It provides:

- a reasonable mechanism for proponents to fulfill their responsibilities to the public for the provision of municipal services in an efficient, timely, economic and environmentally responsible manner;
- a consistent, streamlined and easily understood process for planning and implementing infrastructure projects; and,
- the flexibility to tailor the planning process to a specific project taking into account the environmental setting, local public interests and unique project requirements.

Municipalities undertake hundreds of projects. The Class EA process provides a decision-making framework that enables the requirements of the EA Act to be met in an effective manner. **The alternatives to a parent Class EA would be: to undertake individual environmental assessments for all municipal projects; for each municipality to develop their own class environmental assessment process; and/or, for municipalities to obtain exemptions.** These

alternatives would be extremely onerous, time consuming and costly. Two decades of experience have demonstrated that considerable public, economic and environmental benefits are achieved by applying the Class EA concept to municipal infrastructure projects.

SIMILARITIES AND DIFFERENCES TO BE EXPECTED AMONG UNDERTAKINGS IN THE CLASS

The undertakings subject to this Class EA involve municipal infrastructure. Accordingly, they share the following similarities:

- they generally address similar types of problems and opportunities
- a common set of "alternatives to" and "alternative methods" apply
- they follow the same EA planning process with similar phases
- the types of impacts and approaches to environmental protection and mitigation are recurrent

Given that there are over 440 municipalities within Ontario with a variety of environmental settings, the main expected differences amongst undertakings in the Municipal Class EA are:

- project-specific problems and opportunities
- project-specific environmental and community issues
- project-specific solutions
- varying levels of project complexity or sensitivity

The Class EA defines the minimum requirements for environmental assessment planning. Given the potential differences amongst undertakings within the province, however, the framework is flexible so that proponents may "customize" it to address the specific complexities and needs of a project including potential environmental effects.

EXPECTED RANGE OF ENVIRONMENTAL EFFECTS

The geographic setting for projects undertaken under this Class EA will vary widely throughout Ontario. For the purposes of environmental analysis, however, geographic settings can be broadly categorized as urban and rural areas. Potential environmental effects are discussed in Sections B.3, C.3, and D.3, and Appendix 2.

POTENTIAL MITIGATING MEASURES

Appendix 2 describes typical measures that could be taken to mitigate adverse environmental effects that may result from proceeding with undertakings in this Class EA.

With the wide diversity of geographic settings and environmental conditions pertaining to municipal infrastructure projects throughout Ontario, it is not possible to identify specific mitigating measures which can be applied in all instances. The Class EA does, however, require proponents to identify acceptable measures which will allow the project to be undertaken at reasonable cost while at the same time protecting the environment against net negative impacts. The Class EA also requires proponents to make provision for post-construction monitoring to ensure that projects are built and operated in accordance with the approved design and that environmental impacts are as predicted.

PROCESS TO CONSULT WITH THE PUBLIC AND THOSE WHO MAY BE AFFECTED BY THE UNDERTAKING

Consultation early in, and during the planning process is a key feature of successful environmental assessment. The Municipal Class EA identifies mandatory consultation requirements. These are a minimum only and proponents must tailor the consultation program to address the needs of a specific project and its stakeholders. Consultation with municipal councils, review agencies, the public, interest groups and property owners is discussed in Section A.3 and Appendix 5.

METHOD TO EVALUATE A PROPOSED UNDERTAKING

The framework for evaluating alternatives is outlined in the description of the environmental assessment planning process in Sections A.1 and A.2. The key elements are:

- consideration of the effects of each alternative on all aspects of the environment;
- systematic evaluation;
- traceable decision-making; and
- public and review agency input in the evaluation.

METHOD TO BE USED TO DETERMINE THE FINAL DESIGN OF A PROPOSED UNDERTAKING

Section A.2.4 describes the process to determine the preferred design concept. Finalization of the detailed design occurs during Phase 5 after the Environmental Study Report (ESR) has been reviewed by the public and technical agencies. It is imperative that the commitments and decisions made during Phases 1 through 4 be clearly documented in the ESR and implemented during Phase 5.

OVERVIEW OF THE MUNICIPAL CLASS EA (2000)

In 2000, the Municipal Class EA was updated but retained the process identified in the previous Class EAs as well as much of the explanatory information that was previously provided. The document, however, was reformatted and reorganized. The main features of the 2000 Municipal Class EA were:

- consolidation of the Class EA for Municipal Road Projects and the Class EA for Municipal Water and Wastewater Projects into one document;
- consolidation of common process elements in Part A, road projects in Part B and water and wastewater projects in Part C;
- no substantive changes to the basic five phase planning process or mandatory minimum requirements;
- references to property acquisition in the process flow chart and text deleted due to changes in the amended EA Act;
- identification of optional steps in flow chart;
- schedules are printed on yellow paper in Appendix 1;
- provision to change the status of project (formerly referred to as the bump-up provision) was updated to reflect the new terminology and information in the amended EA Act and is now referred to as a "Part II Order" (see Section A.2.8);

- a new provision was added for monitoring how the Municipal Class EA is applied. Proponents must now submit a copy of the Notice of Completion for Schedule B projects and a Notice of Completion of an ESR for Schedule C projects to the Environmental Assessment and Approvals Branch of the MOE (see Section A.1.5);
- additional information on Master Plans was provided in Section A.2.7 and Appendix 4;
- the means for co-ordination with the Planning Act were revised, streamlined and clarified in order to continue to encourage integrated infrastructure and land use planning under both the EA Act and the Planning Act (see Section A.2.9); and
- explanatory notes and helpful hints related to the Class EA process were highlighted in the margins in Part A.

The 2000 document was subsequently amended in 2007. This is discussed in Section A.1.6.

GLOSSARY OF TERMS

Definitions and explanations of the following are provided herein only within the context of their meaning in this Class EA.

Alternative Solutions	New Road
Alternative Design	Operation
Bridge	Part II Order (formerly called "Bump-up")
CEAA	Planning Act
Class Environmental Assessment (Class EA)	Project
Communal Facilities	Proponent
Cost	Provincial Highway
Culvert	Public
Environment	Published Notice
EA Act	Realignment
Environmental Study Report (ESR)	Responsible Authority (RA)
Exempt Activity	Retirement
Existing	Review Agencies
Existing Municipal Well Site	Road Allowance
Existing Sewage or Water System	Road Capacity
Existing Rated Capacity	Road Widening
Existing Rated Yield	Roads
Existing Road	Same Purpose, Use, Capacity and Location
Expansion	Same Purpose, Use and Location (Transit Projects)
Federal Authority	Screening
Floodplain	Secondary Plan
Grade Separation	Sewage (Wastewater)
High Occupancy Vehicle	Sewage Collection System
Individual Environmental Assessment	Stormwater Management
Interchange	Stormwater Management Plan
Intermittent Water Courses	The Act
Linear Paved Facilities	Undertaking (also see "Proponent")
Localized Operational Improvement	Upgrading
Master Plan	Utility Corridor
Minimum Municipal Standard - Culvert	Wastewater
Minimum Municipal Standard - Road Surface	Watercourse
Minister / Ministry	Watercourse Crossing
Municipal Transit	Water Distribution System
Net Environmental Effects	
New Sewage Or Water System	

Note: Definitions for "Municipal Transit" and key transit terms are provided in Sections D.1.2 and D.1.3 respectively.

Definitions of natural and cultural heritage features should be obtained from Municipal Official Plans, Conservation Authority, Provincial Policy Statements, Ministry of Natural Resources, Ministry of the Environment, Ministry of Culture and Ministry of Agriculture, Food and Rural Affairs.

- ALTERNATIVE SOLUTIONS:** Means feasible alternative ways of solving an identified problem (deficiency) or addressing an opportunity, from which a preferred solution is selected. Note: alternative solutions include the "Do Nothing" alternative.
- ALTERNATIVE DESIGN:** Means alternative ways of designing or carrying out the preferred solution.
- BRIDGE:** Means a structure that provides a roadway or walkway for the passage of vehicles, pedestrians, cyclists across an obstruction, gap or facility and that is greater than 3 m in span. (CSA-S6-00)
- CEAA:** Means the Canadian Environmental Assessment Act.
- CLASS ENVIRONMENTAL ASSESSMENT (CLASS EA):** Means a planning process, approved under the EA Act for a class or group of undertakings. Projects included in the Class EA may be implemented without further approval under the EA Act provided the approved Class EA planning process is followed.
- COMMUNAL SEWAGE SYSTEM:** Means facilities requiring approval under Section 53 of the Ontario Water Resources Act. Shared facilities for the collection, treatment and disposal of sewage using subsurface effluent disposal. They are physically separate from and not connected to full municipal services. They are generally small to moderate size and are often constructed by a private developer for residential purposes (including seasonal) but may also be for institutional, commercial or industrial uses.
- COST:**
(Applies to Road Project Schedules - see Appendix I)
- Means the most up-to-date estimate prepared by the proponent of the cost of a project, and which has been accepted by the proponent as the basis on which the project is to proceed. The estimate shall not include costs for:
- (i) acquisition of land
 - (ii) feasibility studies and engineering design for the project
 - (iii) operation of the project.
- The estimate shall include the capital costs of all components of a project required to solve the problem. If separate components of a project are independent of each other (i.e. are solving separate problems) but are being constructed together as a single project for purposes of cost effectiveness or efficiency (e.g. a defective watermain replaced while a road is being reconstructed), then the costs shall be considered to be separate.
- CULVERT:** Means a structure that forms an opening through soil. (CSA-S6-00)
- EA ACT:** Means the Ontario Environmental Assessment Act.

ENVIRONMENT:

"Environment", as defined in the EA Act, means:

- a) air, land or water,
- b) plant and animal life, including human life
- c) the social, economic and cultural conditions that influence the life of humans, or a community,
- d) any building, structure, machine or other device or thing made by humans,
- e) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities, or
- f) any part or combination of the foregoing and the interrelationships between any two or more of them,

in or of Ontario.

ENVIRONMENTAL STUDY REPORT (ESR):

Means the documentation for a specific project planned in accordance with the procedures for Schedule C projects, setting out the planning and decision making process, including consultation practices, which has been followed to arrive at the preferred solution. The ESR also sets out the mitigating measures proposed to avoid or minimize environmental impacts.

EXEMPT ACTIVITY:

Means an activity which is exempt from the requirements of the Class EA and for which no further approvals are required under the EA Act, for example, works carried out under The Drainage Act; not to be confused with Schedule "A" activities which are "pre-approved" but not exempt.

EXISTING MUNICIPAL WELL SITE:

Means the site of an existing operating municipal well, or a site for which a municipal well has received all necessary approvals including the Certificate of Approval under the Ontario Water Resources Act. "Site" refers to the ground surface on which the well is located, not the aquifer, and may be either municipally owned, or land owned by others over which the municipality has an easement. If there is doubt as to whether a proposed well falls within or outside an existing well site, advice should be sought from the MOE District Office.

EXISTING RATED CAPACITY:

Means the flow or volume capacity of the overall sewage or water system, as stated on the Certificate of Approval issued under the Ontario Water Resources Act (OWRA) and/or the Environmental Protection Act (EPA). In cases where this is not specified on the Certificate of Approval, the existing rated capacity is as indicated in the plans and specifications that were submitted to obtain the above mentioned certificates. Where none of the above exists, then it is the current existing capacity as established by documented records.

EXISTING RATED YIELD:

Means the flow or volume yield of the water supply from a municipal well site, as indicated on the OWRA Certificate of Approval or as indicated in the plans and specifications submitted to obtain the Certificate of Approval or, where no technical documentation exists, is the current existing yield as established by documented pumping records.

EXISTING ROAD:	Means a road being used to carry vehicular traffic for at least three seasons of the year.
EXISTING SEWAGE OR WATER SYSTEM:	Means an existing sewage or water facility, or a series of such facilities making up a system, which is in existence and has received all necessary approvals including a Certificate of Approval under the OWRA and/or EPA and includes those systems established prior to enactment of OWRA or EPA.
EXPANSION: <i>(Applies to Water and Wastewater Projects)</i>	Means activities undertaken in an existing sewage, stormwater management or water system, which do not meet the definition of "Operation" and which will physically enlarge that system or which will expand the hydraulic or treatment capacity of that system.
FEDERAL AUTHORITY:	Means a federal Minister of the Crown; an agency or other body of the federal government ultimately accountable to Parliament through a federal Minister of the Crown; any federal department or departmental considerations set out in Schedule I or II to the Financial Administration Act; and any other body prescribed by the Canadian Environmental Assessment Act's regulations.
GRADE SEPARATION:	Means a crossing of a railway and a road at different levels or a crossing of two roads at different levels without interconnecting ramps.
HIGH OCCUPANCY VEHICLE (H09):	Means a bus or motor vehicle containing the specified minimum number of persons prescribed by local by-laws.
INDIVIDUAL ENVIRONMENTAL ASSESSMENT:	Means an environmental assessment requiring the submission of a document for approval by the Minister, pursuant to subsections 6(1) and 6(2) of the EA Act and which is neither exempt from the EA Act nor covered by a Class EA approval.
INTERCHANGE:	Means a crossing of two roadways at different levels with connecting ramps for traffic turning between the intersecting roadways.
INTERMITTENT WATER COURSE:	Means a watercourse which has no measurable flow at some times of the year.
LINEAR PAVED FACILITIES:	Means facilities which utilize a linear paved surface including road lanes, or High Occupancy Vehicle (HOV) lanes.
LOCALIZED OPERATIONAL IMPROVEMENT:	Refers to structural changes to an existing roadway at specific locations, and may include turning lanes at an intersection, storage lanes, U-turn lanes, bus bays, median changes, changing the curb radii, etc.
MASTER PLAN:	Means a long range plan which integrates infrastructure requirements for existing and future land use with environmental assessment principles. At a minimum, a Master Plan addresses Phases 1 and 2 of the Municipal Class EA process.
MINIMUM MUNICIPAL STANDARD - CULVERT:	Means the minimum culvert size which the municipality requires for new installations across the municipality's roads.

MINIMUM MUNICIPAL STANDARD - ROAD SURFACE:

Means the municipality's lowest standard travelled width (where one exists) for the road being considered. In the absence of a Municipal Standard, the Geometric Design Standards for Ontario Highways may be adopted.

MINISTER/MINISTRY:

Means the Minister/Ministry of the Environment of Ontario.

NET ENVIRONMENTAL EFFECTS:

Means the impacts, both positive and negative, of an alternative, which remain after mitigation measures have been applied.

NEW SEWAGE OR WATER SYSTEM:

Means a new sewage or water facility, or series of facilities, having no physical connection with an existing sewage or water facility through property or process link.

NEW ROAD:

Means the construction of an improved surface for vehicular traffic on a new right-of-way where the right-of-way is entirely separate from any previous right-of-way. Also refers to construction of a road on a road allowance where no road surface previously existed.

OPERATION:

Means use, maintenance, repair and management of a municipal facility where the purpose, use, capacity and location remain the same.

Same purpose, use, capacity and location refers to the replacement or upgrading of a structure or facility or its performance, where the objective and application remain unchanged, and the volume, size and capability do not exceed the minimum municipal standard (defined above), or the existing rated capacity (defined above), and there is no substantial change in location.

Example a) a change from rural to urban cross section for a roadway is considered to be for the "same purpose, use and capacity" if the reconstructed cross section has the same number of lanes and is essentially in the same location. Works carried out within an existing road allowance such that no land acquisition is required are considered to be in the same location.

Example b) a treatment plant system which was approved under the Ontario Water Resources Act to operate at 3 MGD, but which was only constructed to operate at 2 MGD, can be expanded by up to 1 MGD, at its existing site, and that expansion would qualify as an Operations activity.

The use of this definition when determining the appropriate Schedule (see Appendix 1) will require sound professional judgement through the scoping of issues and potential impacts. In cases where a project may have a greater environmental impact than indicated by the Schedule, the proponent may, at its discretion, elevate the project to a higher Schedule.

PART H ORDER:

Means an order to comply with Part II of the EA Act. This is an appeal provision whereby a person or party with outstanding concerns may request the Minister to make an order requiring a proponent to comply with Part II of the EA Act before proceeding with a proposed undertaking to which the Class EA would otherwise apply.

PLANNING ACT:

Means the Planning Act, R.S.O. 1990, c. P.13 as amended by the Land Use Planning and Protection Act, 1996.

PROJECT:

Means a specific activity planned and implemented in accordance with the Class EA (may also be referred to as the undertaking). The project consists of all those activities necessary to solve a specific problem (deficiency) or address an opportunity.

If the components are interdependent, then they shall be dealt with as a single project. For example, if the problem is to provide additional servicing for future development, then the project must be defined as constituting all those components required to provide servicing to the area. This may include establishing a new roadway, acquisition of land, construction of a bridge, a new water crossing, new water intakes, sewage outfalls etc.

Proposed works are **separate projects** if:

- they are initiated to **solve distinctly different** sets of problems
- the resulting works **are stand alone** facilities without the requirement of further works to completely solve the problem.

Where a project consists of components having differing status under the Class EA if carried out separately, the entire project shall take on the status of the component requiring the most vigorous treatment. Example a), in the case of a project involving the reconstruction of a roadway on a new alignment, costing more than \$1.5 million, on lands acquired as a condition of site plan approval, the project would be planned under Schedule C. Example b), in the case of a sewage project consisting of the establishment of new sewage lagoon cells and an extension of the existing collection system, the project would be planned under Schedule C.

Piecemealing

It is inappropriate for proponents to reduce their responsibility under the EA Act by breaking up or piecemealing a larger project into smaller component parts, with each part addressed separately. Piecemealing is not in compliance with the EA Act.

PROPONENT:

From Section 1 (1) of the EA Act:

Means a person who,

- (a) *carries out or proposes to carry out an undertaking, or*
- (b) *is the owner or person having charge, management or control of an undertaking*

From Section 1 (1) of the Act, "undertaking" means,

- (a) *an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities, or*
- (b) *a major commercial or business enterprise or activity or a proposal, plan or program in respect of a major commercial or business enterprise or activity of a person or persons other than a person or persons referred to in clause (1) that is designated by the regulations.*

In June 1993 private sector developers were made subject to the Class Environmental Assessment (Class EA) process by designation subject to the Environmental Assessment Act. The details of this are contained in Ontario Regulation 345/93. A phase-in period of one year was provided, until June 30, 1994. As of that date private sector developers proposing projects listed in Schedule C of the *Class Environmental Assessment for Municipal Road Projects, or Municipal Water and Wastewater Projects*, that are servicing residential developments, must complete the Schedule C Class EA process.

BASED ON THE FOREGOING:

For the "Parent" Class EA, the proponent means the group of municipalities who submitted the environmental assessment for the establishment of the Class EA for approval under the EA Act.

For a project planned in accordance with the Municipal Class EA, the proponent means 1) the municipality or Public Utilities Commission or Ontario Clean Water Agency or private sector developer / landowner which is carrying out the project, or which is ultimately responsible for the works constructed by the private sector; or 2) whoever else is approved to use this Class EA. **The proponent is responsible for project compliance with the Municipal Class EA.**

Where a number of municipalities and/or private sector developer(s) jointly undertake a project for their mutual benefits, as co-proponents, all terms and conditions of this Class EA shall apply equally to each co-proponent.

Where a number of municipalities or a municipality and private sector developer(s) undertake a project for their mutual benefits but select one of the parties to be the lead proponent to carry out the project planning and implementation, only the lead proponent shall be subject to the terms and conditions of this Class EA.

Municipal and private sector proponents are urged to determine early in the process who will be the proponent when carrying out an undertaking subject to this Class EA.

PROVINCIAL HIGHWAY:	Roadways under the jurisdiction of the Ontario Ministry of Transportation including King's highways, secondary highways and tertiary roads, including all components within the associated right-of-way.
PUBLIC:	Means the general public, individual members of the public who may be affected by or have an interest in a project and special interest groups.
PUBLISHED NOTICE:	Means a notice published in a local newspaper having general circulation in the area of the project.
RETIREMENT:	Means the taking out of operation, abandonment, removal, demolition or disposal of a road, sewage, stormwater management or water facility for which approval under the EA Act would have been necessary for its establishment and includes sale, lease, or other transfer of the facility for purposes of taking out of operation, abandonment, removal, demolition or disposal.
RESPONSIBLE AUTHORITY (RA)	Means a federal authority that is required pursuant to sub-section 11(1) of the Canadian Environmental Assessment Act to ensure that an environmental assessment of a project is conducted.
REVIEW AGENCIES:	Means government agencies, ministries or public authorities or bodies whose mandates require them to have jurisdiction over matters affected or potentially affected by projects planned under this Class EA. This includes municipalities other than the proponent.
ROAD ALLOWANCE:	Means a surveyed allowance of land for roadway purposes. A road allowance can be either "opened" with an existing road surface or "unopened" in which case no travelled surface is provided. In this document, "existing road allowance" means an existing opened road allowance with an existing road surface, or road right-of-way. It does not include an unopened or shore road allowance.
ROAD CAPACITY:	Means capacity defined in terms of travelled lanes and does not differentiate between various lane widths to accommodate differing volumes of traffic.
ROAD WIDENING:	Means increasing the number of lanes of an existing road and may include the widening of the right-of-way but does not include localized operational improvements.

ROADS:**Arterial Roads:**

Means roads which move moderate to high traffic volumes over moderate distances within a municipality between principal areas of traffic generation and which gather traffic from collector roads and local roads and move it to the Provincial highway system; arterial roads are generally designed for medium speed, have capacity for 2 - 6 lanes, may be divided, with limited or controlled direct access from adjacent developments and with on-street parking discouraged.

Collector Roads:

Means roads which move low to moderate traffic volumes within specific areas of a municipality and collect local traffic for distribution to the arterial or Provincial highway system; collector roads are generally designed for medium speed, have capacity for 2 - 4 lanes, are usually undivided, with direct access from adjacent development permitted but usually controlled, and with controlled on-street parking usually permitted.

Local Roads:

Means roads which provide for low volumes of traffic and access to private properties; local roads are designed for low speeds, have capacity for 2 undivided lanes of traffic; through traffic is discouraged and parking is usually permitted though often controlled.

SAME PURPOSE, USE, CAPACITY AND LOCATION:

See Operation.

SAME PURPOSE, USE AND LOCATION (TRANSIT PROJECTS):

See Section D.1.3.1.

SCREENING:

Means the assessment of potential environmental effects and impacts and associated mitigation based on the review of the environment and input from the public and review agencies affected by or potentially affected by a proposed project. Contact with the public and review agencies involves the formal act of notification and requesting comments and input.

SECONDARY PLAN:

Means a development or other plan for a specific area within a municipality adopted and municipality-approved or which came into effect under the Planning Act as an Amendment to the Official Plan.

SEWAGE (WASTEWATER):

See Wastewater.

SEWAGE COLLECTION SYSTEM:

Means service branches, trunk and local sewers, pumping stations, and appurtenances which include catch basins, inlet control devices, leads, manholes and outfalls, all for purposes of conveying sewage, but does not include sewage treatment facilities, sewage retention/ detention tanks/ponds or their respective outfalls. For further description of sanitary sewage projects, see Section C.2.2; for further description of storm sewage and stormwater management projects, see Section C.2.3.

**STORMWATER
MANAGEMENT:**

Means the management of stormwater run-off and may include:

- the collection and transport of stormwater run-off, e.g. storm sewers; facilities which attenuate the hydrograph and detain stormwater run-off, e.g. detention/retention, infiltration
- facilities and means to treat and address the quality of stormwater run-off
- water management facilities which minimize impacts of wave action, flooding, erosion and bank and valley wall instabilities
- facilities which affect fisheries, such as fish ladders, wetlands operation and maintenance of the above.

**STORMWATER
MANAGEMENT PLAN:**

Establishes the selection of Best Management Practices, the specifics for design of control facilities and the details of protection measures and/or enhancement of rehabilitation programs to meet the objectives set by the Watershed and Subwatershed Plans.

THE ACT:

Means the Environmental Assessment Act or the EA Act for the Province of Ontario.

**UNDERTAKING:
(also see "Proponent")**

In the "Parent" Class EA document, this means the planning process described in the Municipal Class Environmental Assessment.

Undertaking can also refer to a single project or group of projects carried out in accordance with the requirements of the EA Act.

**UPGRADING:
(Water and Wastewater
Projects)**

Means additions to or replacement of existing equipment or facilities or changes in management practices, which are intended to achieve a higher level or improved quality of system performance, or are intended to bring equipment or facilities up to current standards, while not increasing system capacity.

UTILITY CORRIDOR:

Means land or rights to land utilized for locating utilities, including sewage, stormwater management and/or water services and/or appurtenances thereto, railways, street-cars, light rapid rail systems and transit ways.

In this document, "existing utility corridor" means a developed utility corridor.

WASTEWATER

Means liquid waste which may be sanitary waste, combined sewer flows, drainage, storm water, commercial wastes, or industrial waste.

WATERCOURSE:

Means flowing water, though not necessarily continuous, within a defined channel and with a bed and banks which usually discharges itself into some other watercourse or body of water.

WATER CROSSING:

Note: For all water crossings, proponents shall contact the local MNR Office and the Conservation Authority as a minimum.

Municipal Roads:

Means a culvert, bridge, tunnel causeway, ferry or other facility or structure carrying a roadway or linear paved facility which crosses a naturally occurring water body or surface drainage feature such as a lake, swamp, marsh, bay, river, creek, stream or man-made drainage facility such as a ditch, canal or municipal drain. As numerous variations in design are possible, the following distinguishing features will be used to differentiate between culverts, bridges and causeways

1. Culverts are usually covered by fill material.
2. Bridges consist of a deck supported by abutments and possibly piers.
3. Causeways are embankments of fill material constructed across bodies of water or wetlands and may include culverts and/or bridges.

Municipal Water and Wastewater:

Means a sewage, stormwater management or water facility or a component thereof, which crosses over, under or through a naturally occurring water body or surface drainage feature such as a lake, swamp, marsh, bay, river, creek, stream or man-made drainage facility such as a ditch, canal or municipal drain.

WATER DISTRIBUTION SYSTEM:

Means service connections, trunk and local distribution mains, trunk supply mains connecting source to treatment facilities, pressure reduction stations, pumping stations, and appurtenances which include hydrants, valves and chambers, but does not include any water treatment or storage facilities, ground water wells or surface water intakes. For further description of water projects, see Section C.2.1.

PART A

CLASS EA PLANNING PROCESS

PART A - CLASS EA PLANNING PROCESS

A.1 INTRODUCTION AND BACKGROUND

A.1.1 ONTARIO ENVIRONMENTAL ASSESSMENT ACT

Purpose of the EA Act

The purpose of the Ontario Environmental Assessment Act, R.S.O. 1990, Chapter E.18, as amended, (herein referred to as the EA Act), is to provide for:

... the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. (Part I-Section 2).

Environment includes the natural, social, cultural, built and economic environments

"Environment" is applied in a broad sense and includes the natural, social, cultural, built and economic environments. The formal definition of the environment is included in the glossary of this document.

In applying the requirements of the EA Act to undertakings, the EA Act identifies two types of environmental assessment planning and approval processes:

Two types of processes:

- *Individual EA*
- *Class EA*

- Individual Environmental Assessments (Part II of the EA Act) - those projects for which a Terms of Reference and an individual environmental assessment are carried out and submitted to the Minister of the Environment for review and approval, or
- Class Environmental Assessments (Part II.1 of the EA Act) - those projects which are approved subject to compliance with an approved class environmental assessment process with respect to a class of undertakings. Providing the approved process is followed, a proponent has complied with Section 13 (3)(a) of the EA Act.

This feature of the amended EA Act is of note. Where previously Class EAs were enabled through Regulation 334, they are now embodied within the amended EA Act.

Whether carrying out individual or class EAs, the key principles of successful environmental assessment planning under the EA Act include:

Key principles of successful environmental assessment planning:

- *consultation*
- *reasonable range of alternatives*
- *consideration of effects on all aspects of environment*
- *systematic evaluation*
- *clear documentation*
- *traceable decision-making*

- **Consultation with affected parties early in and throughout the process, such that the planning process is a cooperative venture.** The proponent should seek to involve potentially affected parties as early as possible, so that their concerns can be identified and addressed before irreversible decisions are made. Early consultation allows for improved understanding of environmental concerns before the undertaking is selected and focuses the planning on matters of concern. Potentially affected parties include technical agencies, the public, property owners, interest groups and other municipalities.
- **Consideration of a reasonable range of alternatives, both the functionally different "alternatives to" and the "alternative methods" of implementing the solution.** The "Do nothing" alternative, which provides a benchmark for the evaluation of alternatives, must be considered.
- **Identification and consideration of the effects of each alternative on all aspects of the environment, i.e., the impact on the natural, social cultural, technical and economic/financial environment.** The level of detail will vary depending primarily on the significance of the effect and the stage of the study.
- **Systematic evaluation of alternatives in terms of their advantages and disadvantages, to determine their net environmental effects.** The planning process must include distinct points where alternatives are evaluated and the net environmental effects are identified. The decision-making process should be phased, narrowing progressively to a preferred alternative. The process must recognize the dynamic nature of environmental decision-making, must be sensitive to changing conditions and new information, and must be flexible enough to deal with them.
- **Provision of clear and complete documentation of the planning process followed, to allow "traceability" of decision-making with respect to the project.** Documentation should set out the approach, and the way in which the principles of environmental assessment planning were followed in the planning process.

A.1.1.1 Definition of an Approved Class EA for a Class of Undertakings

An approved Class EA document describes the process that a proponent must follow for a class or group of undertakings in order to meet the requirements of the EA Act, and is sometimes referred to as a "parent" Class EA. It is a method of obtaining an approval under the EA Act and provides an alternative to carrying out individual environmental assessments for each separate undertaking or project within the class. Sub-section 14(2) of the EA Act identifies the

The Minister may be requested to approve a class environmental assessment for a class of undertakings.

requirements for inclusion in a "parent" Class EA. Once the "parent" Class EA is approved under the EA Act, all projects of the type included in the class have pre-approval under the EA Act, provided they are carried out in accordance with the commitments made in the "parent" Class EA and any additional requirements specified in the EA Act approval.

A.1.2 APPROVED "PARENT" CLASS EA FOR MUNICIPAL PROJECTS

A.1.2.1 The Undertaking for the "Parent" Class EA for Municipal Projects

*"Parent" Class EA for
Municipal Projects*

The undertaking for the "parent" Class EA for Municipal Projects (i.e. Municipal Class EA) is a process by which municipal infrastructure projects will be planned in accordance with the EA Act. Once approved, the Class EA establishes a process whereby the municipal projects as defined in this document and any subsequent modifications, can be planned, designed, constructed, operated, maintained, rehabilitated and retired without having to obtain project-specific approval under the EA Act, **provided the approved environmental assessment planning process is followed.** The Municipal Class EA is the "parent" Class EA which describes the approved planning process and the types of projects which are included in the Class. The process that is implemented through the approval of the "parent" Class EA ensures that the intent of the EA Act is met by providing for: the identification of problems or opportunities; the identification, evaluation and selection of a preferred means of addressing the problems or opportunities, giving due regard to the need to protect the environment and minimize environmental effects; and, doing the foregoing with the involvement of affected stakeholders in the decision-making process and following the key principles of environmental assessment planning.

The Executive Summary outlines how this Class EA complies with the requirements for an approved "parent" Class EA under Section 14(2) of the EA Act.

The Class EA process can be conducted in such a way as to ensure that compliance with other environmental legislation may be achieved. The Class EA process, however, does not replace or exempt the formal processes of other applicable federal and provincial legislation and municipal by-laws, such as permits or approvals, and the specific public and agency consultation that they may require. Where possible, duplication between the Class EA process and other formal approval processes should be avoided.

A.1.2.2 Project Schedules

Projects undertaken by municipalities vary in their environmental impact. Consequently, projects are classified in this Class EA in terms of schedules:

Schedule A 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 Class EA planning process. Schedule A projects generally include normal or emergency operational and maintenance activities.

Schedule A+

As part of the 2007 amendments, Schedule A+ was introduced, where Schedule A+ projects are pre-approved, however, the public is to be advised prior to project implementation.

The purpose of Schedule A+ is to ensure some type of public notification for certain projects that are pre-approved under the Municipal Class EA, it is appropriate to inform the public of municipal infrastructure project(s) being constructed or implemented in their area. There, however, would be no ability for the public to request a Part II Order. If the public has any comments, they should be directed to the municipal council where they would be more appropriately addressed.

Schedule A+ activities may have been previously approved by a municipal council through annual budgets or specific mandates. Advising the public of the project implementation is a means to inform the public of what is to be undertaken in their local area. The public retains the opportunity to comment to municipal council. Given that these projects are pre-approved, there is no appeal to MOE on these projects.

The manner in which the public is advised is to be determined by the proponent. This could be a notice provided to adjacent property owners, a notice posted at the site, a report to council, a list of projects posted on the municipality's website etc. (Note: the mandatory requirements for a "Public Notice" as outlined in Section A.3.5.3 do not apply to Schedule A+).

(For Schedule A and A+, Section A.1.3 explains the differences between municipalities who are proponents of the Municipal Class EA and those who are not but use it, with regard to unconditional approval of Schedule A and A+ projects).

Schedule B projects have the potential for some adverse environmental effects. The proponent is required to undertake a screening process (see Appendix 1), involving mandatory contact

Types of projects included in Municipal Class EA:

- *Schedule A*
- *Schedule A+*
- *Schedule B*
- *Schedule C*

with directly affected public and 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. Schedule B projects generally include improvements and minor expansions to existing facilities.

Schedule C projects have the potential for significant environmental effects and must proceed under the full planning and documentation procedures specified in this Class EA document. Schedule C projects require that an Environmental Study Report be prepared and filed for review by the public and review agencies. Schedule C projects generally include the construction of new facilities and major expansions to existing facilities.

Provided the approved Class EA planning process is followed, a proponent has complied with Section 13 (3) of the EA Act. The Class EA process therefore provides municipalities with significant relief from the application of the review requirements of the Act, while ensuring that an adequate environmental assessment process is followed. Class EAs place emphasis on project assessment and public and agency involvement rather than on review and approvals.

Specific types of projects within these schedules are provided in Appendix 1. The types of projects and activities are intended generally to be categorized with reference to the magnitude of their anticipated environmental impact. **In specific cases, however,** a project may have a greater environmental impact than indicated by a Schedule. In these cases, the proponent may, at its discretion, change the project status by elevating it to a higher schedule. There is also an appeal mechanism for Schedule B and C projects which is discussed in Section A.2.8.

A.1.2.3 Responsibility for Compliance with the EA Act

The Class EA process is a self assessment process. In all situations where the Class EA process is applicable to a project, it is the responsibility of the proponent to ensure that the planning process as set out in the Class EA document is undertaken. **If a proponent incorrectly determines that the Class EA does not apply,** or if a proponent selects the incorrect Schedule, it is the responsibility of the proponent to rectify the matter and meet the requirements of the Class EA process.

Failure to follow the process outlined in this document, however, is a breach of the EA approval under which this Class EA was authorized and therefore places the proponent in contravention of the EA Act. Offences and penalties are dealt with in Section 38 of the amended EA Act. Staff of the Ministry of the Environment (MOE) enforce compliance with requirements of the EA Act. Non-compliance or failure to apply the approved process in the intended manner may

Project schedules are generally categorized by their anticipated environmental impact.

The proponent is responsible for compliance with the EA Act.

Non-compliance could result in MOE revisiting the EA approval of a specific project or revoking the proponent's privilege to use this Class EA.

Previous Class EAs for i) Municipal Roads and ii) Municipal Water and Wastewater were reviewed, updated and consolidated.

result in:

- MOE revisiting the EA approval of a specific project, and/or,
- the Minister of the Environment (the Minister) issuing a Part II Order thereby requiring the proponent to carry out individual environmental assessments for those projects which previously had been subject to the Class EA process.

A.1.2.4 Municipal Class EAs Renewal Project (1997 to 2000)

On April 9, 1987, the first municipal Parent Class EAs prepared by the Municipal Engineers Association (MEA) were approved under the EA Act. At that time, two Class EAs were implemented to deal with 1) municipal road projects, and 2) municipal water and wastewater projects. The approval for these Class EAs was subject to review after five years. In 1993, the Class EAs were reviewed, updated and approved under the EA Act with an expiry date of May 31, 1998. A 1993 Regulation also brought certain private sector projects under the Class EAs. In 1994, regulations were passed amending certain provisions of the Class EAs with an expiry date of May 31, 1998. An extension to the 1993 Class EAs approval was approved. As a result, the 1993 Class EAs remained in force until they were replaced by the 2000 Municipal Class EA.

In 1997, the MEA in conjunction with the MOE - Environmental Assessment Branch (EA Branch), commenced the Municipal Class EAs Renewal Project which culminated in the preparation of an updated and consolidated "parent" Class EA for Municipal Projects, which was approved in 2000.

The Renewal Project was carried out by MEA, on behalf of the proponent municipalities, under the direction of a Steering Committee of stakeholder representatives including:

- Municipal Engineers Association (Chair)
- MOE - EA Branch
- City of Toronto
- Regional Municipality of Niagara
- Regional Municipality of Ottawa-Carleton
- Town of Carleton Place
- Regional Planning Commissioners
- Urban Development Institute
- Ontario Professional Planners Institute
- EA practitioners

The Core Review Team included the MOE - Approvals Branch, the Ministry of Municipal Affairs and Housing, the Ministry of Natural Resources and the Ministry of Transportation.

The Renewal Project itself was conducted in accordance with Section 13 of the EA Act. Accordingly, the main steps in the renewal process were:

- distribution of a questionnaire to over 1370 stakeholders including:
 - review agencies typically involved in Class EA projects
 - all Ontario municipalities
 - waste management co-ordinators of Ontario
 - randomly-selected consulting firms working with the Class EAs
 - contacts at the Canadian Environmental Law Association (CELA), Association of Municipalities of Ontario (AMO), Ontario Waste Managers Association (OWMA) and Professional Engineers of Ontario (PEO)
 - randomly-selected members of the Ontario Society of Environmental Management (OSEM)
 - members of the Urban Development Institute (UDI)
- preparation and submission of Terms of Reference in accordance with requirements of the EA Act
- summary of issues based on the questionnaire responses and feedback from the past five years
- draft outline of the updated Class EA
- preparation of the draft updated Class EA for review with main stakeholders
- submission of final Class EA to MOE for approval

Consultation

Consultation is an important component of the EA process and was carried out through:

- contact with provincial and federal review agencies
- the distribution of a questionnaire to over 1370 stakeholders to obtain information on the experience to-date with the Municipal Class EAs
- a series of Municipal Class EA Updates which were mailed to the study mailing list at key points in the study, and
- the use of the Municipal Class EA Internet Homepage to provide up-do-date information on the process.

Workshops were also held with EA practitioners at key points in the study. In addition, those stakeholders who indicated an interest were provided with a copy of the draft Class EA for review.

Results

Overall, the process is working well.

From comments received since the Municipal Class EAs were first approved, and during the Renewal Project, municipalities as well as stakeholders have indicated that the process is working well. This

The principle of the renewal project was to maintain the existing process and make only necessary changes.

was also borne out through the stakeholder survey.

It is therefore important to recognize that much has been achieved over the years of working with and refining the Municipal Class EAs. In addition, with municipal constraints and staff reductions likely continuing for the foreseeable future, it became apparent that now is not the time for wholesale change of a process that many municipalities and practitioners have indicated is working well. Municipalities as well as stakeholders have become well versed with the Class EAs and would not benefit from extensive changes to those aspects that are working.

Therefore, the underlying principle in the review and updating of the Class EAs was to maintain the substance of the existing process while making any necessary changes.

Nevertheless, some issues were identified relating not only to components of the existing Class EAs but also to new features of the amended EA Act, potential opportunities to improve and enhance the Class EAs, and, evolving new issues.

Based on input from the Steering Committee and stakeholders, the options for addressing the identified issues were assessed, a preferred option determined, and, pertinent changes incorporated into the updated Class EA or identified for subsequent follow-up separate from the Class EA Renewal Project.

Table A.1 summarizes the main issues and how they were addressed.

A.1.2.5 "Parent" Class EA Framework

As noted earlier, comments received by MEA and the information collected through the Renewal Project indicated that, in general, the process is working well. There were, however, differing opinions with regard to the level of explanatory detail and amount of direction to be provided. This was to be expected given the broad scope of the document, and its application to a variety of projects being undertaken by numerous proponents.

There are many proponents who are knowledgeable and experienced in applying the Municipal Class EA process to a full range of projects either straightforward or complex, and, who have developed their own approach to Master Plans and co-ordinating EA Act requirements with Planning Act requirements. There are, however, some municipalities who desire greater direction, assistance or reassurance in carrying out their Class EA process, particularly when interpreting the schedules, conducting Master Plans, and co-ordinating with other legislation, particularly the Planning Act.

MUNICIPAL CLASS EAs RENEWAL PROJECT (1997 to 2000)

Issue	Discussion	Conclusion
<p>ihamppp</p> <ul style="list-style-type: none"> • need to clarify definition and triggers • review effectiveness given that few undertakings are bumped-up • time, cost, efficiency associated with bump-up requests 	<ul style="list-style-type: none"> • general recognition and acceptance of need for an appeal mechanism. Bump-up provision provides this, however, proponent's accountability and public's responsibilities need to be made clearer in the document. Bump-up currently refers to changing the project status to an individual EA. 	<ul style="list-style-type: none"> • the EA Act provides an appeal mechanism to change the status of a project whereby a person / party may request an order that Part II of the EA Act apply (Part II addresses individual EAs). This is what is known as a Part II Order which replaces the former "bump-up" provision. • clarify what a Part II Order may result in, specifically regarding the status of the project and type of review • clarify the responsibilities of the proponent and the public • while the ability to charge an administration fee to submit a request for a Part II Order was considered, it was concluded not to do so.
<p>Integrated Approach</p> <p>Issues:</p> <ul style="list-style-type: none"> • Master Planning • Co-ordination with the Planning Act • Proponency 	<ul style="list-style-type: none"> • while many proponents have been successfully carrying out Master Plans, others have requested additional direction • in addition, this section should be updated to reflect the experience gained • while some proponents have been successfully doing this, others have requested clarification • general desire to encourage integration of planning under EA Act and Planning Act and to provide incentives for good planning under both • need to clarify private sector proponency 	<ul style="list-style-type: none"> • expand discussion in appropriate sections and provide supplementary explanatory information in an appendix. See Section A.2.7 and Appendix 4 • outline requirements which if met by a project or Master Plan which also come into effect or approval under the Planning Act, then they would be exempt from further examination under the Municipal Class EA • the appeal provision would therefore become an appeal to the OMB rather than a request for a Part II Order under the EA Act • the foregoing approach replaces the use of the definition "approved development plan" which has therefore been deleted see Section A.2.9 • see definition of "proponent" in the <u>G l o s s a r y</u>
<p>Triggers / Schedules</p> <ul style="list-style-type: none"> • need to review triggers and schedules 	<ul style="list-style-type: none"> • generally the schedules for both Class EAs are working well, however, they need to be reviewed for general updating • Schedule A (pre-approved activities) - necessary to carry out maintenance / operating / emergency activities • Schedules B and C - may overlap due to varying levels of complexity • therefore, are the triggers and schedules appropriate? • is \$ trigger for roads schedules appropriate? • should the format for describing schedules be the same for roads, and water and wastewater? 	<ul style="list-style-type: none"> ε Triggers <ul style="list-style-type: none"> • strengthen and highlight discussion of level of complexity • clarify the potential for overlap between B and C projects due to varying levels of complexity c Schedules <ul style="list-style-type: none"> • given municipal and practitioner familiarity from the many years of using the existing approach, it is proposed to leave schedules in their current format and update • \$ trigger for road projects is a means of identifying project scale and scope, and should be maintained • the \$ triggers, however, have been reviewed <u>for their appropriateness</u>

SUMMARY OF ISSUES

October 2000, as amended 2007

Page A-9



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LE A.1 (cont'd)

Level of Effort / Project Significance		
<ul style="list-style-type: none"> need to "scope" issues, "scope" alternatives and tailor the level of effort to meet a project's specific needs 	<ul style="list-style-type: none"> "scoping" does occur in practice although there are no formal "scoping" mechanisms in the Class EAs other than the process to determine schedules the existing Class EAs do refer to scoping, varying levels of effort to reflect project environmental needs, etc. 	<ul style="list-style-type: none"> highlight existing references include a general discussion of level of complexity / sensitivity in process section and in the introduction to the schedules (see Section A.2.1.1 and Appendix 1 respectively) highlight that determination of level of complexity and ongoing assessment is an inherent function of the management of a project rather than include specific scoping criteria
Coordination with the Canadian Environmental Assessment Act (CEAA)		
<ul style="list-style-type: none"> two main issues: <ul style="list-style-type: none"> education re: CEAA co-ordination with CEAA 	<ul style="list-style-type: none"> goes beyond the scope of the Class EA to provide detailed guidance re: CEAA requirements however, document can note the need to address CEAA requirements and main considerations ideally, federal and provincial EA requirements should be integrated in one 	<ul style="list-style-type: none"> provide brief section outlining CEAA requirements and considerations (see Section A.2.11) re: integration - MEA to follow-up with provincial ministries and CEAA separately from current renewal project
Consultation / Mediation		
<ul style="list-style-type: none"> update the consultation section to reflect experience from last 5 years address mediation 	<ul style="list-style-type: none"> general recognition that consultation identified in Class EAs is a minimum only and that many proponents go beyond this and tailor a consultation plan / approach to the needs of a specific project the section, however, needs to be updated 	<ul style="list-style-type: none"> update section address mediation, alternative dispute resolution include a sample public notice Municipal Class EA process (see Appendix 5)
Need for Two Municipal Class EAs (Application of EA Process to Municipal Projects)		
<ul style="list-style-type: none"> is it necessary to have two separate Class EAs? 	<ul style="list-style-type: none"> given that the Class EA process for Municipal Road Projects, and Municipal Water and Wastewater Projects are the same, it may be appropriate to consolidate the Class EAs 	<ul style="list-style-type: none"> consolidate the Class EAs to provide consistency and easy use for all stakeholders
Monitoring		
<ul style="list-style-type: none"> monitoring sections need to be reviewed 	<ul style="list-style-type: none"> address monitoring re: a) Class EA process / parent document; b) specific 	<ul style="list-style-type: none"> addressed as follows: <ul style="list-style-type: none"> Section A.I.5.1 Parent Class EA Section A.2.6 project-specific
Increase Application of the Municipal Class EA		
<ul style="list-style-type: none"> address the opportunities to expand the application of the Municipal Class EAs to other projects, e.g. transit, waste management 	<ul style="list-style-type: none"> the ability to add projects is important given the ongoing changes to municipal responsibilities 	<ul style="list-style-type: none"> given the time constraints and limited resources for this round of review, it was concluded to identify the process to be followed (including the approvals to be obtained) for the future inclusion of new municipal projects. The actual inclusion of other projects, however, will be addressed separately from the current renewal project (see Section A.1.5.2).
Relationship to Other Legislation		
<ul style="list-style-type: none"> potential duplication under Municipal Class EAs and other legislation, for example, public notification 	<ul style="list-style-type: none"> there are many approvals under various legislation which municipal projects have to obtain the Municipal Class EAs address approval under the EA Act only a detailed explanation of other requirements goes beyond the scope of the Municipal Class EAs 	<ul style="list-style-type: none"> include a general comment advising of the need to obtain other approvals and permits, and the desirability of co-ordinating this with the EA process (see Section A.2.10)
Clarification of Stakeholder Roles		
<ul style="list-style-type: none"> some stakeholders have requested clarification of the role of municipal politicians 	<ul style="list-style-type: none"> the role of municipal politicians will vary from municipality to municipality the proponent has to take responsibility for the process 	<ul style="list-style-type: none"> clarify proponentcy at outset of document and with whom ultimate responsibility rests (see definition of "proponentcy" in the Glossary)

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The Municipal Class EA provides the framework for environmental assessment and outlines the approved process. It is not a "how to" manual for project planning and management.

This document does not provide exhaustive direction on how to manage complex projects or Master Plans. First and foremost, the Class EA provides the framework for environmental assessment planning of municipal infrastructure projects to fulfil the requirements of the EA Act. The key elements of the framework are provided in Section A.2. The Class EA establishes principles and certain minimum mandatory requirements and has been set-up as a self assessment process which is flexible enough to allow different proponents to meet the needs of specific projects while ensuring that the requirements of the EA Act are met. If a proponent determines that it requires more specific direction, then it may be appropriate for them to develop their own guidance documents to provide supplementary direction for project managers.

A.1 .2.6 Main Features of the 2000 Municipal Class EA

The 2000 Municipal Class EA retained the process identified in the previous Class EAs as well as much of the explanatory information that was previously provided. The document, however, was reformatted and reorganized for easier use. The main features are:

- consolidation of the Class EA for Municipal Road Projects and the Class EA for Municipal Water and Wastewater projects into one document;
 - consolidation of common process elements (i.e. five phase process, consultation) in Part A, road projects in Part B and water and wastewater projects in Part C;
 - no substantive changes to the basic five phase planning process or mandatory minimum requirements;
 - references to property acquisition in the process flow chart and text were deleted due to changes in the amended EA Act;
 - identification of optional steps in flow chart;
 - schedules were printed on yellow paper in Appendix 1;
 - provision to change the status of project (formerly referred to as the bump-up provision) was updated to reflect the new terminology and information in the amended EA Act - now referred to as a "Part II Order" (see Section A.2.8);
 - a new monitoring provision was added whereby proponents must submit a copy of the Notice of Completion for Schedule B projects and a Notice of Completion of an (Environmental Study Report) ESR for Schedule C projects to the EAA Branch (see Section A.1.5.1);
 - additional information on Master Plans was provided in Section A.2.7 and Appendix 4;
 - the means for co-ordination with the Planning Act has been revised, streamlined and clarified in order to continue to encourage integrated infrastructure and land use planning under both the EA Act and the Planning Act (see Section A.2.9); and
 - explanatory notes and helpful hints related to the Class EA process were highlighted in the margins in Part A of the document.
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The 2000 document was amended in 2007. A summary of the amended document is discussed in Section A.1.6.

A.1.3 PROPONENCY

This Class EA replaces the Municipal Class EA dated 2000.

The 2000 Class EA document superseded the Municipal Class EAs which were approved in 1993. This document amends the 2000 Municipal Class EA. The proponents are the Cities of Barrie, Guelph, Hamilton, London, Mississauga, Ottawa, Sault Ste. Marie, Thunder Bay and Toronto, the Regional Municipalities of Durham, Niagara, Waterloo and York, the Town of Carleton Place and the County of Lanark. When carrying out projects to which the Class EA applies, these municipalities must either use the procedures described herein or undertake individual EAs. For these municipalities, Schedule A and Schedule A+ projects are unconditionally approved and cannot be subject to a request for a Part II Order while Schedule B and C projects are approved subject to the provisions of the Class EA process, including the provisions for a request for a Part II Order as outlined in Section A.2.8.

Proponent Municipalities

Ontario Regulation 334 enables all municipalities to make use of this approved process to fulfill EA Act requirements. Alternatively, they may opt to submit individual EAs for each of their projects, regardless of cost, size or environmental impact. One small difference between the proponent and the non-proponent municipalities is that in the case of non-proponent municipalities, Schedule A projects could be designated under the EA Act. Schedule A projects generally have insignificant impacts and it is not anticipated that a designation would be made, except in very unusual circumstances.

Proponency is defined in the Glossary.

Proponency is defined in the Glossary. Municipal projects undertaken by Ontario municipalities, Ontario Public Utility Commissions, the Ontario Clean Water Agency or the private sector, or as designated by the Minister, must follow the planning process set out in this Class EA, subject to the specific exemptions and other conditions set out in this document. This requirement applies to those municipal projects which are subject to this Class EA, regardless of the manner in which the facilities are funded.

Other Proponents

In some cases, an undertaking under the Municipal Class EA may involve components which are subject to another proponent's Class EA (e.g. "Class EA for Provincial Transportation Facilities" (MTO), "Class EA for ORC Realty Activities" (ORC), "GO Transit Class EA" etc. Should this occur, municipal proponents should consult with the other proponents to determine how to coordinate the EA requirements of each proponent and to determine if the process and documentation under the Municipal Class EA can be considered to have addressed the requirements of the other proponent's Class EA

process.

Private sector

Private Sector Development:

Development of municipal servicing infrastructure is undertaken by municipalities acting in their own behalf or on behalf of private sector developers, or by private sector developers acting in their own behalf. Works undertaken by municipalities are subject to the EA Act, and to this Class EA, but works undertaken by private sector developers, with the exceptions noted in Ontario Regulation 345/93 (see discussion below), continue to be exempt from the EA Act and are therefore not subject to this Class EA.

The requirements for the private sector under the Ontario EA Act are defined by Ontario Regulation 345/93. For the private sector to meet their obligations under the Ontario EA Act, they can use the Municipal Class EA process rather than undertaking an Individual EA.

Since certain infrastructure works can have significant impacts on the environment, the basis of this Class EA is that such projects shall be planned under the planning and documentation procedures set out under Schedule C and shall be subject to review by the public.

Therefore it is appropriate that such projects, whether undertaken by municipalities or by private sector developers, should be subject to review prior to implementation, regardless of who undertakes the planning and construction and regardless of who is ultimately responsible for control and maintenance of the works.

Accordingly, those projects undertaken by private sector developers which are designated as an undertaking to which the Ontario EA Act applies (i.e. Schedule C projects that are servicing residential developments - see Ontario Regulation 345/93) are subject to all of the requirements of this Class EA. Section A.2.9 of this document provides a means for integrating the requirements of the EA Act and the Planning Act, where a proponent wishes to do so.

In addition, municipalities are encouraged to consider requiring developers to fully consider appropriate alternatives even if the project is exempt under Ontario Regulation 345/93.

A.1.4 PHASE-IN

Phase-in provisions.

For roads, water and wastewater projects, the following phase-in provisions are provided:

- 1) Any Schedule B or C project for which a Notice of Completion has been issued under the 2000 Class EA, may continue under the 2000 Class EA until the project is completed.
- 2) Since there have been no substantive changes to the process or mandatory consultation requirements, and only minor revisions to the schedules, all other projects, as described in this document, are subject to the requirements of this Class EA as of the date of approval of this Municipal Class EA. Where changes to the Municipal Class EA do affect a project currently underway, then proponents can consult the EAA Branch to discuss the appropriate approach.

For transit projects, phase-in provisions are provided in Section D.1.1 "Implementation and Transition Provisions".

A.1.5 MONITORING AND AMENDMENTS

A.1.5.1 Monitoring of Municipal Class EA

Copy of Notice of Completion for Schedule B projects and Notice of Filing of Environmental Study Report for Schedule C Projects to be submitted to MOE - EAA Branch.

In order to monitor the effectiveness of the process in meeting the requirements of the EA Act, as well as municipal compliance, **proponents are required to submit to the MOE - EAA Branch, one copy of the "Notice of Completion" for each Schedule B project and the "Notice of Completion of Environmental Study Report" for each Schedule C project.** This in turn will provide a record of projects undertaken within the province for use during the next review of this Class EA.

A sample cover sheet to accompany the copy of the Notice submitted to the MOE - EAA Branch is provided in Appendix 6.

In addition, representatives of the MEA will meet with staff of the MOE - EAA Branch on an annual basis to review any comments received.

A.1.5.2 Municipal Class EA Amending Procedure

The purpose of an amending procedure is to allow for modification to the Municipal Class EA. The reasons for such modifications may include:

- clarification of ambiguous areas of the document and procedure,
- streamlining the planning process in areas where problems may have arisen,
- extension of the application of the Class EA process to projects that were not previously included.

Types of Amendments

Minor amendments are considered to be those amendments that do not substantially change this Class EA. For example, extending this Class EA to projects that were not included but are similar to the class of projects already covered, clarification of wording or streamlining redundant processes, would be considered to be minor amendments. Major amendments are those amendments that substantially change this Class EA. For example, reducing the amount of public consultation or introducing new process requirements would be considered to be major amendments. Including a new group of municipal projects is also considered as a major amendment but is to be processed differently as outlined on Page A-16. The amending process for each of the foregoing is provided herein.

a) Minor Amendments*Process to address minor amendments.*

The following process will be used to make minor amendments:

- 1) A party will bring the proposed amendment to the attention of the Director of the EAA Branch describing the amendment and a brief rationale for the amendment. Parties could include members of the public, other government agencies, the proponents or the MEA acting on behalf of the proponents. In addition, MOE may propose amendments to the Class EA.
- 2) The Director will then discuss the proposed amendment with the proponent. If the Director finds the amendment necessary and acceptable, a Notice of Proposed Amendment shall be issued. At least thirty (30) days will be allowed for interested parties to comment.
- 3) Based on the proposal and any comments received, the Director may determine that there are no significant environmental concerns resulting from the proposal, and approve the amendment.

If the Director believes that there are significant environmental concerns which cannot be resolved through conditions or negotiation between the MEA on behalf of the proponents and the concerned party, the Director may declare that the amendment can only be evaluated through the Major Amendment process.

- 4) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record.

b) Major Amendments*Process to address major amendments.*

The following process will be used to make major amendments:

- 1) The proponents, or MEA acting on behalf of the proponents, will bring the proposed amendment to the attention of the Minister, or

his/her delegate, describing the rationale for the amendment.

- 2) Prior to making a decision about the proposed amendment, the Minister, or his/her delegate, may conduct a public consultation process including notification of the public and any potentially affected agency or municipality to request comments. A 30 day review period for responses will be allowed.
- 3) If no consultation is required, the Minister, or his/her delegate, shall make a decision within 60 days of notification of the proposed amendment. If consultation is required, the Minister, or his/her delegate shall make a decision within 60 days after submission of the results of the consultation.
- 4) Based on the proposal and any comments received, the Minister, or his/her delegate, may determine that there are no significant environmental concerns resulting from the proposal and approve the amendment.
- 5) If the amendment is approved, a Notice of Amendment shall be given to all persons who made submissions and a copy of the notice shall be placed in the public record.

c) Procedure to Include a New Group of Projects or Activities in this Class EA

Process to include a new group of projects or activities within the class of undertakings.

The inclusion of a new group of projects or activities, requiring a separate description of the projects purpose, alternatives, environment and typical mitigating measures, is considered to be a major amendment.

Prior to proposing a major amendment to include a new group of projects or activities in this Class EA to the Minister, the proponent will be required to conduct a study following the requirements of a Schedule C project under this Class EA. Alternatively the proponent may decide to conduct an individual EA prior to proposing a major amendment to the Minister.

A.1.6 Amendments to the Municipal Class EA (2007)

Amendments to the Municipal Class EA in 2007.

In 2000, the Municipal Class Environmental Assessment (EA) parent document, prepared by the Municipal Engineers Association (MEA) on behalf of proponent municipalities, was approved under the Ontario Environmental Assessment (EA) Act.

As part of its 5-year review of the Class EA, MEA proposed a number of amendments which were posted on MEA's website under "Municipal Class EA — Change Management". The proposed amendments were identified as follows:

Minor Amendment:	minor modifications to the document
Major Amendment — Part 1:	addition of a new project Schedule A+, defined as, "pre-approved, however, the public is to be advised prior to implementation. The manner in which the public is to be advised is to be determined by the proponent."
	increase cost thresholds for road projects
	other changes as identified during review
Major Amendment — Part 2:	addition of Municipal Transit Projects

The preparation of these amendments was done in parallel. The amendments were approved by the Ministry of the Environment (MOE) on September 6, 2007. Thereafter, MEA incorporated the amendments into the Municipal Class EA and re-issued the document.

A.1.6.1 Minor Amendment and Major Amendment — Part 1

The proposed Minor Amendment and Major Amendment — Part 1 were undertaken by the MEA Monitoring Committee in consultation with MOE. The proposed changes were posted on MEA's website and a public notice dated April 13, 2007 was published and circulated to key stakeholders.

A.1.6.2 Major Amendment — Part 2

For the most part, municipal transit projects were not addressed in the Municipal Class EA (2000) document. As such, municipalities had to undertake transit projects as Individual EAs. Therefore, the need to better facilitate municipal transit projects under the Ontario EA Act was identified. To address this, the preferred alternative was to amend the Municipal Class EA document to include Municipal Transit Projects (including all transit technologies other than heavy rail). In the Municipal Class EA parent document, the incorporation of a new group of projects or activities is considered to be a major amendment and requires that the study be carried out following the Schedule C process. Accordingly, the Major Amendment — Part 2 involved carrying out a study following Phases 1 through 4 of the Municipal Class EA process. This included the filing of an Environmental Study Report documenting the study process and findings.

The study commenced in late 2005. Based on the study findings and consultation with municipalities, transit providers, government review agencies and the public, the recommended alternative was to add municipal transit projects/activities to the Municipal Class EA parent document. The recommended approach included:

- Adding a new Part D to the parent document which addresses Municipal Transit Projects
- Adding a section to Appendix 1 of the parent document outlining municipal transit projects and their associated project schedule under the Municipal Class EA
- Editing the remainder of the Municipal Class EA document, where applicable, to include references to municipal transit.

The study findings and recommendations were documented in an Environmental Study Report which was filed on June 27, 2007 for a 30 day public review period. No Part II Order requests were received. Thereafter, MEA submitted the amendment to the Ministry of the Environment for approval.

A.17 MOE Codes of Practice (2007)

In August 2007, the Ministry of the Environment released a draft of the *Code of Practice: Preparing, Reviewing and Using Class Environmental Assessments in Ontario* which sets out the Ministry's expectations for the content of a "parent" class environmental assessment under 14 (2) of the *Environmental Assessment Act*. It also sets out the roles and responsibilities for all participants in the class environmental assessment process at the project stage and provides guidance to the public on how to navigate the class environmental assessment process for a particular project.

In addition, it should be noted that on May 30, 2007, the Minister of the Environment approved three of the five Codes of Practice and one guidance document. They are:

- *Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario*
- *Code of Practice: Consultation in Ontario's Environmental Assessment Process*
- *Code of Practice: Using Mediation in Ontario's Environmental Assessment Process*
- *Federal/Provincial Environmental Assessment Coordination in Ontario: A Guide for Proponents and the Public*

Key elements of the approved environmental assessment planning process.

A.2 PLANNING AND DESIGN PROCESS

The Planning and Design process which follows is the environmental assessment planning process approved under the EA Act by which proponents may plan the municipal infrastructure projects to which this Class EA applies. The main elements of the process and its application are that it:

- incorporates the key features of environmental assessment planning (see Section A.1.1.);
- follows five basic phases which are conducted within a framework of environmental protection, effective consultation with stakeholders including review agencies, the public, property owners, interest groups, and traceable decision-making;
- outlines mandatory consultation and documentation requirements. These are a minimum only and in many cases project requirements may require them to be expanded;
- provides a framework which is flexible to respond to varying levels of complexity and sensitivity (see Section A.2.1.1), and, iterative in that it is not necessarily sequential since the findings in one step may result in a previous step being revisited;
- is comprehensive since it considers a broad range of environmental issues;
- is a self-assessment process where the responsibility for the process and compliance with the requirements of the Municipal Class EA rests with the proponent;
- can be applied to a single project or a Master Plan, or integrated with projects which come into effect and approval under the Planning Act; and
- defines the minimum requirements for environmental assessment planning which the proponent is responsible for "customizing" to address the needs of a specific project.

This document does not provide exhaustive direction on how to manage complex projects or Master Plans. **First and foremost, the Class EA provides the framework for environmental assessment planning of municipal infrastructure projects to fulfil the requirements of the EA Act. It is neither an all inclusive "checklist" nor a detailed "how to" manual for proponents, project managers or stakeholders.** It establishes principles and certain minimum mandatory requirements and has been set-up as a self assessment process which is flexible enough to allow different proponents to meet the needs of specific projects while ensuring that the requirements of the EA Act are met. If a proponent determines that it requires more specific direction, then it may be appropriate for it to develop its own guidance documents to provide supplementary direction for project managers.

The Class EA provides a framework. It is not a checklist or detailed "how to" manual.

The proponent must decide whether to apply the Class EA process to a specific project or to a group of projects, i.e. Master Plan. Proponents are also encouraged to co-ordinate with the Planning Act where appropriate.

The planning and design process was originally developed to apply to specific projects and is usually applied by the majority of municipalities in this manner. While proponents may use this process to meet the requirements of the EA Act, planning on a project by project basis may not always be the most appropriate in all situations. Municipalities are encouraged to prepare Master Plans to address groups of projects, an overall infrastructure system, a number of integrated systems or to co-ordinate the requirements of both the EA Act and the Planning Act through the development of long range multi-disciplinary plans.

Master Plans

The development of "Master Plans" provides relief to the proponent from the project-specific requirements of the EA Act. As long as such plans integrate the principles of successful environmental assessment planning outlined in Section A.1.1, the proponent will benefit in the long term by reducing the time and costs associated with undertaking specific studies to support individual Class EA project planning. Master Plans are discussed in Section A.2.7 and Appendix 4.

Integration with the Planning Act.

Proponents and stakeholders have identified the general desire to further encourage the co-ordination and integration of the planning processes and approvals under the EA Act and the Planning Act. An "integrated approach" has been developed and is addressed in Section A.2.9 and may be applied to a specific project or at the broader Master Plan level.

Proponent's responsibility.

Proponents are encouraged to carry out Class EA planning at the earliest possible stage. The Class EA process can be most beneficial when it is applied early in the municipal planning process, while land use and servicing alternatives are still under consideration. **By coordinating land-use planning under the Planning Act and infrastructure planning under the Class EA process, proponents can meet the requirements of both processes in the most expeditious manner. Regardless of the approach taken for any undertaking subject to this Class EA, the proponent is responsible for ensuring that the requirements of this Class EA and principles of its application are met.**

A.2.1 FIVE PHASE CLASS EA PLANNING PROCESS

Process includes five main study phases and mandatory consultation.

The main elements of the Class EA planning process are incorporated in the following five phases:

PHASE 1	PHASE 2	PHASE 3	PHASE 4	PHASE 5
Problem or Opportunity	Alternative Solutions	Alternative Design Concepts for Preferred Solution	Environmental Study Report	Implementation
Consultation Requirements	Optional	Mandatory	Mandatory	Optional

In brief, the phases may be summarized as follows:

- Phase 1** Identify the **problem (deficiency) or opportunity**.
- Phase 2** Identify **alternative solutions** to address the problem or opportunity by taking into consideration the existing environment, **and establish the preferred solution taking into account public and review agency input**. At this point, determine the appropriate Schedule for the undertaking (see Appendix 1) and document decisions in a Project File for Schedule B projects, or proceed through the following Phases for Schedule C projects.
- Phase 3** Examine **alternative methods** of implementing the **preferred solution**, based upon the existing environment, public and review agency input, anticipated environmental effects and methods of minimizing negative effects and maximizing positive effects.
- Phase 4** Document, in an **Environmental Study Report** a summary of the **rationale, and the planning, design and consultation process** of the project as established through the above Phases, and make such documentation available for scrutiny by review agencies and the public.
- Phase 5** Complete contract drawings and documents, and proceed to **construction and operation; monitor construction** for adherence to environmental provisions and commitments. Where special conditions dictate, also **monitor the operation** of the completed facilities.

Process and its documentation to be traceable.

The planning and design process shall be undertaken in such a way as to allow a reviewer to trace each step of the process. In particular, the documentation should explain the reasons for the criteria used to identify and assess the alternatives, the proponent's weighing of these criteria and the decision making process followed.

The process is often iterative.

To ensure that the planning and design process is easily traceable, the proponent shall ensure that:

- the analysis is understandable to the reasonable lay observer;
- all conclusions drawn from the analysis follow logically from the information gathered and presented; and
- a reasonable lay observer is able to replicate the conclusions based on the information presented.

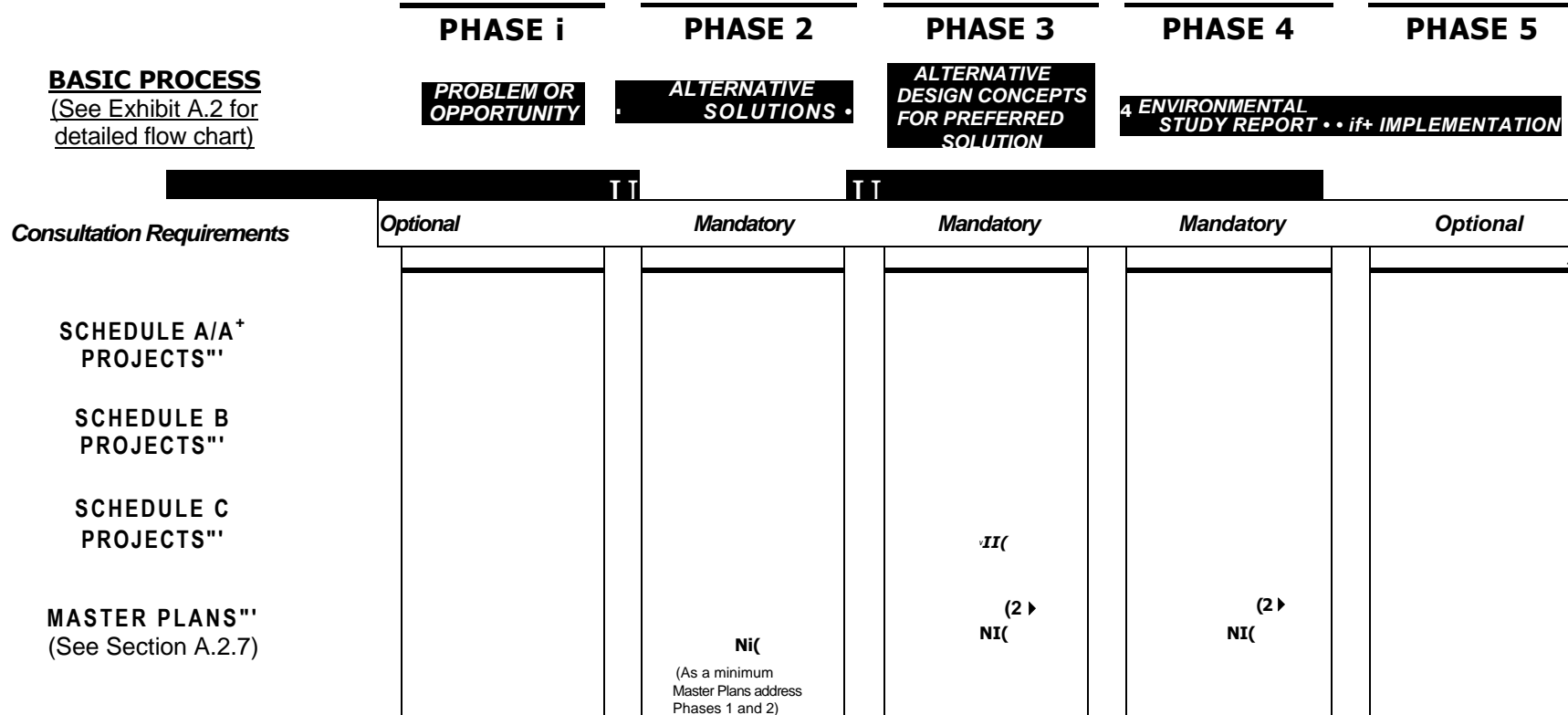
Flow chart.

The main phases and their application to single projects or Master Plans are identified in Exhibit A.1. The steps in each phase are identified in the Flow Chart, Exhibit A.2, which illustrates the process followed in the planning and design of projects covered by this Class EA. The flow chart incorporates the steps considered essential for compliance with the

EXHIBIT A.1

KEY FEATURES OF THE MUNICIPAL CLASS EA

NOTE: This flow chart is to be read in conjunction with Part A of the Municipal Class EA



NOTES:

■₁₁(Actions required during relevant phase

- (1) Schedule A, A and C projects and Master Plans can also be integrated with the requirements of the Planning Act (See Section A.2.9)
- (2) Complete Phases 3 and 4 for any Schedule C projects included in the Master Plan prior to implementation
- (3) For Schedule A+ projects, public to be advised. See Section A. I .2.2.

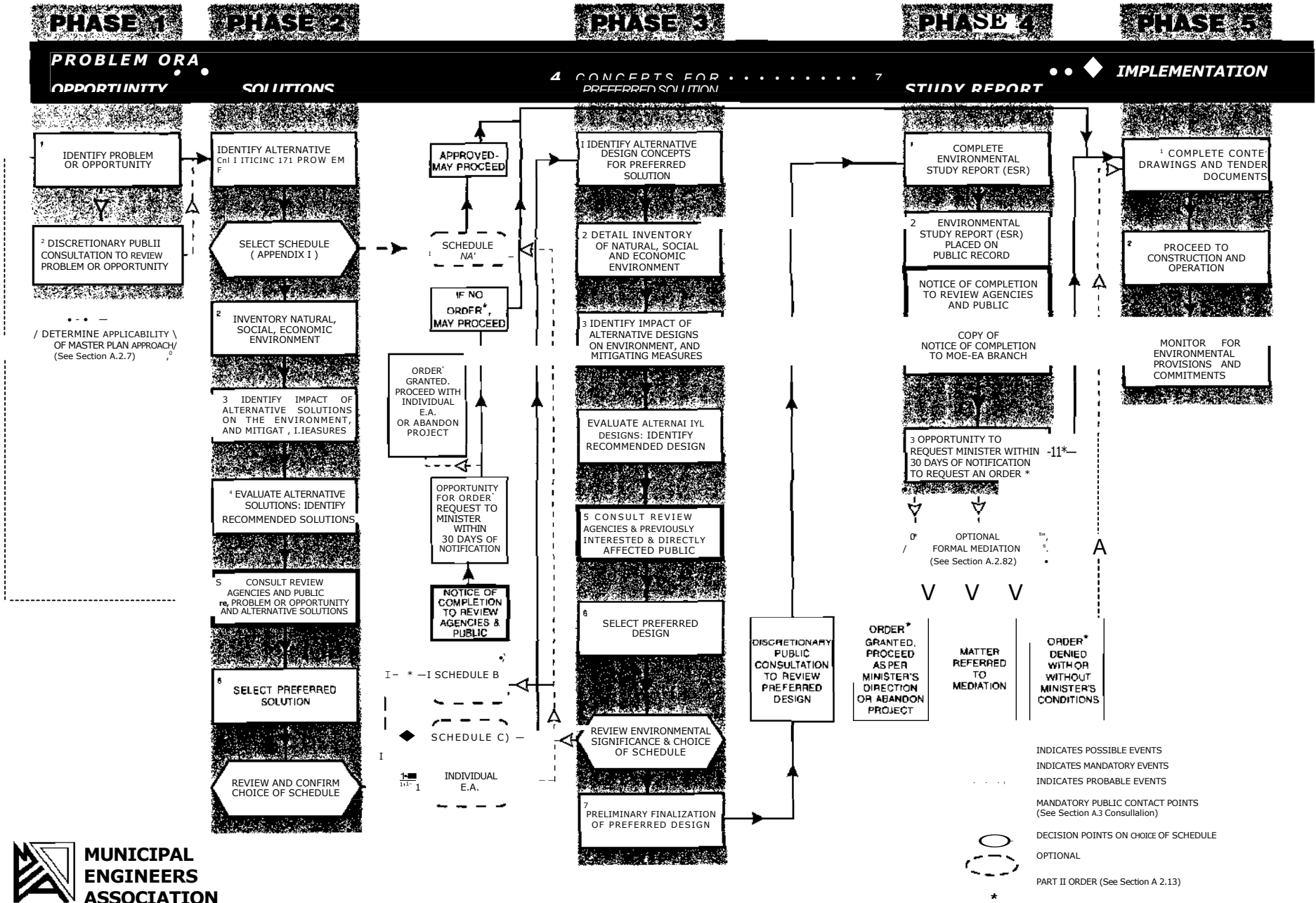
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EXHIBIT A.2

MUNICIPAL CLASS EA PLANNING AND DESIGN PROCESS

NOTE: This flow chart is to be read in conjunction with Part A of the Municipal Class EA



requirements of the EA Act, which are discussed commencing in Section A.2.2.

It should also be noted that the process outlined in the following sections is not necessarily sequential. It can be an iterative process whereby the results of one step may necessitate re-evaluation of a previous step.

A.2.1.1 Level of Complexity

The following sections describe the planning process in this Class EA. It is important, however, to recognize that there is flexibility within the process to be responsive to specific project and consultation needs, while ensuring that the requirements of the Class EA are met.

Level of complexity or sensitivity can relate to the nature of the problem or opportunity being addressed, the level of investigation required to assess alternatives and environmental effects, and public and agency issues and concerns. The level of complexity may affect the selection of the project schedule, and the scope of each phase in the Class EA process as well as the need to revisit steps in the process. **The level of complexity will therefore affect the manner in which a project proceeds through the process.**

The complexity of a project is based on many components, including environmental effects, public and agency input and technical considerations, and how these interrelate on a specific project. **Accordingly, the determination of complexity (and its ongoing assessment) requires sound professional judgement, is an inherent function of the management of a project and, is the responsibility of the proponent.**

Given the varying levels of complexity, the divisions amongst Schedules A, B and C projects are therefore often not distinct. For example, a Schedule B project with many issues and broad community interest could approach the complexity of a Schedule C project. As a result, some proponents may choose to follow the process for a Schedule B, while others may decide to follow the process for a Schedule C. **While the Class EA document defines the minimum requirements for environmental assessment planning, the proponent is responsible for "customizing" it to reflect the specific complexities and needs of a project.**

The foregoing should be considered not only at the outset of project planning but as one proceeds through the process and reviews and confirms the project schedule.

The process is flexible to meet the specific needs of a project.

Determination of level of complexity is an inherent function of the management of a project.

Divisions amongst project schedules are often not distinct.

The proponent is responsible for taking the minimum requirements and "customizing" them to meet a specific project's consultation and technical needs.

All activities undertaken in the planning process must be documented and records maintained in a form which can be presented to the public for review. However, the proponent need only gather and document information which is likely to have a direct bearing on impacts and mitigating measures. The level of detail of the information to be inventoried should reflect the potential severity of the impacts predicted.

Lastly, it should also be noted that the process outlined in the following sections is not necessarily sequential. It can be an iterative process whereby the results of one Step may necessitate reevaluation of a previous Step.

Phase 1

A.2.2 PHASE 1 — PROBLEM OR OPPORTUNITY

Step 1 Identification and description of the problem or opportunity. Municipalities generally undertake projects in response to certain identified problems or deficiencies. On the other hand, there may be opportunities which need to be addressed. These problems or opportunities may or may not be obvious to the public but it is necessary to document factors which lead to the conclusion that an improvement or change is needed. Earlier studies or reviews undertaken by the proponent may be available to assist in defining the problem. **This phase should therefore lead to the development of a clear statement of the problem or opportunity being addressed.**

From the problem statement, a project will be developed. In assessing the magnitude and extent of a problem therefore the scope of the project, it is important that the projects, and **not be broken down, or piecemealed**, into component parts or phases, with each part being addressed as a separate project. **If the component parts are dependent on each other, then all of the components must be combined and dealt with as a single project.**

Step 2 Discretionary Public Consultation. For projects which are expected to generate considerable public interest or controversy, the proponent may find it advantageous to introduce a discretionary Step 2 and commence the **public consultation** process in order that the public may be involved at this stage in defining the problem and formulating the problem statement.

Optional Prior to commencing the study, or during the course of defining the problem or opportunity, it may become apparent that a Master Plan approach is appropriate, or co-ordination with the Planning Act is beneficial. These are discussed in Sections A.2.7 and A.2.9 respectively.

A.2.3 PHASE 2 — ALTERNATIVE SOLUTIONS

The procedures outlined in Phase 2 will lead the proponent to the conclusion that the project:

- is pre-approved (Schedule A or A+);
- is approved subject to Screening (Schedule B);
- is subject to the full Five Phase Planning Process (Schedule C); or,
- should proceed through an Individual Environmental Assessment.

Project schedules are provided in Appendix 1.

The planning process in Phase 2 will involve the following Steps:

Step 1 Identification of alternative solutions to the problem.

There is usually more than one way to solve a problem. All reasonable and feasible solutions shall be identified and described.

At the conclusion of Step 1, the proponent is usually able to establish whether the project falls under Schedule A/A+ or not. This is the **first Schedule decision point** and the proponent is presented with the following alternatives:

- The proponent may arrive at the conclusion that the solution is an activity which falls under Schedule A or A+ and is therefore pre-approved. The proponent may therefore proceed to implement the project without any further environmental assessment while recognizing the obligation to minimize environmental impacts while doing so. The problem identified in Phase 1 will be considered to have been resolved.
- Should the proponent decide that a project which would normally fall under Schedule A is likely to have significant environmental impacts, then the project should be planned under Schedule B or C.
- Alternatively, the proponent may decide that the solution to the problem will result in a project which will fall under Schedule B or Schedule C, in which case the proponent shall continue to plan the project through the following Steps.

Determine the appropriate schedule and how that affects the next steps in the process.

Where a project falls under Schedule A+, the proponent is to advise the public about the project (see Section A.1.2.2).

These are preliminary decisions, however, and depending on the nature and complexity of the project may need to be reviewed and confirmed at later points in Phases 2 and 3.

In some cases, the proponent may conclude not to continue with the project, for example, should the project have significant environmental effects which are not mitigable.

Step 2 Preparation of a physical description of the area where the project is to occur, and a general inventory of the natural, social and economic environments which are to be considered when reviewing the effects of a project in that area.

Step 3 Identification of the magnitude of the net positive and negative effects of each alternative solution in Step 1, with respect to the environmental factors identified in Step 2. Identify **mitigating measures**.

Step 4 Evaluation of all reasonable alternative solutions, identified in Step 1, taking into consideration the environmental and other factors identified in Steps 2 and 3.

For projects which are relatively straightforward and uncontroversial this Step may lead to **the preliminary identification of a recommended solution** which should be conveyed to the public and the review agencies in the following Step 5. This has the advantage that reviewers will have a better idea of the proponent's preliminary conclusions and will allow reviewers to focus their attention on the recommended solution.

It is important that the recommended solution not be presented as a decision but as a preliminary preference based on a rational evaluation of available information. Public input is necessary and important at this point to assist the proponent by providing additional information, in reviewing the evaluation and in arriving at the best decision.

Step 5 Consultation with review agencies and the public to solicit comment and input. By making interested parties aware of the information gained to this point in the process, including the problem or opportunity, the environmental considerations to be addressed during the evaluation of alternatives, the alternative solutions being

First mandatory point of contact with public to review and obtain input about the problem or opportunity, environmental issues, alternative solutions and preliminary determination of a preferred solution.

considered and their impact on the environment, and the evaluation itself, other pertinent factors may come to light. The notification may also include the proponent's recommended solution, as outlined in Step 4 above. (See Section A.3 Consultation and Appendix 3, Screening Criteria, for further details.) **This is the first mandatory point of contact with the public.**

Step 6 Selection or confirmation of the preferred solution to the problem or opportunity taking into consideration input and comment received from the review agencies and the public and after evaluation of the net environmental effects of the various alternatives. Depending on the situation, the preferred solution may involve a combination of alternative solutions rather than a single outcome.

Confirm or modify initial identification of project schedule.

At this point the, proponent shall **review the previous decision regarding the status of the project**, i.e. Schedule B or C, and either confirm this decision or conclude otherwise.

Schedule B:

- If the proponent concludes that the project falls under **Schedule B** and is therefore **Approved subject to Screening, (see Appendix 3 for Screening Criteria)** then documentation of the planning process shall be finalized and placed on file, (see Section A.4.1, Schedule B - Project File for requirements for documentation).

A Schedule B project is approved subject to screening.

To complete the Schedule B process, a **Notice of Completion** shall be submitted to review agencies and the public and a period of at least 30 calendar days shall be allowed for comment and input. The Notice shall include notification of the provision to request a Part II Order (See Section A.2.8).

If no request for an Order is received by the Minister within the review period, the proponent **may develop the project**, based on the preferred solution, and may proceed with detailed design and the preparation of contract drawings and documents.

Schedule C:

- If the proponent concludes that the project falls under **Schedule C**, then the following **procedures outlined in Phases 3, 4 and 5 shall be undertaken.**

A Schedule C project proceeds through Phases 3, 4, and 5

Other:

- If the proponent concludes that the problem as originally defined is no longer valid and has been re-defined, then the planning process shall revert to Phase 1 with a new problem statement.

- If the proponent concludes that the project should undergo an **individual environmental assessment**, then the procedures and requirements of the EA Act shall be followed i.e. preparation of an individual environmental assessment for **submission to the Minister for review and approval**.

*Phase 3***A.2.4 PHASE 3 — ALTERNATIVE DESIGN CONCEPTS FOR THE PREFERRED SOLUTION**

Phase 3 outlines a process similar to that followed in Phase 2. In Phase 3, possible design concepts which might be utilized to implement the preferred alternative solution identified in Phase 2 are evaluated. **Steps to be taken are:**

Identify alternative designs for the preferred solution.

Step 1 Identification of alternative designs for the preferred solution. There are usually a number of ways in which a project can be developed and designed to implement the preferred solution. Each reasonable design shall be identified and described.

Step 2 Preparation of a detailed inventory of the natural, social and economic environments. At this point, rather than dealing with the general environment of the area, the particular components of the environment which must be considered and evaluated shall be identified in detail. **However, the need only be carried out to the extent necessary to select a preferred design.**

Step 3 identification of the potential impact of the alternative designs. The impact of each alternative design on the environment inventoried in Step 2 shall then be established. Appropriate mitigating measures shall also be identified and evaluated. Depending on the complexity or magnitude of the project, Steps 2 and 3 may involve detailed environmental studies in order that sufficient and appropriate information is available on which to base ensuing decisions and to allow the public to fully understand the environmental implications of the project.

Step 4 Evaluation of the alternative designs, taking into consideration all the environmental impacts identified in Step 3 and appropriate mitigating measures. This Step will probably lead to the preliminary identification of a recommended design.

Step 5 **Consultation with review agencies and the public,** including those who previously expressed interest and/or concern and those directly affected by the project, to solicit comment and input. At this point the project is usually well developed, the results and conclusions from studies and investigations are available and some design detail may have been prepared to indicate how the preliminary recommended design **will** be employed to implement the preferred solution. Environmental impacts of the project will be well understood and the rationale for the identification of the recommended design will be clear.

This information must be shared with the public and review agencies at this point to obtain further comment and input. **It is important, however, that the recommended design not be presented as a decision but as a preliminary preference based on a rational evaluation of available information.** Input from review agencies and the public is necessary and important at this stage to assist the proponent by providing additional information, in reviewing the evaluation and in arriving at the best decision. (Where studies are necessary to support the decisions made, the feasibility of the preferred alternative, and the conclusions drawn about the environmental impacts and mitigation measures (for example, hydrogeological study for a communal water supply) review agency input on the technical studies at or before Step 5 is critical.)

The public and review agencies shall also be made aware of their right of appeal (see Section A.2.8) through this notification. **This is the second mandatory point of contact with the public for Schedule C projects.**

Step 6 **Selection or confirmation of the preferred design.** Having identified all environmental impacts, having determined **mitigating measures** to minimize impact on the environment, and having gained further input from interested parties, the preferred design can be confirmed.

At this point, the proponent is able to **review and confirm project status.** The environmental significance of the preferred design shall be reviewed to confirm that the planning process for Schedule C projects is

Secondary Mandatory point of contact with public to review alternative design options and preliminary determination of a preferred design.

appropriate and that the remaining procedures in Phases 4 and 5 should be followed. Alternatively, the proponent may decide that concerns and issues raised by the public are such that they cannot be resolved by the Class EA process. In this case it would be appropriate for the proponent to undertake an individual environmental assessment for the project.

Step 7 Preliminary finalization of preferred design. The design has been selected with the assistance of input from the public and the proponent is now able to begin design of the project in sufficient detail to be able to outline the project in the ESR. Finalization of detailed design should await Phase 5 when the ESR has been issued and reviewed by the public.

A.2.5 PHASE 4 — ENVIRONMENTAL STUDY REPORT

Phase 4 represents the culmination of the planning and design procedures set out in this Class EA. The proponent is now required to document in a report all the activities undertaken to date through Phases 1, 2 and 3. This documentation is embodied in an **Environmental Study Report (ESR)**.

The following Steps shall be followed in this Phase:

The ESR must be clear and easily understood.

Step 1 Completion of the ESR. The ESR is intended to be a traceable and easily understood record of the proponent's decision making process. A more detailed description of the contents and format of the ESR, including requirements for filing, review and amendments, are contained in Section A.4.2. The following brief outline sets out the general requirements:

- (a) A description of the problem or opportunity and other background information.
- (b) The rationale employed in selecting the preferred solution to the problem.
- (c) The rationale employed in selecting the preferred design.
- (d) A description of the environmental considerations and impacts.
- (e) The mitigating measures which will be undertaken to minimize environmental effects.
- (f) A description of the consultation process and an explanation of how concerns raised by the public and review agencies have been addressed in developing the project.

*Third Mandatory
contact point.*

(g) A description of the monitoring program which will be carried out during construction and, if necessary, for a specific time during operation. Details of the ways in which the results of a monitoring program will be communicated to the public and review agencies shall be included.

Step 2

File the ESR with the Municipal Clerk and place on the public record for at least 30 calendar days for review by the public and review agencies. At the time of filing the ESR, the public and review agencies must be notified. This is accomplished by the mandatory issue of Notice of Completion of ESR, as detailed in Section A.3.4.1. This Notice constitutes the **third mandatory contact point with the public and review agencies** and also carries a **mandatory requirement to include notification of the provision** to request a Part II Order.

Step 3

Provision to Request a Part II Order. The process related to a request for a Part II Order is described in detail in Section A.2.8. If no request for an Order is received by the Minister within the review period, then the proponent may proceed to Phase 5 and implementation of the project.

A.2.6 PHASE 5 - IMPLEMENTATION

Phase 5

Phase 5 consists of three steps:

To implement the project, complete the contract drawings, proceed to construction and operation and monitor. The proponent must ensure that the commitments in the ESR are met.

Step 1

Completion of contract drawings and tender documents. The contract drawings documents and the method of construction shall embody the selected design and the environmental provisions and mitigating measures developed throughout the planning process and as detailed in the ESR: the proponent is not free to arbitrarily change or omit these provisions.

This step shall include the issue of tenders or, in the case of projects to be undertaken by municipal forces, the completion of necessary administrative arrangements to proceed with implementation of the project. Normally tenders will be issued after the expiration of the 30-day ESR review period. In some circumstances, however, as for example with a tight time schedule to meet seasonal construction constraints, a proponent may issue tenders during the ESR review period, with acceptance and contract award being conditional upon a request for a Part II Order not being received and upon receipt of all necessary technical approvals.

Step 2 **Proceeding to construction and operation.** Contracts are awarded, construction takes place and the project is implemented, commissioned and placed into operation. It is recognized, however, that circumstances may arise which make it impossible to implement the project as outlined in the ESR or which delay its implementation. In this case an addendum to the ESR may be necessary and the procedure to be followed is set out in Section A.4.2.2.

Step 3 **Monitoring for environmental provisions and commitments.** The ESR will detail the potential effects of a project on the environment, and the mitigating measures, if any, to be taken to avoid, eliminate, prevent or minimize such effects. **The monitoring program outlined in the ESR shall be undertaken to ensure that the environmental provisions and commitments made in the ESR are fulfilled and are effective.** Monitoring of project operation may be necessary to ensure the effectiveness of the selected solution in resolving the problem. The results of the monitoring program shall be communicated to the public and review agencies, if requested.

Master Plans

A.2.7 MASTER PLANS

The preceding section has addressed the planning and design process by which municipalities may plan municipal works on a project by project basis. It is recognized, however, that in many cases it is beneficial to begin the planning process by considering a group of related projects, or an overall system, e.g. water, wastewater and/or roads network, or a number of integrated systems, e.g. infrastructure master plan, prior to dealing with project specific issues. By planning in this way, the need and justification for individual projects and the associated broader context, are better defined.

At a minimum, Master Plans address Phases 1 and 2 of the Municipal Class EA.

Master Plans are long range plans which integrate infrastructure requirements for existing and future land use with environmental assessment planning principles. These plans examine an infrastructure system(s) or group of related projects in order to outline a framework for planning for subsequent projects and/or developments. **At a minimum, Master Plans address Phases 1 and 2 of the Municipal Class EA process.**

The following section outlines a framework whereby this Class EA recognizes the place of such Master Planning studies in guiding sound environmental planning at the project-specific level. This approach recognizes that there are real benefits in terms of better planning when long range comprehensive studies are undertaken over

logical planning units, such as at the regional level, and that proponents who undertake such studies can build on the recommendations and conclusions contained in them. Additional explanatory information and sample notices are provided in Appendix 4.

Master Plans typically differ from project-specific studies in several key respects. Long range infrastructure planning enables the proponent to comprehensively identify need and establish broader infrastructure options. The combined impact of alternatives is also better understood which may lead to other and better solutions. In addition, the opportunity to integrate with land use planning enables the proponent to look at the full impact of decisions from a variety of perspectives. The following are distinguishing features of Master Plans:

- a) The scope of Master Plans is broad and usually includes an analysis of the system in order to outline a framework for future works and developments. Master Plans are not typically undertaken to address a site-specific problem.
- b) Master Plans typically recommend a set of works which are distributed geographically throughout the study area and which are to be implemented over an extended period of time. Master Plans provide the context for the implementation of the specific projects which make up the plan and satisfy, as a minimum, Phases 1 and 2 of the Class EA process. Notwithstanding that these works may be implemented as separate projects, collectively these works are part of a larger management system. Master Plan studies in essence conclude with a set of preferred alternatives and, therefore, by their nature, Master Plans will limit the scope of alternatives which can be considered at the implementation stage.

A.2.7.1 The Master Planning Process

The work undertaken in the preparation of Master Plans should recognize the Planning and Design Process of this Class EA, and should incorporate the key principles of successful environmental assessment planning identified in Section A.1.1. It is imperative that public and agency consultation take place during each phase of the study process, specifically, at the initiation of the Master Plan study so that the scope and purpose of the study is understood, and at the selection of the preferred set of alternatives. At a minimum, the Master Planning process should address the first two phases in the Planning and Design Process of the Class EA.

When projects are undertaken which implement specific elements recommended in the Master Plan, it will be necessary for the

applicable schedule to be determined for those projects subject to the Municipal Class EA. Depending on the scope and level of analysis of the Master Plan, the requirements of Phases 1 and 2 may have been satisfied at the project-specific level. Alternatively, Phases 1 and 2 may have to be revisited as they relate to the specific project. In addition, for Schedule B projects, it would be necessary to fulfil the consultation and documentation requirements. For Schedule C projects, it would be necessary to fulfil the additional requirements of Phases 3 and 4 and consider the site-specific issues which were beyond the scope of the Master Planning process.

Thus the Master Plan would be used in support of further work carried out for specific Schedule B projects and further work in Phases 3 and 4 for specific Schedule C projects. Requests for an order to comply with Part II of the EA Act, however, would be possible only for the specific projects identified in the Master Plan and not the Master Plan itself

Appendix 4 outlines various approaches to conducting Master Plans and provides sample notices. Given the broad scope of Master Plans, there are infinite variations on the basic approaches described in Appendix 4. Regardless of the approach, the onus is on the proponent to ensure that the requirements of the Municipal Class EA are met. Prior to commencing a Master Plan, proponents are urged to contact the EAA Branch to discuss their proposed approach.

Proponents are urged to discuss their Master Plan approach with the EAA Branch prior to proceeding.

A.2.7.2 Master Plan - Monitoring

In order to monitor the effectiveness and benefits of this approach, proponents are required to briefly summarize how the Master Plan followed Class EA requirements and copy this to the EAA Branch, including copies of mandatory notices.

A.2.8 CHANGING THE PROJECT STATUS — APPEAL PROCESS

A.2.8.1 Part II Order

Under the provisions of subsection 16 of the amended EA Act, there is an opportunity under the Class EA planning process for the Minister or delegate to review the status of a project. Members of the public, interest groups and review agencies may request the Minister or delegate to require a proponent to comply with Part II of the EA Act (which addresses individual EAs), before proceeding with a proposed undertaking. **This is what is known as a "Part II Order"**. The Minister or delegate determines whether or not this is necessary with the Minister's or delegate's decision being final.

Part II Order (replaces previous "bump-up" provision).

A.2.8.2 Procedure to Request a Part II Order

The procedure for dealing with concerns which may result in the

A concern should be brought to the attention of the proponent early in the process.

If a concern can not be resolved, the person or party may ask the proponent to voluntarily change the project status.

If the proponent declines, the person or party may request the Minister to issue an order to comply with Part II of the EA Act (called a Part II Order). The request must be in writing and submitted during the specified review period.

It is preferable to resolve issues at the local level than to refer the matter to the Minister. Conflict resolution may therefore be a key element.

Minister or delegate by order requiring a proponent to comply with Part II of the EA Act is outlined as follows:

- 1) For Schedule B projects, a person or party with a concern should bring it to the attention of the proponent in Phase 2 of the planning process.

For Schedule C projects, a person or party with a concern should bring it to the attention of the proponent at any point during Phase 2 through Phase 4 of the planning process.

- 2) If a concern is not resolved through discussions with a proponent, the person or party raising the objection may request the proponent to voluntarily:
 - elevate a Schedule B project to Schedule C
 - elevate a Schedule B or Schedule C project to an individual environmental assessment.

- elevate a Schedule B project to Schedule C
- elevate a Schedule B or Schedule C project to an individual environmental assessment.

Note: It is preferable for early consultation and identification of issues rather than concerns being raised at the end of the process after decisions may have been made.

- 3) If the proponent declines, and the person or party with the concern wishes to pursue the matter, they may write to the Minister of the Environment or delegate and request a Part II Order. **These requests shall be copied by the requester to the proponent at the same time that they are submitted to the Minister or delegate.**

For Schedule B projects, a written request must be submitted to the Minister or delegate within the 30 calendar day review period after the Notice of Completion has been issued.

For Schedule C projects, a written request must be submitted to the Minister or delegate within the 30 calendar day review period after the proponent has filed the ESR in the public record for public review and has issued the Notice of Completion of ESR.

Requests made or received after the 30 calendar day review period will not be considered.

It is the proponent's responsibility, however, to ensure proper notification to the public of their legal right of review under this Class EA (See Public Notices under Section A.3.5.3). Failure to satisfy this requirement may result in the Minister or delegate ordering an additional period of public review, with appropriate notifications, or could result in the Minister accepting a request after the 30-day review period.

It is recognized that resolution of concerns directly between the proponent and the person or party raising the concern is always preferable to having the Minister or delegate make a decision to order the proponent to comply with Part II. Accordingly, conflict

resolution may be a key element of public consultation. Conflict resolution techniques are discussed in Appendix 5. When serious concerns are raised late in the planning process, specifically during the 30-day review period, the proponent should be prepared to attempt to negotiate a resolution of the issues, even if it means that the 30-day review period may be exceeded. In this event, the proponent should make it clear to those raising the concern that negotiations will continue for a mutually acceptable specified time period, following which, if the issues remain unresolved, a request can be made to the Minister or delegate within a further 7 calendar days.

In other words, it is better for the proponent to take extra time to resolve issues locally than it is to have the issues decided by the Minister through a more lengthy and less certain Part II Order review.

- 4) On receipt of a request by the Minister, the Minister or the EAA Branch shall advise the proponent of the receipt of the request. The proponent may make a submission to the EAA Branch addressing the issues raised in the request for a Part II Order. In some cases, a proponent may feel that all Class EA requirements have been fulfilled, but, because of the concerns raised, the scale of the project or the environmental effects associated with the project, there needs to be further review. In these cases the proponent can conclude to carry out an individual EA and advises the Director of the EAA Branch in writing. The Director in turn advises the requester that an individual EA is to be done. This would supersede the EAA Branch's 45-day review and Ministerial action on the request.

EAA Branch reviews the request and makes a recommendation to the Minister.

The EAA Branch has 45 days to review the information and prepare a report for the Minister's or delegate's consideration. **The 45 day period will commence after the 30 day public review lapses.**

The EAA Branch shall: carry out a review of the Part II Order request for the Minister or delegate; consider both sides of the argument; and, make a recommendation to the Minister or delegate within 45 calendar days following the lapse of the 30-day public review period. In the event that there are critical deficiencies in the documentation submitted by the proponent, the Director of the EAA Branch may require the proponent to submit additional information in order to assist in the decision. At this point, the remainder of the 45-day period no longer applies. Within 21 calendar days of the receipt of the additional information, satisfactory to the Director, the EAA Branch shall make a recommendation to the Minister or delegate.

A.2.8.3 Responsibility of the Public

Proponents are required to provide several opportunities for public notification and consultation throughout the Class EA planning process such as newspaper notices, workshops, open houses and request for comments. Those who are directly affected by the proposed project as well as the general public should share the responsibility for being involved in the planning process.

Members of the public having concerns about the potential environmental effects of a project or the planning process being followed, have a responsibility to bring their concerns to the attention of the proponent early in the planning process, when the proponent has greater flexibility to accommodate changes in the project development and the process.

Concerns should be brought to the attention of the proponent early in the process.

Request for an order should not be made until during the 30-day review period and following discussions with the proponent.

On the other hand, to ensure that the proponent's evaluation of the environmental impacts and the mitigating measures being proposed are fully understood by all stakeholders, members of the public expressing concerns should be advised not to make a request for a Part II Order until planning is complete. Requests for an order made before the 30-day review period will be considered by the Minister or delegate to be premature, except those projects which do not display the typical characteristics of the Class EA.

A request to the Minister or delegate must be in writing and must address the following issues as they relate to the identified concerns:

- environmental impacts of the project and their significance
- the adequacy of the planning process
- the availability of other alternatives to the project
- the adequacy of the public consultation program and the opportunities for public participation
- the involvement of the person or party in the planning of the project
- the nature of the specific concerns which remain unresolved
- details of any discussions held between the person or party and the proponent
- the benefits of requiring the proponent to undertake an individual environmental assessment
- any other important matters considered relevant.

The requester shall forward a copy of the request to the proponent at the same time as submitting it to the Minister or delegate.

Requests which are clearly made with the intent of delaying project planning and implementation, or, which do not contain a reasonable amount of information, may be denied by the Minister or delegate on the basis of being unsubstantiated.

Withdrawal of a request for an order.

The Minister can:

- 1. Deny with or without conditions.*
- 2. Refer the matter to mediation.*
- 3. Require the proponent to comply with Part II of the EA Act.*

When, following a request having been made, the proponent has satisfied the concerns of the requester, it is the requester's responsibility to withdraw the request. Such withdrawals should be in writing to the Minister or the delegate and should be copied to the proponent. The Director of the EAA Branch may accept and may act upon such withdrawals on behalf of the Minister.

A.2.8.4 Minister's Decision

Upon receipt of a recommendation from the EAA Branch, the Minister or delegate shall consider the request and both sides of the argument, and make one of the following decisions within 21 calendar days of receipt of the EAA Branch's recommendation. The proponent may continue to plan a project but cannot implement any part of it (including site preparation) until the Minister's or delegate's decision has been made.

In considering a request, the Minister or delegate shall give consideration to, but not limited to, the following issues:

- extent and nature of public concern
- potential for significant adverse environmental effects
- need for broader consideration of alternatives by the proponent
- considerations of urgency
- participation of the requester in the planning process
- nature of request
- degree to which public consultation and dispute resolution have taken place.

Decision 1- Deny

There are two options for the Minister or delegate to deny the request:

- i) If the Minister or delegate decides to deny the request for an order, the Minister or delegate will inform the requester and the proponent of the decision, stating reasons for the decision. The project may then proceed.
- ii) In some cases, the Minister's or delegate's decision to deny may include certain conditions. The Minister or delegate will inform the requester and the proponent of the decision, stating the reasons, and conditions, if any. Conditions may include requiring a Schedule B project be planned under Schedule C or requiring that a monitoring or reporting process be implemented, for example. The proponent must fulfil the conditions when implementing the project.

Decision 2 - Refer the Matter to Mediation

Under the provisions of subsection 16(6) of the EA Act, the Minister or delegate may refer the matter in connection with a request to mediation. In this case, the provisions of Section 8 of the EA Act

will apply.

Decision 3 - Part II Order

If the Minister or delegate requires the proponent to comply with Part II of the EA Act, the proponent and requester will be informed with reasons. The Minister or delegate may:

- i) require the proponent to satisfy the requirements of the EA Act by preparing a Terms of Reference and individual EA that will be submitted to the Minister for a government review (subsection 16(2) 1 of the EA Act).
- ii) declare that while the documentation has satisfied the requirements for preparing a Terms of Reference, the proponent will have to submit an individual EA (subsection 16(2) 2 of the EA Act)

In certain cases the Minister or delegate could determine that the Schedule C ESR has fulfilled the individual EA requirements and may be submitted for a government review.

A.2.9 INTEGRATION WITH THE PLANNING ACT

Projects or Master Plans which are subject to the Municipal Class EA may also, either on their own or as part of an application, require approval under the Planning Act. **This Class EA recognizes the desirability of co-ordinating or integrating the planning processes and approvals under the EA Act and the Planning Act, as long as the intent and requirements of both Acts are met.** This integration will result in streamlining the planning and approvals process and improved environmental protection.

Accordingly, for a project or Master Plan which would otherwise be subject to this Class EA and which:

- i) **comes into effect or receives approval under the Planning Act, R.S.O. 1990, c. P. 13 as amended by the Land Use Planning and Protection Act, 1996; and,**
- ii) **meets the intent of the Class EA by fulfilling the requirements as outlined in this section,**

then that project is considered to be a Schedule A under the Municipal Class EA, i.e. pre-approved. The proponent may therefore proceed to construct the project upon its coming into effect or approval of the application under the Planning Act.

While the option of using this integrated approach provides the proponent with increased flexibility to streamline approvals processes, it also comes with added responsibility by the proponent to accurately reflect the needs of the Class EA process in the Planning Act application.

Requirements for integration with the Planning Act.

Proponent is responsible for ensuring compliance with the Municipal Class EA.

*Private sector
proponency.*

Proponency is defined in the glossary and discussed in Section A.1.3. With the integrated approach the proponent can be the applicant under the Planning Act. It is worth noting that when the proponent is a private sector developer, Ontario Regulation 345/93 of the EA Act applies and only Schedule C projects associated with residential developments are subject to the EA Act. All other projects where the private sector is the proponent are exempt from the EA Act.

For the final notification to the review agencies and the public, the proponent shall advise the public and review agencies of the ability to appeal the Planning Act decision to the Ontario Municipal Board. Once an application is approved or comes into effect under the Planning Act, and the planning for the project has met the requirements of Section A.2.9 of this Class EA, the proponent does not require any additional notice under the Class EA.

*Types of applications
under the Planning Act to
which this procedure
applies.*

A.2.9.1 Applications Under the Planning Act

The types of applications for which the coming into effect or approval under the Planning Act may be used in place of the Municipal Class EA include: Official Plans, Official Plan Amendments, secondary plans adopted as Official Plan Amendments, community improvement plans, plans of condominium and subdivisions, which come into effect or are approved following the coming into force of this Class EA. Applications may be initiated by the municipality or by an applicant for example, a developer or landowner.

*Municipal Class EA
requirements.*

A.2.9.2 Municipal Class EA Requirements for Projects Under the Planning Act

The proponent is responsible for ensuring that the project planning process used to fulfil the requirements of the Planning Act has met the intent of the Municipal Class EA by fulfilling the following requirements:

Definition of environment.

EA planning principles.

- A) Apply / define the environment as per the EA Act (see glossary or EA Act)**
- B) Apply the following environmental assessment planning principles:**
 - consultation with potentially affected parties (i.e. review agencies, other municipalities, public, interest groups and property owners) early in, and throughout, the process
 - identification and consideration of the effects of each alternative on all aspects of the environment
 - systematic evaluation of alternatives in terms of their advantages and disadvantages to determine their net environmental effects including the consideration of appropriate mitigating measures; and,

EA planning process.

- provision of clear, complete documentation of the planning process to allow for traceability of the proponent's decision making process

C) Incorporate the following steps in the planning process:

- 1) Identify the problem or opportunity
- 2) Identify alternative solutions to the problem or opportunity

Inventory natural, social, economic environment

Identify impact of alternative solutions on the environment, and mitigating measures

Evaluate alternative solutions and identify a preliminary preference

Mandatory consultation with review agencies and the public as described in Section A.3.

Determine preferred solution (project).

At this point, the proponent must confirm the applicable Class EA schedule for the preferred solution (project):

- **If the project would have been defined as a Schedule B project under the Municipal Class EA,** then document study process and description of physical location and dimensions in a public document. **Issue mandatory notification** to review agencies and the public about availability of the study documentation for public review and the ability to appeal the Planning Act decision to the Ontario Municipal Board (OMB).

- **If the project would have been defined as a Schedule C project under the Municipal Class EA,**

then proceed with Steps 3 and 4.

- 3) Identify alternative design concepts for preferred solution.

Undertake detailed inventory of natural, social and economic environment.

Identify impact of alternative designs on environment, and mitigating measures.

Evaluate alternative designs and identify recommended design.

Mandatory consultation with review agencies and the public as described in Section A.3.

Select the preferred design.

- 4) Document the problem or opportunity, alternative solutions, alternative design concepts, preferred solution, consultation and decision-making process in a public document, using Section A.4 as a guide. Documentation must include a description of the proposed project, including the physical location and physical dimensions of the project.

Issue mandatory notification to review agencies and the public about the availability of the study documentation for public review and the ability to appeal the Planning Act decisions to the OMB.

Documentation and supporting technical reports must be provided to review agencies as required. Where studies are necessary to support the decisions made, the feasibility of the preferred alternative, and the conclusions drawn about environmental impacts and mitigation measures, then these technical studies must be provided to review agencies at an early stage in the process (for example,

hydrogeological study and for communal groundwater supply, receiving stream assessment for discharge to a receiving stream).

- 5) Upon the coming into effect or approval under the Planning Act, proceed to implement ensuring that environmental and consultation commitments are met.

D) Minimum notification requirements for each mandatory point of contact:

- as outlined in Sections A.3.5.3 and A.3.6 of the Municipal Class EA, and
- include an explanation of how the Municipal Class EA requirements are being addressed under the Planning Act

E) Consult following the intent of Section A.3 of this Class EA:

A copy of the Municipal Class EA and the EA Act should be made available at public information centres.

F) Document the project:

Documentation of the project may be in the form of an Official Plan Amendment, Official Plan, Secondary Plan adopted as an Official Plan Amendment, community improvement plans, plan of subdivision or condominium, or in a publicly available background document prepared in support of any of the foregoing.

Notification requirements.

Consultation requirements.

Documentation.

Documentation must consist of the following:

- purpose, problem or opportunity
- planning process followed, including public consultation
- alternative solutions and their evaluation
- preferred solution and its physical location and dimensions
- mitigation measures and commitments made during the planning process

(see Section A.4 as a guide)

G) Amendments to project:

Amendments to the project can be made using the addendum procedures outlined in this Class EA (see Section A.4).

A.2.93 Monitoring the Application of the Approach to Integrate with the Planning Act

In order to monitor the effectiveness and benefits of this approach, proponents are required to briefly summarize how a project has met conditions A) through F) in Section A.2.9 (2± pages) and copy this to the EAA Branch including copies of the mandatory public and review agency notification.

Representatives of MOE, MEA and the Ministry of Municipal Affairs and Housing (MMAH) will meet on an annual basis to review the submissions received as well as any other comments.

A.2.10 RELATIONSHIP OF PROJECTS WITHIN THE CLASS EA TO OTHER LEGISLATION

This Class EA process can be conducted in such a way as to ensure compliance with other environmental legislation. The Class EA process, however, does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and municipal by-laws, such as permits or approvals and the specific public and agency consultation that they may require. Where possible, duplication between the Class EA process and other formal approval processes should be avoided.

It is well beyond the scope of this document to outline all the potential legislation and regulatory requirements of municipal projects. It is, therefore, the responsibility of the proponent to ensure that all requirements are met. Furthermore, good project management will endeavour to do this in a streamlined and efficient manner in order to minimize duplication where possible.

The relationship to the following provincial legislation is discussed in the following sections:

Proponents to document how a project has met conditions A) through F) and forward to the EAA Branch.

Approvals are still required under other legislation.

Where possible, other approvals should be coordinated with the Class EA process.

- Planning Act see Section A.2.9
- Municipal Act, 2001 see Section A.2.10.1
- Ontario Water Resources Act / see Section A.2.10.2
Environmental Protection Act
- Consolidated Hearings see Section A.2.10.3
- Ontario Regulation 586/06 see Section A.2.10.4
- Drainage Act see Section A.2.10.5

Other key provincial legislation includes:

- the Provincial Policy Statement (PPS);
- 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 Niagara Escarpment Plan;
- the Greenbelt Plan;
- Places to Grow Act;
- Ontario Regulation 116/01 (Electricity Regulation);
- Clean Water Act, 2006;
- Great Lakes — St. Lawrence River Basin Sustainable Water Resources Agreement, December 2005;
- Safeguarding and Sustaining Ontario's Water Act, 2007.

In addition it should be noted that Section 3.3(1) of the Ontario EA Act removes traffic calming from being subject to the Ontario EA Act.

Municipal projects must also comply with the requirements of the Canadian Environmental Assessment Act (CEAA) where applicable. This is discussed in Section A.2.11. In addition, there are a number of Federal Acts that are relevant to municipal projects including:

- Fisheries Act (see Section A.2.11.1)
- Navigable Waters Protection Act (see Section A.2.11.2)
- Species at Risk Act (see Section A.2.11.3)
- Migratory Birds Convention Act
- Canadian Transportation Act

Federal agencies have prepared a document entitled, "Information Requirements for Municipal Class Environmental Assessment Projects — Guidance Document". The focus of this Guidance Document is on projects for which Fisheries and Oceans Canada, Transport Canada (Navigable Water Protection Program), Environment Canada and Industry Canada are involved, since these are the departments that most frequently have an interest in municipal projects.

A.2.10.1 Municipal Act

The Municipal Act sets out the powers of municipalities and the division of responsibilities in all municipal systems. It provides the authority under which municipalities may operate. Proponents are urged to co-ordinate requirements under the EA Act and the Municipal Act where possible and appropriate, for example, public notification.

A.2.10.2 Ontario Water Resources Act/Environmental Protection Act

Technical Approvals:

Municipal sewage, stormwater management and water systems must receive approval under the Ontario Water Resources Act (OWRA). Certain other sewage projects (e.g. processed organic waste, biosolids management activities including biosolids disposal and utilization) must receive approval under the Environmental Protection Act (EPA). The EA Act and, hence, the Class EA process is oriented towards the general planning decisions associated with the development of a project. Water and wastewater facilities involve relatively complex technology, and for this reason engineering decisions must be reviewed in greater detail than the scrutiny normally afforded by EA Act review of engineering issues. **Therefore, technical consultation with the Ministry of the Environment is recommended for all complex projects involving construction of water supply and treatment, and sewage treatment and disposal systems.**

Consult the Ministry of the Environment on all complex projects.

In addition, other approvals, legislation, policies and guidelines may apply. In most instances, stormwater management projects will require approval from any or all of the following: local municipality, local conservation authority, federal Department of Fisheries and Oceans, Ministry of Natural Resources and Ministry of the Environment. The Class EA process does not relieve proponents from the responsibility to meet all such requirements; rather, it presents an opportunity to identify the appropriate approval agency early in the process and to co-ordinate these requirements in a systematic manner.

Certificates of Approval:

For projects being planned under this Class EA, approval under the OWRA and the EPA is issued only after the termination of the 30-day review period following filing of the ESR in the public record (or, if appropriate, submission of an addendum to the ESR), or, in the case of Schedule **B** undertakings, after the termination of the 30-day review period following filing of the Notice of Completion. If a request for a Part II Order is received (see Section A.2.8), the

approval can be issued only after the Minister has made a decision on whether or not the project should comply with Part II of the EA Act.

Proponents will be required to demonstrate they have completed the EA process when submitting applications under the *Environmental Protection Act* and *Ontario Water Resources Act*. Proponents are requested to provide copies of Notices of Completion and confirm that no Part II Order requests are outstanding.

Hearings:

Both the OWRA and the EPA contain provisions for holding hearings on municipal sewage and water projects. Thus, projects developed under Class EA procedures could be subject to hearings under the OWRA and the EPA, and could also be subject to hearings under the EA Act, if their status is changed to that of an individual EA.

Regulations have, therefore, been passed under the OWRA (O. Reg. 207/87) and EPA (O. Reg. 206/87) which dispense with hearings under these Acts for Class EA projects except that hearings are still required for water or wastewater projects that extend services beyond the Public Water and Sewage Service Areas created under Section 74, OWRA, R.S.O. 1990.

The following three scenarios summarize the procedure a project may follow in respect to the EA Act and the OWRA and the EPA:

a) No Part II Order/No Hearing

A project is planned under Class EA procedures. The project complies with all of the requirements of the Class EA and final design is approved under the OWRA or EPA.

b) Individual EA/No Hearing

A project is planned under Class EA procedures. The Minister requires the proponent to comply with Part II of the EA Act (i.e. conduct an individual EA). All concerns are resolved during the course of the individual EA process and a hearing is not required.

Once approval under the EA Act is received, final approval may be given under the OWRA or the EPA.

c) Individual EA/EA Act Hearing

A project is planned under Class EA procedures. The Minister requires the proponent to comply with Part II of the EA Act (i.e. conduct an individual EA) and the Minister requires that a hearing under the EA Act be held. The hearing would deal with all matters at issue. Once the Board's decision is given and approval under the EA

Act is received, final approval may be given under the OWRA or the EPA.

In this event, the proponent may combine the hearings under the Consolidated Hearings Act, under which all issues are dealt with by the same hearing panel.

A.2.10.3 Consolidated Hearings Act

A Class EA project whose status is changed to an individual EA, may become subject to hearings under several provincial statutes. For example, hearings might be required:

- under the **Ontario EA Act**
- before the Ontario Municipal Board, to allow the municipality to enter into debt financing
- under the **Planning Act**, e.g. where an Official Plan (or amendment) has been referred to the Ontario Municipal Board (OMB) by the Minister of Municipal Affairs and Housing or a delegated authority, or where a related zoning by-law has been appealed to the OMB
- under the **Expropriations Act** to acquire land or property.

In this event the proponent may combine the hearings under The Consolidated Hearings Act, under which all issues are dealt with at one hearing.

A.2.10.4 Ontario Regulation 586/06

Previously, municipal works pursuant to the Local Improvement Act were Schedule A projects under the Municipal Class EA. The Local Improvement Act has essentially been replaced by Ontario Regulation 586/06. Accordingly, projects planned and approved under this Regulation are considered to be Schedule A projects under the Municipal Class EA. It should be noted that in many cases a petition from adjacent property owners is required prior to implementation. Where there are significant public concerns, the municipality may conclude to proceed under the Class EA.

A.2.10.5 Drainage Act

Drainage works regulated under the Drainage Act are exempt from the Ontario EA Act.

A.2.11 CANADIAN ENVIRONMENTAL ASSESSMENT ACT (CEA Act)

Municipal projects may be subject to the requirements of the *Canadian Environmental Assessment Act* (CEA Act). The CEA Act normally applies to federal authorities when they contemplate some action in relation to a project, as defined in the CEA Act, or a component of the project which would enable it to proceed in whole

Municipal Projects may be subject to the requirements of CEAA.

or in part. A federal environmental assessment (EA) may be required when, in respect of a project, a federal authority:

- a) is the proponent of a project;
- b) provides financial assistance to the proponent;
- c) makes federal lands available for the project; or
- d) issues a permit or licence, or other form of approval pursuant to a statutory or regulatory provision referred to in the *Law List Regulations*.

Federal authorities that are "triggered" in one or more of the above four ways are called responsible authorities (RAs). It should be noted that even if a project is 'pre-approved' under the Municipal Class EA, there still may be a CEA Act requirement if one of the above conditions apply.

The following provides a brief overview of the CEA Act requirements. This information, however, is not all inclusive and is provided for information purposes only to aid proponents in identifying potential CEA Act requirements. For specific details, refer to the legislation, regulations, guidance materials and operational policy statements available on the Agency's website. The Agency also offers training courses on the CEA Act and the planning and conduct of EAs subject to CEA Act and related topics. For further information about the CEA Act and EA coordination you may consult the following resources:

- for the potential applications of the CEA Act to project proposals, contact the federal departments listed in Appendix 7.
- for general information on the CEA Act, see the guidance document *Information Requirements for Municipal Class Environmental Assessment (EA) Projects - Guidance Document (2005)* which may be found at www.dfo-mpo.gc.ca/regions/central/pub/muni-clas-on/index_e.htm
- for coordination, review the Canada-Ontario Agreement on Environmental Assessment Cooperation included in Appendix 7.
- for federal responsibilities and requirements in environmental assessment, contact:

Director, Ontario Region
Canadian Environmental Assessment Agency
55 St. Clair Avenue East, Room 907,
Toronto, Ontario
M4T 1M2
Tel. : (416) 952-1576
Fax: (416) 952-1573
e-mail: ceaa.ontario@ceaa-acee.gc.ca
website: www.ceaa-acee.gc.ca

The Canadian Environmental Assessment Agency (Agency) administers the CEA Act and in doing so provides advice, guidance and training to federal departments, proponents, the public and others related to the implementation and requirements of the CEA Act. For projects that are subject to both the Municipal Class EA and the CEA Act, the Agency acts as the federal environmental assessment coordinator and facilitates the involvement of RA(s) and federal authorities in a coordinated assessment aimed at meeting all agencies' needs simultaneously. One of the objectives of coordination is to minimize duplication to the extent possible when a project is subject to federal and provincial EA approvals.

The proponent is expected to contact the Agency as soon as possible after becoming aware of a Municipal Class EA project that may trigger the CEA Act. Early engagement of the Agency and federal departments can optimize opportunities for coordination. Should the CEA Act apply to the Class EA project and the proponent chooses to coordinate the two EA processes, the Agency will work with the proponent to facilitate a coordinated approach and advise them on issues related to coordination.

A table highlighting potential CEA Act triggers for projects conducted under the Municipal Class EA and the corresponding RA is provided in Appendix 7. As well, a list identifying other federal authorities with expertise to offer for various environmental issues is included in Appendix 7. Contact information may be obtained from the Agency's Ontario Regional Director (see above).

Where there is a CEA Act trigger, then the federal RA assesses the project under CEA Act and ensures a project fulfills the associated CEA Act requirements. It is the RA's responsibility under CEA Act to establish the scope of project and scope of assessment.

While often it is possible to use the ESR prepared under the Municipal Class EA as the basis for the CEA Act environmental assessment, it should not be assumed that the ESR will always be sufficient or acceptable in all cases. Some additional information may have to be incorporated depending on what the RA requires to meet CEA Act requirements. The proponent should, therefore, contact the Agency and/or the RA early in the EA process and obtain confirmation of CEA Act EA requirements.

It should be noted that many of the triggers involve obtaining permits or approvals. Consequently, a trigger may not be actually identified until the detail design stage, i.e. after Phase 4 of the Municipal Class EA Project and determination of the recommended undertaking. Municipal proponents are therefore encouraged to contact those federal authorities with a potential interest in a project early in the Class EA process to ensure timely communication and awareness of

potential issues related to both the federal and provincial EA processes.

A.2.11.1 Fisheries Act

The *Fisheries Act* sets out general habitat and pollution protection provisions that are binding on all levels of government and the public in areas such as:

- Section 20: Passage of fish around migration barriers;
- Section 22: Provision of sufficient water flows;
- Section 30: Screening of water intakes;
- Section 32: Prohibition against the destruction of fish by means other than fishing unless authorized by DFO;
- Section 35: The prohibition against the harmful alteration, disruption or destruction (HADD) of fish habitat unless authorized by DFO; and
- Section 36: Prohibition to deposit deleterious substances unless by regulation (administered by Environment Canada, with the exception of subsection 36(3) with respect to sediment).

Under the *Fisheries Act*, no one may carry out any work or undertaking that results in the harmful alteration, disruption or destruction (HADD) of fish habitat, unless this HADD has been authorized by the Minister of Fisheries and Oceans Canada. Where adverse effects to fish habitat cannot be avoided through project relocation, redesign or mitigation, habitat compensation options may be required and a subsection 35(2) *Fisheries Act* authorization issued. Where the HADD is not acceptable, the authorization may be refused.

A subsection 35(2) *Fisheries Act* authorization is a regulatory trigger for an environmental assessment under the CEA Act. CEA Act requirements must be completed prior to making a decision on whether to issue a subsection 35(2) *Fisheries Act* authorization.

DFO has agreements with the Conservation Authorities in Ontario. Conservation Authorities are the first point of contact for the majority of projects in and around water in Ontario. Depending on the level of agreement, Conservation Authorities will undertake an initial review of the project, provide mitigation advice and/or review habitat compensation plans. Projects requiring review, *Fisheries Act* authorization and/or assessment under CEA Act are forwarded to DFO. In cases where there is no Conservation Authority, the local MNR office is the first point of contact.

A.2.11.2 Navigable Waters Protection Act

The *Navigable Waters Protection Act* (NWPA) is a federal law designed to protect the public right of navigation. It ensures that

works constructed in navigable waterways are reviewed and regulated so as to minimize the overall impact upon navigation. I

Projects that require approval under *the Navigable Waters Protection Act(NWPA)* may trigger the requirements for an EA under the CEA Act (see Section A.2.11). To ascertain whether or not a waterway or watercourse is considered to be navigable, contact Transport Canada's (TC) — Navigable Waters Protection Program. I

Also note that it is TC that makes the determination on whether a NWPA approval is required along with any related CEA Act responsibilities. If TC decides an approval permit is required, it cannot issue that approval until all the CEA Act requirements are fulfilled. Therefore proponents are urged to identify any issues early in the Class EA process. I

A . 2 . 1 1 . 3 S p e c i e s a t R i s k A c t (S A R A)

The purposes of the federal *Species at Risk Act* (SARA) are to:

- prevent Canadian indigenous species, subspecies and distinct populations of wildlife from being extirpated or becoming extinct; I
- to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity; and
- to manage species of special concern to prevent them from becoming endangered or threatened. I

Two federal Ministers are responsible for the administration of SARA. The Minister of Fisheries and Oceans is responsible for aquatic species at risk (SAR) except for those located in national parks, national historic sites or other protected heritage areas. The Minister of the Environment, (through the Parks Canada Agency) is responsible for individuals of species at risk found in national parks, national historic sites or other protected heritage areas. The Minister of the Environment is also responsible for all other species at risk and for the overall administration of SARA. I

There are three prohibitions in SARA that apply to extirpated, endangered or threatened species at risk listed on Schedule 1. It is an offence to:

- kill, harm, harass, capture or take an individual of a wildlife species that is listed as Extirpated, Endangered or Threatened. (Section 32) I
- possess, collect, buy, sell or trade an individual listed as Extirpated, Endangered or Threatened. (Section 32) I
- damage or destroy the residence of one or more individuals of a wildlife species that is listed as Extirpated, Endangered or I

Threatened. (Section 33)

- destroy any part of the critical habitat of any listed Endangered or Threatened species, or of any Extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada. (Section 58)

If the proposed work or undertaking is likely to contravene one or more of these prohibitions, a SARA permit may be required (section 73).

SARA contains three provisions that affect the federal environmental assessment (EA) process. They include:

- Section 137 — amended the definition of "environmental effect" under the Canadian Environmental Assessment Act (CEAA);
- Subsection 79(1) —a requirement to notify the competent ministers during an EA
- Subsection 79(2) — a requirement to ensure the implementation of mitigation and monitoring of effects on species at risk.

Further information on SARA can be found at:

www.sararegistry.gc.ca

www.speciesatrisk.gc.ca

www.on.ec.gc.ca/speciesatrisk

<http://www.cosewic.gc.ca>

Effective consultation is key to successful environmental assessment planning.

Municipal Class EA identifies minimum requirements only. Proponents must tailor these to address specific project needs.

A.3 CONSULTATION

A.3.1 GENERAL

Consultation early in and throughout the process is a key feature of environmental assessment planning. Consultation is a two-way communications process between the proponent and affected or interested stakeholders that provides opportunities for information exchange and for those consulted to influence decision-making. The degree to which decision-making can be influenced will depend on the nature of the problem or opportunity being addressed, the alternatives and their environmental effects, the nature of any concerns which are identified, and the responsibilities of the proponent. Through an effective consultation program, the proponent can generate meaningful dialogue between the project planners and stakeholders including the general public, property owners, community representatives, interest groups, review agencies and other municipalities. This allows an exchange of ideas and the broadening of the information base leading to better decision making. One of the principal aims of consultation, therefore, is to achieve resolution of differences of points of view, thus reducing or avoiding controversy and, ultimately, avoiding the use of the provision to require a project to comply with Part II of the EA Act which addresses individual environmental assessments.. Furthermore, contact with review agencies will ensure compliance with all public policy and regulatory requirements.

This section discusses the main stakeholders and identifies the timing and type of mandatory notification requirements. **These are a minimum only.** Proponents must tailor the consultation program to address the needs of a specific project and its stakeholders. Supplementary information is provided in Appendix 5 while sample notices are provided in Appendix 6.

A.3.2 MUNICIPAL COUNCIL

It is important to keep Council aware of the study status. The manner in which this is done will vary considerably from municipality to municipality and can range from members of Council participating actively in the study, to being kept informed by staff reports during the course of the study, to receiving a report at the conclusion of the study. Project managers should confirm with Council as to their desired level of involvement. For example, members of Council would likely wish to be informed of any contacts with the general public.

Main stakeholders:

- *public*
- *review agencies*
- *other municipalities*

A.3.3 STAKEHOLDERS

Potential stakeholders include the following:

- The **public** - this includes individual members of the public including property owners, who may be affected by the project; individual citizens who have a general interest in the project; special interest groups which may have been created specifically to address concerns related to the project, or whose interest may be centred on specific issues and concerns; community representatives; and, the general public.
- **Review agencies** - government agencies who represent the policy positions of their respective departments, ministries, authorities or agencies (see Section A.3.6). These include federal, provincial and municipal agencies whose position may result in regulatory or statutory approval.
- **Municipalities** other than the proponent.
- **First Nations and Aboriginal Peoples** — see Section A.3.7.

The foregoing should be contacted at the same points throughout the planning process. The methods of contact may vary and, in some cases, it may be necessary to maintain contact with specific review agencies throughout the project development stage.

A.3.4 TIMING OF CONTACT

Mandatory contact:

- *during Phase 2*
- *during Phase 3*
- *at completion of the study*

A.3.4.1 Mandatory Points of Contact

Exhibit A.2, Flow Chart, identifies a number of **mandatory contact points, i.e.** two for Schedule B activities and three for Schedule C activities. Schedule A and A+ activities are pre-approved; Schedule A projects may proceed without formal contact with the public; while, Schedule A+ projects require that the public be advised (see Section A.1.2.2).

The contact points identified are a minimum in all cases. For controversial, lengthy or complicated projects however, it will likely be necessary to make additional formal contacts with the general public or to maintain on-going contact with individuals, groups or review agencies.

Proponents should tailor the consultation plan to reflect the needs of the project and the stakeholders.

First Mandatory Point of Contact:

By Phase 2 of the planning process, a proponent will have identified the problem or opportunity, identified and evaluated alternative solutions to the problem, and, made a general inventory of the natural social and economic environments in order to determine the possible

impacts which each of the alternative solutions might have on the environment. The purpose of the first contact with the public and agencies is to review these issues with them and to allow them an opportunity to provide input to the identification of the problem or opportunity and alternative solutions, and to assist in the selection of a preferred solution.

This will allow the proponent to inform the public and agencies of the nature of the problem or opportunity, the need for the project, the planning and design details formulated to date, and the inventories of the natural, social and economic environments; and, would provide a forum to discuss potential impacts and local sensitivities. The opportunity should be taken to explain the Class EA planning process and to outline the rights of the public with respect to participation, including their roles and responsibilities and the right to request a Part II Order (See Section A.2.8).

The first mandatory contact with the public and review agencies therefore occurs towards the end of Phase 2 when a notice is issued inviting public comment and input (see Appendix 6, Sample Notice - Public Comment Invited).

In many instances, the proponent will already have identified which Schedule best fits the project. Review of the project with the public and agencies at this stage and the selection of the preferred solution, however, will allow the proponent to review and confirm a choice of Schedule at the conclusion of Phase 2. **The nature and extent of public contact at this stage will, therefore, be common to both Schedule B and Schedule C projects.**

Second Mandatory Point of Contact:

- a) **For Schedule B projects**, input from the public and agencies will have been received at the first point of contact in Phase 2 and the proponent would have continued the planning process. It is then necessary for the proponent to **make a second mandatory contact with the public and review agencies to advise of the completion of the planning process. Notice of Completion is issued at this point** (see Sample Notice, Appendix 6) and completes the screening requirements for Schedule B projects. The review period associated with the Notice of Completion is normally 30 calendar days. In special circumstances, the proponent may choose to set a longer period (for example, if public holidays intervene). In any event, the Notice of Completion shall clearly state the review period and the date by which submissions or requests for an order are to be received. This notice shall include advice to the public of their rights with regard to the provisions to request an order. If no request is received

within the review period specified in the Notice, the proponent may proceed to design and construction of the project.

- b) **For Schedule C projects**, the proponent shall follow the more formal project development and planning process outlined in Phase 3. These activities will identify alternative designs, will evaluate the alternative designs, and will identify the possible impacts of the alternative designs on the environment. **The second mandatory point of contact** is therefore intended to review these alternatives with the public and agencies to assist in the selection of the preferred design for the chosen solution.

It is anticipated that the project will be well developed at this stage and a preliminary recommendation or preferred design will probably have been identified. Although this should be conveyed to the public at this point of contact, it is important that the preliminary recommended design not be presented as a decision but as a preliminary preference following an evaluation of the alternatives and their impacts on the environment, based on available information. Public and agency input is necessary at this stage to assist the proponent by providing additional information, in reviewing the evaluation and in arriving at the most appropriate decision.

This is, therefore, an important contact point for most Schedule C projects. Assuming there are a number of interested and/or affected members of the public, this often involves the holding of public information centres, workshops or meetings etc. A notice in the form of Notice of Public Consultation Centre, or similar to suit local circumstances, shall therefore be issued at this point (see Sample Notice, Appendix 6).

Third Mandatory Point of Contact (Schedule C Projects Only):

Schedule C projects require the completion of an Environmental Study Report (ESR) which is intended to document the entire planning process undertaken through Phases 1, 2 and 3. (See Section A.4.2 for details of the preparation of the ESR).

A third mandatory point of contact occurs when the ESR is placed on the public record for a period of at least 30 calendar days. Normally 30 days will be adequate but the proponent may choose to set a longer period under special circumstances (e.g. if public holidays intervene; to accommodate pre-set Council meeting dates on which to review the ESR; or if a particularly detailed or lengthy ESR might not reasonably be reviewed by the public in 30 calendar days).

A contact at this point comprises the issue of a Notice of Completion of Environmental Study Report which will advise the public, particularly those who have expressed an interest and a desire to stay

involved, where the ESR may be seen and reviewed and the manner in which public comment is to be received. **This Notice shall advise the public and review agencies of their rights with regard to requesting an order** (see Sample Notice, Appendix 6) and shall clearly state the review period and the date by which submissions and/or requests are to be received by the Minister.

A.3.4.2 Discretionary Points of Contact

Section A.3.4.1 describes the mandatory points of contact. These, however, are a minimum only. Discretionary points of contact may occur:

Discretionary Contact:

- *during Phase 1*
- *between Phases 3 and 4*

- **During Phase 1 - To review and develop a clear problem statement:**

For complex projects, many sectors of the community may be affected in different ways. The problem or opportunity as viewed by the proponent, may not be seen in the same way by the public or may be seen in different contexts. There may, therefore, be benefit in discussing the problem or opportunity with the public at an early stage to ensure, not only a better understood definition of the problem and/or opportunity, but also identification of the most appropriate alternative solutions. In this way, the mandatory public consultation in Phase 2 could be more meaningful.

- **Between Phase 3 and Phase 4 - To review the preferred design prior to finalization of the ESR:**

Following public consultation in Phase 3, a preferred design is selected and, in many cases, a great deal of work will ensue in developing the project in sufficient detail to complete the ESR. For a project which has generated controversy or public concern, the proponent may find it advantageous to undertake further public consultation, at least with those members of the public who have expressed concern and who have been involved in the planning process, prior to finalization of the ESR and placing it on the public record. This will allow an additional opportunity to resolve outstanding issues. It is preferable to modify a project at this stage, if appropriate, than to negotiate changes to the ESR in a confrontational atmosphere, under the possible threat of a request for a Part II Order.

A.3.5 PUBLIC CONSULTATION

A.3.5.1 Development of a Public Consultation Plan

At the outset of the study, a proponent shall develop a public consultation plan to address the following while taking into consideration the minimum mandatory requirements and objectives of effective consultation:

Develop a public consultation plan early in the study.

- potential stakeholders and special requirements
- level of consultation
- appropriate means of contact
- general timing of contact

A consultation plan is not necessarily a formal document. Rather, it is a proposed approach or methodology which is determined early in the study and which may be documented, for example, in a study design, minutes, memo to file or a report.

This section provides some basic information and mandatory notice requirements while supplementary information and sample notices are provided in Appendices 5 and 6 respectively.

A.3.5.2 Methods of Public Contact

There are a number of ways in which the public may be involved in the project. It is the proponent's responsibility to determine the most suitable and effective means of involving the public. It is recognized that methods vary from community to community and with the nature of the project and potential environmental effects.

The proponent must decide which method of contact will best provide the public with sufficient information to provide input and reasonably address issues and concerns. What is suitable for a large controversial project in a populous urban location would be inappropriate in a small rural community undertaking a small straight forward project.

Appendix 5 outlines a number of methods for contacting and consulting with the public. A consultation plan will likely include one or more or a combination of these methods.

A.3.5.3 Public Notices

Each of the points of contact with the public shall be advertised by means of published Notices to the public. In some cases, the notice itself may constitute contact with the public and no further dialogue may be necessary other than to invite input. For larger projects, however, a public notice will give details about information centres or workshops, availability of information for review, or some other means of contact between the proponent and the public.

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 newspaper. Where no such newspaper exists, the proponent shall be responsible for determining the equivalent local means of

A combination of methods will likely be appropriate.

Definition of a published notice and number of notices.

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".

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.

The format for notices may vary from municipality to municipality, but the following points shall be considered as minimum mandatory requirements:

Contents:

- **name and address of the proponent**
- **a brief description of the project which outlines the nature of the problem or opportunity and the need for a solution**
- **reference to the project following the requirements of the Municipal Class Environmental Assessment**
- **details of when and where information, (e.g. ESR) is available to the public**
- **name or title of a contact person to whom comment should be directed**
- **in the case of Notices of Completion for both Schedule B and C projects:**
 - i) **date by which comment/input is to be received by the proponent;**
 - ii) **advice of the public's right with regard to the provisions to request a Part II Order, with date by which the request must be received by the Minister and the address of the Minister.**

Minimum mandatory notice contents.

Minimum mandatory notices.

First mandatory point of contact:

- **Schedule B and C projects - two (2) published notices. In addition, where appropriate, notices mailed, delivered or posted to all **properties** abutting the project and to all persons who might reasonably have an interest in the project.**

Where possible, and in larger projects, the proponent should notify and solicit input from the public in ways other than newspaper advertisements alone.

Second mandatory point of contact:

- Schedule B projects - two (2) published Notices of Completion
- Schedule C projects - two (2) published Notices

Third mandatory point of contact:

- Schedule C projects - two (2) published Notices of Completion of Environmental Study Report

Maintenance of a Study Mailing List.

For both the Second and the Third mandatory points of contact, the proponent shall also mail or deliver copies of the notices to all who had expressed interest in the project. **For this purpose the proponent shall maintain throughout the Class EA planning process, a list of all persons who provide comment and input to the process or otherwise express an interest in the project.**

Sample Notices for Schedule B and Schedule C projects and for each point of public contact are included at Appendix 6. The Notices describe hypothetical projects in a hypothetical municipality and are intended only as a guide.

The proponent should endeavour in its notices and other material presented to the public to use plain, simple language which can be readily understood by the lay person.

A.3.5.4 Information About the Municipal Class EA

The proponent should recognize that many members of the public may not be familiar with environmental assessment legislation or, more particularly, with the requirements of the planning process set out in the Municipal Class EA. Opportunities should, therefore, be provided by the proponent to explain the requirements as fully as possible to those seeking information or clarification. The proponent should consider making copies of the MOE's most current consultation guide and the Municipal Class EA available to the public at convenient locations.

Sample public handout.

A sample public handout is provided in Appendix 5 which includes basic information about the Municipal Class EA process. This can be customized to a specific project.

A.3.6 REVIEW AGENCIES

As a minimum, review agencies are to be contacted at the mandatory contact points identified in Exhibit A.2 and discussed in Section A.3.4. The following provincial ministries, public authorities and federal departments and agencies have stated their desire to be

circulated on relevant environmental assessments and have been designated as "review agencies" for that purpose. It should be noted that agency names were applicable as of the time of this document. Any subsequent change in agency name will not change the need to contact agencies that have an area of interest that will be affected by a project. **Other than the agencies to be contacted in all cases (see below) indicated, only those agencies who are likely to have an interest in the project need be contacted.**

Proponents should determine whether the nature of their project and the concerns and issues related to it require contact with other provincial ministries, public authorities or federal departments or agencies not listed here (see Appendix 3).

Review agencies to be contacted on every project.

TO BE CONTACTED IN ALL CASES:

- Ministry of the Environment -Regional Office - EA Co-ordinator
- Other directly affected municipalities

Review agencies to be contacted as appropriate.

TO BE CONTACTED AS APPROPRIATE:

Provincial Ministries and Agencies (see Appendix 3):

- Ministry of Aboriginal Affairs
- Ministry of the Attorney General
- Ministry of Agriculture, Food and Rural Affairs (Land Use Planning)
- Ministry of Community and Social Services
- Ministry of Culture
- Ministry of Economic Development and Trade
- Ministry of Health (Local Medical Officer of Health)
- Ministry of Municipal Affairs and Housing
- Ministry of Natural Resources (District Office)
- Ministry of Northern Development and Mines
- Ministry of Public Infrastructure and Renewal
- Ministry of Tourism
- Ministry of Transportation (District Office)
- Conservation Authority (as applicable to the study area)
- Niagara Escarpment Commission (as applicable to the study area)
- Ontario Realty Corporation

- Electrical Utilities
- Ontario Provincial Police
- Waterfront Regeneration Trust

Federal Departments and Agencies (see Section A.2.11 and Appendix 7)

- Department of Fisheries and Oceans - Habitat Management and Enhancement Division
- Environment Canada - Ontario Region
- Transport Canada - Navigation Protection Program - Canadian Coast Guard
- Transport Canada - Environmental Management Programs Ontario Region
- Canadian Transportation Agency
- Canadian Heritage - Parks Canada
- Indian and Northern Affairs Canada
- Industry Canada
- Canadian Environmental Assessment Agency
- Canadian Environmental Protection Agency

Other

- regional and area municipalities
- counties, districts and planning boards
- emergency services (fire, police, ambulance)
- school boards
- transit
- CN
- CP
- local architectural conservation advisory committee
- utilities (natural gas, cable, telephone)

It is anticipated that review agencies will be contacted by formal letter or notice, although it is often useful to include the review agencies in the mailing to be sent to the general public. This ensures that the review agencies are in receipt of the same information as the general public and can therefore provide input and comment within the same context as the general public.

Projects that are subject to a federal decision (e.g. infrastructure program funding), approval or permit (e.g. a Navigable Waters Protection Act permit for a bridge), or are on or require the transfer of federal land, may be subject to the CEAA (see Section A.2.11). In such cases, the federal RA should be consulted as early as possible and may require the proponent to submit a project description which outlines the location, design and planned environmental studies for the project. The Federal Co-ordination Regulation requires the RA to respond within certain defined time frames.

It should be recognized, however, that the mandates of review agencies are such that their needs and requirements for information may be more stringent than for members of the general public. Proponents should be prepared to provide review agencies with more detailed information, when requested. Whereas it may be reasonable for information to be made available to the general public, for example, at the local library, this would be unreasonable for review agencies.

If review agencies are requested to review detailed and lengthy documentation, then the proponent should provide additional time for review.

Review agencies should not be placed in a position of having insufficient time in which to review a project (either Schedule B or Schedule C) and to make meaningful and informed comment to the proponent. The proponent is therefore advised to follow up with the relevant review agencies to ensure that the appropriate personnel have received notification of the proposal and that any concerns can be addressed.

It is suggested that proponents establish early in the planning process what the information needs will be for specific review agencies who will have an interest in a particular project, and set out a procedure to satisfy those needs. **Review agency responses are to be documented in the Project File or the ESR.**

A.3.7 FIRST NATIONS AND ABORIGINAL PEOPLES

First Nations and Aboriginal peoples are an important stakeholder group for municipal consultation. Municipalities are directed to contact the Ontario Ministry of the Environment, the Ontario Ministry of Aboriginal Affairs and the Department of Indian and Northern Affairs for direction on consultation with First Nations.

A.3.8 REVIEW OF THE ENVIRONMENTAL STUDY REPORT

It is good practice to provide review agencies with the opportunity to comment on a draft copy of the ESR.

When completed, the ESR shall be placed on the public record and be available for review by the public and review agencies for a period of at least 30 calendar days.

*Considerations when
filing the ESR.*

For most municipalities placing on the public record will mean placing a copy with the Municipal Clerk and formal input and comment to the municipality will in turn be received by the Municipal Clerk.

In some cases however, particularly in larger municipalities, or in those municipalities where the Municipal Project Manager may be located in a different building from the Municipal Clerk, it may be more appropriate to have the ESR available at another Office and for the Municipal Project Manager to receive input and comment. This arrangement would equally well satisfy the requirement for the ESR to be placed on the public record.

It is sometimes inconvenient for members of the public to review the ESR during normal municipal office hours at the offices of the municipality. Copies of the ESR shall therefore be placed at public libraries, community centres, or at other places of convenient public access, where the document may be viewed for longer periods of time during the day, particularly outside normal office hours. The public should not be placed in a position of having insufficient time in which to review the ESR in order to make meaningful and informed comment to the municipality on the project.

Whatever location is used to place the document on the public record and wherever the document is available for review, the location should be clearly indicated in the notices to the public. In the case of large or controversial undertakings, it may be necessary to have more than one copy of the ESR available for public review. In fact, in some cases, it may be necessary to print several copies and make them available to members of the public wishing to have individual copies.

A4 DOCUMENTATION AND REVISIONS - ADDENDA

Clear documentation of the process.

One of the key principles of successful planning under the EA Act is

"to provide clear and complete documentation of the planning process followed, to allow for the traceability of decision making with respect to the project".

Documentation of the planning and design process followed in developing Schedule B and C projects is, therefore, a mandatory requirement of this Class EA. It is important that, for all Schedule B and C projects, documentation be established that allows traceability.

In the case of **Schedule B projects**, formal documentation in the form of a separate report is not necessary. It is expected that these projects will generally be straightforward and that detailed technical investigations and analyses will not be needed to arrive at the preferred solution.

Schedule C projects, on the other hand, are by their nature expected to be more complex and often require detailed studies, investigations and analyses. Schedule C projects, therefore, carry the requirement for the preparation of a formal Environmental Study Report (ESR).

The following Sections provide details of the documentation requirements which are a minimum in all cases.

Schedule B Project file is prepared at the end of Phase 2.

A.4.1 SCHEDULE B — PROJECT FILE

Formal planning of Schedule B projects ends at the conclusion of Phase 2. At this point, documentation of the planning process followed through Phases 1 and 2 shall be finalized and a Notice of Completion shall be issued, allowing the public at least a 30 calendar day period during which documentation may be reviewed and comment and input received. Documentation of the planning process shall be prepared and maintained in such a way that it is suitable for easy review by the public at any time.

Contents of a Project File

Proponents shall maintain a **Project File** for all Schedule B projects. The location of the file shall be made known to the public through the Notices issued. Only one file need be maintained although the proponent may wish to duplicate it for purposes of convenience.

The Project File shall be organized chronologically in such a way as to clearly demonstrate that the appropriate steps in Phases 1 and 2 have been followed and explain the following:

- background to the project and earlier studies
- the nature and extent of the problem or opportunity, to explain the

source of the concern or issue and the need for a solution

- description / inventory of the environment
- the alternative solutions considered and the evaluation process followed to select the preferred solution
- follow-up commitments, including any monitoring necessary
- the public consultation program employed and how concerns raised have been addressed.

The Project File shall contain a complete record of all activities associated with the planning of the project and shall include:

- correspondence
- copies of notices, letters, bulletins relating to public consultation
- memoranda to file explaining the proponent's rationale in developing stages of the project
- copies of reports prepared by consultants and others.

Proponents may wish to include in the Project File, a short summary listing key activities and the principal decisions/conclusions. Copies of such a summary could readily be made available to review agencies or other interested persons/parties.

A.4.1.1 Revisions to Schedule B Projects

It may be necessary to revise Schedule B projects due to the environmental implications of changes to the project or due to a delay in implementation.

Significant modifications to Schedule B projects, as presented to the public during the screening process and as set out in the Notice of Completion shall be reviewed by the proponent. Similarly, if the period of time from filing of the Notice of Completion to the proposed commencement of construction for the project exceeds ten (10) years, the proponent shall review the planning and design process to ensure that the project and the mitigating measures are still valid given the current planning context.

In either event, the reviews shall be documented in the Project File and the proponent shall issue a Revised Notice of Completion to all potentially affected members of the public and review agencies. A period of 30 calendar days shall be provided for review and response by the public. The Notice shall include the public's right to request a Part II Order within the 30-day review period (see Section A.2.8). If no Part II Order request is received by the Minister, the proponent is free to proceed with implementation and construction. Where implementation of a project has already commenced, those portions of the project which are the subject of the revision, or have the potential to be directly affected by the proposed change, shall cease

and shall not be reactivated until the termination of the review period.

A.4.2 SCHEDULE C — ENVIRONMENTAL STUDY REPORT

Environmental Study Report (ESR) is prepared for Schedule C projects.

An Environmental Study Report (ESR) will be prepared for each project which proceeds through the Schedule C planning process described in this Class EA. The ESR will be prepared when the preferred design has been selected and design work has progressed to the point where the details of any environmental protective measures to be incorporated in the construction package have been finalized. The ESR will be placed on the public record for a period of at least 30 calendar days and will be available for inspection by the public or by other interested parties. In the case where a request for a Part II Order has been submitted to the Minister, the ESR shall be submitted to the MOE Regional EA Co-ordinator and to the EAA Branch immediately upon the proponent becoming aware of the request.

A notice indicating completion of the ESR and its filing on the public record will be issued to the public and to all parties who have been previously contacted and who have indicated the desire to stay involved in the planning of the undertaking. The notice will indicate that the project may proceed to construction after the 30 calendar day review period following the placing of the ESR on the public record, provided no request for a Part II Order has been made to the Minister.

A.4.2.1 Format and Content

The amount of information in the ESR will reflect the level of complexity of the project and the planning process.

In general, the ESR will provide a complete account of the planning process followed for the project. The ESR should include only what is necessary to cover fully the matters considered during the planning process. A project which is straight forward with relatively little interest with the public and of a noncontroversial nature, would be covered in an ESR which could be relatively brief. A more complicated, controversial project which has involved a number of detailed studies and data collection and has raised special interest or concern with the public would demand a more comprehensive, lengthy, and more detailed ESR. This would include details of all studies undertaken or data collected, the results and conclusions of all matters considered, a discussion of all issues raised by the public with an evaluation and response to each, and all other matters covered in the planning process.

Whatever format the ESR takes, the proponent shall ensure that the language and terminology used, and the explanations given of technical matters considered, are readily understood by a reasonable lay person.

Suggested outline for ESR.

The outline for the preparation of the ESR which follows is a suggested format only. The ESR does not necessarily have to follow

the exact headings, order of presentation and content presented here. The following outline is intended to provide guidance on the type of information which would make the ESR meaningful and which the public and government reviewers are likely to expect to have included. What is covered in the ESR will depend on project specific conditions and the issues and concerns which the proponent addressed during project development and planning.

Executive Summary

This short summary provides an overview of the project and should include a brief description of the problem, the preferred solution, the method to be employed to resolve the problem, the principal environmental impacts of the project and the mitigating measures to be employed to offset them. The Executive Summary should also include a brief description of the public consultation program and the principal concerns raised by the public.

Chapter 1- Introduction and Background

This chapter should describe the background to the project and will cover the history of issues which have led to the identification of the problem. Earlier studies relating to the problem and undertaken by the proponent should be described and referenced.

An explanation of the Class Environmental Assessment planning process should be provided and should include the rationale for developing the project under the Class EA process. This section should include a description of the Environmental Study Report and explain its purpose.

This section should identify the project team, giving names and affiliations of the principal parties involved. The type and extent of involvement of the proponent, and details of the consultants, sub-consultants, planners, special advisors and others involved in the planning process should be given. The time frame over which the planning process was undertaken should be given.

Chapter 2 - Problem Statement

This chapter should describe the purpose of the project and should include a detailed description of the problem. The justification and need for the project, and its aims and objectives, should be provided.

If the public consultation process has commenced at this stage, details should be provided of contacts with the public, the concerns raised by the public and the way in which the concerns have influenced the development of the problem statement.

Chapter 3 - Alternative Solutions

The alternative solutions considered should be detailed in this chapter. Details of the following should be provided:

- a description of the existing environment, i.e. natural, social, cultural economic and technical
- the extent to which the alternative solutions resolve the problem
- the advantages and disadvantages of the alternative solutions
- the effects of the alternative solutions on the environment
- the decision making process used to select the preferred solution.

Investigations and studies undertaken to prepare inventories of the environment and to assess impacts of the alternative solutions on the environment should be described and referenced. Details of the mitigating measures considered and their effectiveness in minimizing the environmental effects should be provided.

The chapter should include a description of the evaluation process employed to select the preferred solution. The decision making process, and any ranking procedures employed, should be described.

Details should be provided of public consultation undertaken during this stage of project development. The type of public involvement, the number of meetings, the notification method and attendance at meetings should be documented. Details of the concerns raised by the public and the manner in which they were addressed and accommodated by the proponent should be provided.

Chapter 4 - Alternative Designs

This chapter should describe the alternative designs that were considered for the preferred solution. The following information should be documented:

- the extent to which the alternative designs address the solution to the problem
- the advantages and disadvantages of the alternative designs
- the effects on the physical, natural, social, cultural, economic and technical environments of each of the alternative designs
- the evaluation and decision making process used to select the most appropriate design.

This section requires that a description be provided of the detailed environmental inventory. Details of the mitigating measures to be employed should be given.

A description of the public consultation program should be provided with details of the number of meetings, who was invited, how notification of the meetings was made, the issues and concerns raised by the public and how they were addressed in the evaluation of the alternative designs. Similarly, details of comments and input provided by the review agencies should be provided and an explanation given how issues were addressed.

Chapter 5 - Project Description

A detailed description of the project should be provided, giving engineering characteristics of the works to be undertaken. The information provided in this chapter may include location plans and profiles, a description of lands to be affected by property acquisition, and should include a project schedule for the work.

A construction package should be described, with special reference to the mitigating measures to be employed during construction and how environmental commitments made during the planning process will be fulfilled. The anticipated hours of work, duration of the construction, the urgency of the works (if any) and timing constraints for construction should be described. The construction package should include details of methods for disposal of waste materials, and the control of nuisances e.g. dust, noise.

This section should contain information on the estimated costs of the project.

Chapter 6 - Monitoring

This chapter should describe the monitoring program developed during the planning process designed to be carried out during and after construction. The program should monitor and review the environmental impacts predicted and the commitments made to mitigation throughout the planning and design process. The following items, for example, should be included:

- key impacts to be monitored
- monitoring requirements during construction and during operation of the facility
- the period during which monitoring will be necessary
- frequency and timing of surveys, the location of monitoring sites and the methods of data collection, analysis and evaluation
- the content, manner and form in which records of monitoring data are to be prepared and retained
- where and for how long monitoring records and documentation will be on file specific requirements for monitoring appropriate to

the particular circumstances and conditions under which the project will be implemented.

This section should describe how unexpected environmental effects identified during the monitoring program will be addressed.

Appendices

Items should be included in an Appendix to provide technical support to specific aspects of the information documented in the ESR. These may include:

- maps and plans
- press releases/notices
- public contacted
- submissions, input and opinions received from the public and from review agencies
- reports of studies undertaken on various elements of the environment
- other detailed material referenced in the ESR.

Filing of an Addendum.

A.4.3 Revisions and *Addenda* to Environmental Study Report Change In Project or Environment

Due to unforeseen circumstances, it may not be feasible to implement the project in the manner outlined in the ESR. Any significant modification to the project or change in the environmental setting for the project which occurs after the filing of the ESR shall be reviewed by the proponent and an addendum to the ESR shall be written. The addendum shall describe the circumstances necessitating the change, the environmental implications of the change, and what, if anything can and will be done to mitigate any negative environmental impacts. The addendum shall be filed with the ESR and Notice of Filing of Addendum (see Sample Notice, Appendix 6) shall be given immediately to all potentially affected members of the public and review agencies as well as those who were notified in the preparation of the original ESR. It should be made clear to review agencies and the public that when an Addendum to an ESR is issued, only the items in the addendum (i.e. the changes) are open for review, i.e. only the proposed changes to the recommended undertaking are open for review.

A period of 30 calendar days following the issue of the Notice of Filing of Addendum shall be allowed for review and response by affected parties. The Notice shall include the public's right to request a Part II Order within the 30-day review period (see Section A.2.8). If no request is received by the Minister or delegate, the proponent is free to proceed with implementation and construction. During the 30-day addendum review period, no work shall be undertaken that will adversely affect the

matter under review. Furthermore, where implementation of a project has already commenced, those portions of the project which are the subject of the addendum, or have the potential to be directly affected by the proposed change, shall cease and shall not be reactivated until the termination of the review period.

Lapse of time

A time lapse may occur between the filing of the ESR and the implementation of the project. In such cases, the proposed project and the environmental mitigation measures proposed may no longer be valid.

Review the project where a 10 year time period has occurred between filing of the ESR and commencement of construction.

If the period of time from (i) filing of the Notice of Completion of ESR in the public record or (ii) the MOE's denial of a Part II Order request(s), to the proposed commencement of construction for the project exceeds ten (10) 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.

The 10 year review will begin from the date of the Minister's or delegate's decision of any Part II Order requests, or at the end of the public review period following the posting of the Notice of Completion where there is no Part II Order request.

Notice of Filing of Addendum shall be placed on the public record with the ESR and shall be given to the public and to the review agencies; a period of 30 calendar days shall be provided for review and response. The Notice shall include the public's right to request a Part II Order (see Section A.2.8) during the 30-day addendum review period. If no request is received, the proponent is free to proceed with implementation and construction.

PART B

MUNICIPAL ROAD PROJECTS

PART B - MUNICIPAL ROAD PROJECTS

In fulfilment of the requirements of the EA Act, this section provides a broad description of the following with respect to municipal road projects:

- the projects, purpose and alternatives
- the environment, typical effects and potential mitigating measures
- screening criteria

Section B.2 has been taken, for the most part, directly from the 1993 Class EA for Municipal Road Projects. While it focuses on road projects, the basic principles of the approach can also be applied to other projects included in the road schedules (see Appendix 1), for example, other linear paved facilities (see Glossary). Part B should be reviewed in conjunction with the project schedules in Appendix 1; typical mitigation measures for potential effects in Appendix 2; and, screening criteria in Appendix 3.

The Municipal Class EA process, including consultation and documentation, is provided in Part A of this document.

B1 KEY CONSIDERATIONS

B.1.1 KEY CONSIDERATIONS

Road projects/activities in general are discussed in Section B.2. This section addresses key considerations when developing and assessing alternatives.

When generating and evaluating alternative solutions in Phases 2 and 3 of the Municipal Class EA process, the proponent shall bear the following considerations in mind:

1. Land-Use Planning Objectives

Land-use planning objectives refer to the plans and policies as identified in provincial plans and municipal Official Plans and Secondary Plans. At a provincial level, key policies/plans include the Provincial Policy Statement (PPS), the Places to Grow Act (2005) and associated Growth Plan(s).

The Ontario Planning Act requires that municipal Official Plans contain "goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment". The Planning Act prescribes a rigorous process by which Official Plans are to be developed and periodically reviewed, including opportunities for extensive public consultation. Once adopted by the local municipal council, Official Plans are formally approved by the Ontario Minister of Housing and Municipal Affairs and, where applicable, are required to be in conformity with provincial objectives. Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered including, but not limited to, those for: urban areas, growth areas/corridors, rural areas, neighbourhoods and residential areas, employment areas, transit and transit-supportive development, commercial, institutional, recreational, natural, open space, agricultural, and special policy areas.

2. Natural Heritage Features

The Natural Environment consists of the following typical elements:

- Landforms (including valleylands)
- Groundwater
- Surface water and fisheries
- Terrestrial Vegetation and wetlands
- Wildlife and habitat; and
- Connections provided by, or between these, resources

Within this natural environment framework, significant natural heritage features may be identified at the local, regional, provincial or federal level reflecting municipal, Conservation Authority, provincial or federal designations/policies. Key elements such as valleylands, fish habitat, evaluated wetlands (including Provincially Significant Wetlands), significant portions of the habitat of threatened and endangered species, Areas of Natural and Scientific Interest (ANSI), and Environmentally Sensitive Areas (ESAs) will constitute significant natural heritage features. Woodlands and wildlife habitat may also constitute significant features if certain criteria are met.

Natural heritage features should be identified early in the EA process to determine significant features and potential impacts. Significant natural heritage features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts.

In most cases, municipalities have specific policies related to natural environmental protection. These policies, along with regional, provincial, and/or federal policies should be identified as part of the EA process.

3. Social Environment

The Social Environment includes existing communities, residential areas and recreational areas. Significant negative impacts to the social environment should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts. Key considerations are the overall community impacts to residential property and access, community facilities and access, recreational facilities and access, pedestrians, cyclists, noise impacts and air quality.

In most cases, municipalities have specific policies related to social environmental protection. These policies, along with regional and/or provincial policies should be identified as part of the EA process.

4. Cultural Environment

Cultural Environment refers to cultural heritage and archaeological resources in the environment. These are defined as follows:

Archaeological resources includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential means areas with the likelihood to contain archaeological

resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may be applied. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Built heritage resources means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Cultural heritage landscape means a defined geographical, area of heritage significance which has been modified by human activities and is valued by a community. It involves grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways, and industrial complexes of cultural heritage value.

Cultural heritage resources include built heritage, cultural heritage landscapes, and marine and other archaeological sites. The Minister of Culture (MCL) is responsible for the administration of the Ontario Heritage Act and is responsible for determining policies, priorities and programs for the conservation, protection and preservation of Ontario's heritage, which includes cultural heritage landscapes, built heritage and archaeological resources. MCL has released a series of resource guides on the Ontario Heritage Act, entitled the Ontario Heritage Tool Kit.

Significant cultural heritage and archaeological resources features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts, in accordance with provincial and municipal policies and procedures. Cultural heritage features should be identified early in the process in order to determine significant features and potential impacts.

5. First Nations/Aboriginal Peoples

This includes, but is not limited to:

- First Nations lands
- Aboriginal Peoples' Treaty Rights or use of land and resources for traditional purposes
- Aboriginal Peoples' industry
- Pre-historic and historic Aboriginal Peoples' archaeological sites
- Aboriginal Peoples' rights claims

6. Economic Environment

Economic Environment includes commercial and industrial land uses and activities. It also includes the financial costs associated with the alternatives, including construction, operation, maintenance, and property costs.

7. Property

Significant impacts to property should be avoided where possible. Where they cannot be avoided, the effects should be minimized where possible, and every effort made to mitigate adverse effects.

Property impacts include direct impacts on: access, parking, and buildings, and indirect impacts where by relocating property lines the property owner is placed out of compliance with local standards (e.g. building setback requirements, etc.).

8. Evaluation of Alternative Solutions

When evaluating alternative solutions, the following considerations should be kept in mind:

- Many of the potential alternative solutions may resolve more than one problem.
- The feasibility of the alternative solutions will depend, in part, on the nature and location of the transportation system, the nature and location of the opportunity and/or problem(s) being addressed, the comparative cost of the alternative solutions, and on the municipality's capacity to finance the extension of services.

B.1.2 TRANSPORTATION MASTER PLANS

Many municipalities undertake Transportation Master Plans (TMPs) to define their long-term transportation objectives as a supplement to transportation needs identified through their Official Plan development process. A Transportation Master Plan integrates existing and future land-use planning and the planning of transportation infrastructure with the principles of environmental assessment planning.

Transportation Master Plans build upon the analysis and detailed policies developed through municipal Official Plans. Therefore, it must be recognized that the link between Transportation Master Plans and Official Plans is fundamental. An Official Plan is a legal document, developed through a public and legislative process in accordance with the Ontario Planning Act that contains "goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality". While Official Plans are approved under the Ontario Planning Act, typically they are developed through a process which applies the principles of EA planning. As such, Official Plans provide a planning and technical basis for undertaking infrastructure environmental assessment studies.

Transportation Master Plans are developed through a stakeholder consultation process that involves consultation with the public, government technical agencies, other municipalities, and First Nations. If developed in accordance with Section A.2.7 of the Municipal Class EA, at a minimum, a TMP can address Phases 1 and 2 of the Municipal Class EA process. As a result, a TMP can provide the basis for carrying out follow-on EA studies of the specific components, including the problem and/or opportunity being addressed and the range of alternatives being considered. Transportation Master Plans are discussed in Section A.2.7.

B.1.3 INTEGRATION WITH THE PLANNING ACT

The Municipal Class EA also provides for the opportunity to integrate the requirements of the Ontario EA Act with the requirements of the Ontario Planning Act as discussed in Section A.2.9. The key is that the requirements of both Acts must be met.

B2 DESCRIPTION OF THE PROJECTS, PURPOSE AND ALTERNATIVES

In considering the alternative solutions to road and traffic problems in Phase 2, the proponent shall bear the following considerations in mind:

1. Non-structural Alternatives

On the premise that structural solutions to infrastructure problems generally have negative net environmental impacts, proponents should pay particular attention to non-structural solutions in evaluating alternatives.

Such alternatives might, for example, include the imposition of controls on private development (e.g. storm water management policies which require rainwater to be discharged onto the ground rather than into a storm sewer) or changes in traffic management practices (e.g. emphasising alternative traffic routes by signing/traffic controls, or the removal of parking from roadways, rather than widening or reconstructing existing roads). Land use/zoning controls, transportation demand management measures, conservation programs, are further examples of soft technology measures which may deserve attention.

While these types of alternatives may not be effective in providing adequate solutions to immediate or critical transportation problems, they should be given serious consideration. Where possible, they should be implemented in combination with structural measures if it can be demonstrated that they can contribute to the overall solution.

For example, parking controls may allow a reduction in the size of a structural measure resulting in less environmental impact.

Consideration of such alternatives would serve to **focus a municipality's responsibility for the wise management of the resources under its jurisdiction**, in a manner which would avoid the development of infrastructure problems **through preventative or nonstructural measures**.

2. The "Do Nothing" Alternative

Throughout Section B.2, the "Do Nothing" alternative can often be considered. In the "Do Nothing" alternative, no improvements or changes would be made to solve the identified problem or opportunity. This means that the problem would remain in the system. It does not necessarily mean, however, that no further development in the community would occur.

The "Do Nothing" alternative will be documented along with any other alternatives to the project which were examined.

The "Do Nothing" alternative may be implemented at any time during the design process prior to the commencement of construction. A decision to "Do Nothing" would typically be made when the costs of all other alternatives, both financial and environmental, significantly outweigh the benefits.

3. Evaluation of Alternative Solutions

When evaluating alternative solutions, the following factors should be kept in mind:

- Many of the potential alternative solutions may resolve more than one problem.
- The feasibility of the alternative solutions will depend, in part, on the nature and location of the transportation system, the nature and location of the problem(s), the comparative cost of the alternative solutions, the pressures for growth, and on the municipality's capacity to finance the extension of services.

B.21 NEW ROADS**B.2.1.1 Description of the Projects**

New road projects planned under this Class EA will involve the acquisition of a new right-of-way and the construction of an improved surface for vehicular traffic on a new road allowance which is separate from an existing right-of-way, or will be a road or an existing road allowance where no road surface previously existed.

B.2.1.2 Purpose of the Project

New road projects will be undertaken to provide a new link in the road system for the following possible reasons:

- 1) to provide relief to congestion of an existing road system,
- 2) to shorten the travel distance between two points,
- 3) to provide access to a new location,
- 4) to accommodate growth and development.

B.2.1.3 Alternative Solutions

In many instances, there may be more than one way of solving problems or meeting the demand for a new road. Possible "Alternative Solutions" may include, for example:

- 1) Widen or improve existing roads
- 2) Provide alternative transportation facilities such as bus, train, rapid transit, dedicated bus lanes, ferry, etc.
- 3) Limit / manage growth
- 4) Develop alternative routes for existing or anticipated traffic
- 5) "Do Nothing"

B.2.2 ROAD WIDENINGS, ADJUSTMENTS AND OPERATIONAL IMPROVEMENTS**B.2.2.1 Description of the Projects**

Projects in this group will generally involve one or more of the following types of project:

- widening of driving surfaces
- changes to grade and cross-section
- provision of additional traffic lanes
- addition / replacement of equipment or facilities
- changes in management practices to achieve improved system performance.

The development and implementation of a project will often involve additional work and activities incidental to the primary purpose of the project, but which must be included in the project. These may include, for example:

- acquisition of additional land
- construction of road related storm sewage facilities
- operational or maintenance activities, e.g. changes in signal timing, changes in pavement markings.

B.2.2.2 Purpose of the Project

Projects developed under this Class EA will be proposed to resolve problems affecting the operation and efficiency of existing systems, to accommodate future growth of communities, or to address specific traffic or transportation problems or opportunities.

One or more of the following general problems may be addressed:

- a) structural deficiencies
- b) capacity deficiencies
- c) unsafe conditions
- d) changes in land use

The purpose or objective of a specific project will be determined by the nature and severity of the problem(s) being addressed. For the deficiencies identified above, the following types of problems would be resolved:

a) Structural Deficiencies:

Inadequacies in the pavement surface, the roadway base, or surface or subsurface drainage characteristics, may result in poor rideability which, if not corrected, may cause unsafe conditions or may result in the untimely failure of the roadway. An existing roadway may have sections where abnormally high maintenance requirements are necessary and which may result in large numbers of public complaints.

b) Capacity Deficiencies:

The existing roadway may be providing poor service to the user due to traffic congestion, resulting in frequent traffic delays. Alternatively, traffic projections may indicate that this condition will occur in the near future. Traffic increases may be the result of normal growth and may be predicted on the basis of past trends and known future developments; or they may be substantial and sudden as a result of a specific development.

Traffic carrying capacity of a roadway may be affected by numerous turning and stopping movements which give rise to slow moving or congested traffic conditions at certain times of day or at certain locations

Traffic congestion and a low level of service on an existing roadway may also be due to undesirable or outdated design features; for example, narrow traffic lanes, a lack of passing opportunities, or the absence of bus bays in heavily trafficked areas.

c) Unsafe Conditions:

A section of roadway may have been constructed to a lesser standard than adjacent sections of the same roadway. For example, the end of an urban roadway may be adjacent to a rural highway of considerably higher design standards, or vice versa. Depending on the nature of the transportation system and of traffic patterns, such situations can be confusing or annoying to a driver and may lead to problems in road safety, as well as restrictions in traffic flow.

An existing roadway may exhibit undesirable collision experience which may be caused, for example, by the following:

- turning movements by commercial/industrial traffic to and from public roadways
- stopping, standing or parking activities due to the presence of commercial or similar properties
- heavy pedestrian movements
- poor visibility at intersections and access locations and in areas of pedestrian activity
- poor geometries which may relate to horizontal alignment, grades, super elevation, clearance from fixed objects
- structural condition of the pavement and base
- operational characteristics of the roadway, such as traffic control devices, illumination, turning lanes
- high traffic volumes
- a combination of these and other factors specific to a given location.

d) Changes in Land Use:

Land development and other changes in land use may give rise to a number of traffic problems and deficiencies which may relate to safety, roadway capacity problems, increased traffic, increases in noise.

B.2.2.3 Alternative Solutions:

In many instances, there may be more than one way of solving problems or meeting the demands on existing road and traffic facilities. A number of solutions, termed "Alternative Solutions" may include, for example:

a) Structural Deficiencies:

Where a structural deficiency is identified, possible alternatives for consideration are:

- resurface existing roadway
- minor reconstruction and subsequent resurfacing of existing roadway
- "do nothing"

Where a resurfacing or minor reconstruction will resolve a problem, a more complex alternative solution is neither required nor appropriate. However, where safety or geometric problems exist in addition to structural deficiencies other alternatives may need to be considered, such as:

- adjustment to alignment, grade or cross-section.

b) Capacity Deficiencies:

Where capacity problems exist, the following alternatives may be considered:

- modify existing roadway through non-structural improvements such as signing or traffic controls
- diversion of traffic to other existing roadways
- widen an existing road by the addition of through traffic lanes
- provision of lane dedicated to high occupancy vehicles

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-
- correct a deficiency elsewhere in the road network
 - a new roadway on a new alignment
 - alternative transportation modes such as: (i) low capacity transit, e.g. bus; (ii) medium capacity transit, e.g. light rail transit; (iii) high capacity transit, e.g. subway
 - "do nothing"

c) Unsafe Conditions:

The following alternatives may be considered to address a number of possible conditions or situations which give rise to a safety deficiency:

- turning movements:
 - i) enact by-law to control turns
 - ii) delayed or advanced green traffic signal
 - iii) creation of turning lanes
- stopping or standing:
 - i) by-law control
 - ii) provision of off-street parking
 - iii) provision of off-street parking
- pedestrian movements:
 - i) pedestrian grade separation
 - ii) walk phase on traffic signalization
 - iii) improved sidewalks
 - iv) increase traffic lane widths
- poor visibility:
 - i) modify grade and/or alignment
 - ii) remove sightline obstruction
 - iii) improve street lighting
- geometrics:
 - i) reduce speed limit
 - ii) modify grade and/or alignment
- structural condition:
 - i) resurface/reconstruct existing roadway
 - ii) modify grade and/or alignment
- operational:
 - i) modify traffic patterns by by-law, e.g. no turns, one-way streets
 - ii) modify traffic patterns by restraint, e.g. traffic lights, stop signs
 - iii) modify traffic by additions to roadway, e.g. add turning lanes

In most cases where unsafe conditions have been identified the Do nothing alternative is unacceptable.

d) Changes in Land Use:

Changes in land use may give rise to a number of deficiencies in the road network and in traffic conditions. Alternative activities to resolve a road deficiency are generally those described in the preceding paragraphs.

e) Noise Problems: Whether or not traffic noise is a problem will

depend on such variables as:

- proximity to noise sensitive land uses (e.g hospitals)
- insufficient setbacks in residential areas
- terrain
- road grade (e.g. steep hills)
- high traffic volumes
- poor road surface
- heavy traffic volumes at night time
- high proportion of truck traffic
- high stop/start experience
- traffic speed.

To address noise problems, the following possible alternative solutions may be considered:

- relocate arterial roadway away from sensitive land use areas
- realign roadway to increase setback
- change road elevation relative to noise receptors
- reduce grades of hills
- divert traffic to alternative routes
- provide transit system
- utilize appropriate asphalt mix to reduce tire noise
- prohibit trucks at night time
- provide facilities for through traffic
- provide landscaping e.g. earth berms
- construct a noise barrier (e.g. a berm or wall, or a combination of the two)
- reduce traffic speed
- "do nothing"

B.2.3 INTERCHANGES, GRADE SEPARATIONS AND WATER CROSSINGS**B.2.3.1 Description of the Projects**

Projects in this group can generally be described as:

- interchanges - may be an existing at-grade intersection or an existing grade separated interchange
- grade separations - may be road/rail or road/road
- water crossings - generally a culvert or a bridge but in some circumstances may be a tunnel or a ferry; may include pedestrian, recreational and agricultural water crossings.

B.2.3.2 Purpose of the Project

The requirement for an **interchange** will generally arise because of high existing or anticipated turning movements relative to the carrying capacity of an existing intersection or interchange. An interchange provides a significant means of improving capacity by increasing the ability to handle turning movements and thereby reducing conflict between through and turning traffic. Collision experience and system compatibility may also contribute to the justification for an interchange.

A **grade separation** is generally justified where high existing or anticipated traffic volumes are identified. Reference to traffic in grade separation projects developed under this Class EA will generally mean road traffic although rail traffic may also justify the need for grade separation. A combination of high road traffic and high volume/high speed rail traffic will give rise for the need for a grade separation. A grade separation will be the preferred solution when turning movements are generally low or can be relocated. Similarly, a grade separation will be justified where high collision experience is a major factor.

A **water crossing** will be justified where an existing or a new roadway is required to cross a river, lake, canal, bay or similar water body. Replacement or modification to an existing water crossing facility may be necessary to address a structural deficiency, a functional deficiency related to transportation demands or a functional deficiency related to hydrological conditions.

B.2.3.3 Alternative Solutions

Interchanges:

a) Existing At-grade Intersection:

Where a deficiency is identified at an existing at-grade intersection the following alternative solutions may be considered:

- i) minor reconstruction, e.g. add right or left turning lanes
- ii) modify existing facility through non-structural improvements such as signing or traffic controls
- iii) modify grade and/or alignment and/or cross-section
- iv) provide a grade separation
- v) divert traffic
- vi) resolve a deficiency elsewhere in the road network
- vii) "do nothing"

b) Existing Interchange:

Where a capacity deficiency is identified at an existing interchange, the alternative solutions which may be considered would include the alternatives considered above for existing at-grade intersections together with the following:

- i) add an interchange elsewhere in the road network
- ii) modify or replace the existing interchange.

c) No Existing Intersection or Interchange:

Where a new interchange is necessary and no intersection or interchange currently exists, all the alternative solutions listed above may be considered.

Grade Separations:**a) Existing At-Grade Intersection:**

Where a deficiency is identified at an existing at-grade road/rail intersection, the following alternative solutions may be considered:

- i) modify the existing facility through non-structural improvements such as signing, traffic signals, wigwags, railway gates
- ii) modify grade and/or alignment and/or cross-section
- iii) provide a grade separation
- iv) "do nothing"

b) An Existing Grade Separation: Road/Rail or Road/Road:

At an existing grade separation the following alternative solutions may be considered:

- i) increase width over the grade separation
- ii) increase width under the grade separation
- iii) modify grade separation to an interchange
- iv) "do nothing"

c) Water Crossings:

Where a water crossing is necessary for a new roadway, there are very few practical alternatives to the water crossing which can be considered. In exceptional circumstances, where the water body is of such width or has such navigational requirements, a tunnel or a surface water transportation system, such as a ferry, might be considered as alternatives.

A **transportation deficiency specific to a water crossing** site may require the replacement or modification of the existing roadway water crossing or the construction of a new roadway water crossing. Alternative solutions which may be considered are:

Road Deficiencies:

- i) modify the existing facility through non-structural improvements such as signing or traffic controls
- ii) divert traffic to other existing roads and/or water crossings
- iii) resolve a deficiency elsewhere in the road network
- iv) restrictive traffic signing or closure of the road
- v) reconstruct the water crossing
- vi) "do nothing"

Hydraulic Deficiencies:

- i) increase hydraulic capacity
- ii) "do nothing"

B.2.4 SERVICE FACILITIES

B.2.4.1 Description of the Projects

Projects developed in this group may include the following:

- construction of new patrol yards
- winter maintenance facilities
- parking lots
- weigh scale site

B.2.4.2 Purpose of the Projects

Projects to develop road and traffic service facilities are undertaken to address one or more of the following problems:

- increased road mileage to be maintained
- existing patrol yards unsuitable, e.g. property limitations, incompatibility with adjacent land uses - inadequate patrol yards and/or facilities
- inadequate weigh scales
- inadequate traffic control centres
- inadequate parking facilities

B.2.4.3 Alternative Solutions

The above problems or a combination of them could justify the development of a service facility project. Alternative solutions which may be considered are:

- build a new facility
- increase the capabilities of a nearby facility
- increase the efficiency of operation of existing facilities
- utilize mobile or temporary facilities
- lease commercially available facilities
- contract out the service function to a commercial enterprise
- "do nothing"

B3 ENVIRONMENT

B.3.1 DESCRIPTION OF THE ENVIRONMENT

The following provides an overview of environmental factors to be considered when reviewing existing and future conditions, developing alternatives, and analyzing and evaluating them to determine the preferred alternative.

Although these descriptions are general, the proponent is required to describe the environment to be affected by a specific project in detail including the significant features which comprise each type of environment. It should be noted that potential environmental effects include both positive and negative effects. Review agencies, First Nations and the public will therefore have an opportunity to

understand the specific environment affected by a given project while it is being planned. The list provided is general only and is intended to be developed on a project-specific basis reflecting the scope of the study area, federal, provincial, and municipal legislation, policies, and agency and public input.

Transportation:

- Existing transportation network
- Future transportation network

Land-Use Planning Objectives:

- Provincial
- Regional
- Municipal

Natural Environment/Natural Heritage Features:

- Natural heritage policies
- Fisheries and aquatic resources
- Vegetation and flora
- Wildlife resources and linkages
- Surface water
- Ground water
- Geotechnical
- Fluvial geomorphology

Social Environment:

- Existing communities
- Existing residential areas
- Recreational facilities
- Noise and vibration
- Air quality
- Aesthetics

Cultural Environment Heritage (Cultural and Archaeological Resources in the Environment):

- Archaeological resources and areas of archaeological potential
- Built heritage resources and cultural heritage landscapes

First Nations/Aboriginal Peoples:

- Lands
- Treaty rights
- Archaeological sites
- Land claims

Economic Environment:

- Commercial land-use
- Industrial land-use
- Agricultural land-use
- Preliminary cost estimates:

- Capital costs
- Property costs
- Maintenance costs

Other:

- Utilities

B.3.2 DESCRIPTION OF THE POTENTIAL EFFECTS ON THE ENVIRONMENT

The effects (both positive and negative) on the environment are to be identified and assessed based on the following process:

- Review of existing conditions within the study area
- Review of future conditions within the study area
- Assessment of the potential effects that alternatives may have on the factors identified in Section **B.3.1**
- Identification of a technically preferred alternative based on the overall net effects
- Review with affected parties per the requirements of the Municipal Class Environmental Assessment

B.3.3 MITIGATING MEASURES

B.3.3.1 Design

Through the planning and design process described in this Class EA, however, it may be determined that, together with the benefits, certain projects may have some adverse effects on the environment. The Class EA process is intended to identify potential impacts and where possible, to avoid them. However, in some cases, this may not be possible. In such situations, measures will have to be taken to either minimize or offset such effects. Actions taken to reduce the effects of a certain project on the environment are called "Mitigating Measures".

During design, the environment affected by a project will be established and the specific net effects identified. The design shall include measures to mitigate the negative effects. Measures which must be taken to minimize the negative effects will be worked out such that the design can be tailored to recognize them. Contract drawings and documents shall include special provisions to ensure the least impact on the environment. Appendix 2 sets out a table showing typical mitigating measures for potential adverse effects on the environment.

B.3.3.2 Construction

This Class EA describes the process by which the various alternatives are analyzed and the most suitable design is chosen. The construction stage presents another set of alternatives as to how the work will be undertaken.

Many projects which undergo the Class EA planning process will be carried out by contract let by competitive tender, and the contractor is normally the low bidder. The contractor will have estimated his costs and planned his method of operation during the tendering stage, subject to the specifications and special provisions in the contract and any relevant legislation.

Contractors differ in their approach regarding sequence of operation, techniques, methods of operation, type make and size of equipment utilized, and speed of operation. There is, however, a fairly general uniformity in construction operation, being the natural result of economic competition.

Some of these operations have potential for environmental impact, and where these can be anticipated in the design stage, 'special provisions' shall be written into the construction package. They shall spell out what can or cannot be done during specific operations. Unforeseen problems that arise during construction shall be addressed on the site, and the proponent's best judgment used to ensure that changes to the contract do not cause negative environmental impacts.

Staff responsible for inspecting the contractor's work must be made aware of such provisions, in order to ensure compliance during construction. It shall be the responsibility of the proponent to ensure that inspectors enforce compliance with the environmental provisions, as well as the traditional engineering provisions, of the construction package.

B.3.3.3 Policy and Guidelines

Throughout the planning and design process, and subsequently throughout the construction phase, the proponent is to comply with the policies and guidelines outlined by municipalities, or the provincial or federal governments in documents such as:

- Provincial policies, including:
 - Provincial Policy Statement (PPS)
 - The Planning Act
 - Places to Grow Act
 - Conservation Authority Policies and Regulations
 - The Ontario Heritage Act
 - Lakes and Rivers Improvement Act
 - Ontario Water Resources Act
 - Environmental Protection Act
- Related Provincial Plans, including:
 - Greenbelt Plan
 - Growth Plan for the Greater Golden Horseshoe
 - Niagara Escarpment Plan
 - Oak Ridges Moraine Plan
 - Parkway Belt Plan
 - Rouge North Management Plan
 - Rouge Park Master Plan
- Municipal policies, including:
 - Official Plans
 - Secondary Plans
 - Transportation Master Plans
 - Infrastructure Master Plans

In addition, federal requirements need to be addressed and coordinated where applicable, including:

- The Canadian Environmental Assessment Act (Canadian Environmental Assessment Agency)
- Navigable Waters Permit (Transport Canada)
- Fisheries Authorization (Department of Fisheries and Oceans)
- Funding (Transport Canada, Industry Canada)



PART C

**MUNICIPAL WATER AND
WASTEWATER PROJECTS**

PART C - MUNICIPAL WATER AND WASTEWATER PROJECTS

In fulfilment of the requirements of the EA Act, this section provides a broad description of the following with respect to municipal water and wastewater (refers to sewage and stormwater) projects:

- the projects, purpose and alternatives
- the environment, typical effects and potential mitigating measures

Section C has been taken, for the most part, directly from the 1993 Class EA for Municipal Water and Wastewater Projects. It should be reviewed in conjunction with the project schedules in Appendix 1; typical mitigating measures for potential environmental effects in Appendix 2; and, screening criteria in Appendix 3.

The Municipal Class EA process, including consultation and documentation, is provided in Part A of this document.

C1 KEY CONSIDERATIONS

C1.1 KEY CONSIDERATIONS

Water and wastewater projects/activities in general are discussed in Section C.2. This section addresses key considerations when developing and assessing alternatives.

When generating and evaluating alternative solutions in Phases 2 and 3 of the Municipal Class EA process, the proponent shall bear the following considerations in mind:

1. Land-Use Planning Objectives

Land-use planning objectives refer to the plans and policies as identified in provincial plans and municipal Official Plans and Secondary Plans. At a provincial level, key policies/plans include the Provincial Policy Statement (PPS), the Places to Grow Act (2005) and associated Growth Plan(s).

The Ontario Planning Act requires that municipal Official Plans contain "goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment". The Planning Act prescribes a rigorous process by which Official Plans are to be developed and periodically reviewed, including opportunities for extensive public consultation. Once adopted by the local municipal council, Official Plans are formally approved by the Ontario Minister of Housing and Municipal Affairs and, where applicable, are required to be in conformity with provincial objectives. Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered including, but not limited to, those for: urban areas, growth areas/corridors, rural areas, neighbourhoods and residential areas, employment areas, transit and transit-supportive development, commercial, institutional, recreational, natural, open space, agricultural, and special policy areas.

2. Natural Heritage Features The Natural

Environment consists of the following typical elements:

- Landforms (including valleylands)
- Groundwater
- Surface water and fisheries

- Terrestrial Vegetation and wetlands
- Wildlife and habitat; and
- Connections provided by, or between these, resources

Within this natural environment framework, significant natural heritage features may be identified at the local, regional, provincial or federal level reflecting municipal, Conservation Authority, provincial or federal designations/policies. Key elements such as valleylands, fish habitat, evaluated wetlands (including Provincially Significant Wetlands), significant portions of the habitat of threatened and endangered species, Areas of Natural and Scientific Interest (ANSI), and Environmentally Sensitive Areas (ESAs) will constitute significant natural heritage features. Woodlands and wildlife habitat may also constitute significant features if certain criteria are met.

Natural heritage features should be identified early in the EA process to determine significant features and potential impacts. Significant natural heritage features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts.

In most cases, municipalities have specific policies related to natural environmental protection. These policies, along with regional, provincial, and/or federal policies should be identified as part of the EA process.

3. Social Environment

The Social Environment includes existing communities, residential areas and recreational areas. Significant negative impacts to the social environment should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts. Key considerations are the overall community impacts to residential property and access, community facilities and access, recreational facilities and access, pedestrians, cyclists, noise impacts and air quality.

In most cases, municipalities have specific policies related to social environmental protection. These policies, along with regional and/or provincial policies should be identified as part of the EA process.

4. Cultural Environment

Cultural Environment refers to cultural heritage and archaeological resources in the environment. These are defined as follows:

Archaeological resources includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may be applied. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Built heritage resources means one or more significant buildings, structures, monuments,

installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, and industrial complexes of cultural heritage value.

Cultural heritage resources include built heritage, cultural heritage landscapes, and marine and other archaeological sites. The Minister of Culture (MCL) is responsible for the administration of the Ontario Heritage Act and is responsible for determining policies, priorities and programs for the conservation, protection and preservation of Ontario's heritage, which includes cultural heritage landscapes, built heritage and archaeological resources. MCL has released a series of resource guides on the Ontario Heritage Act, entitled the Ontario Heritage Tool Kit.

Significant cultural heritage and archaeological resources features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts, in accordance with provincial and municipal policies and procedures. Cultural heritage features should be identified early in the process in order to determine

I Significant features and potential impacts.

5 First Nations/Aboriginal Peoples

I This includes, but is not limited to:

- I • First Nations lands
- I • Aboriginal Peoples' Treaty Rights or use of land and resources for traditional purposes
Aboriginal Peoples' industry
- I • Pre-historic and historic Aboriginal Peoples' archaeological sites

II • Aboriginal Peoples' rights claims

6 Economic Environment

I Economic Environment includes commercial and industrial land uses and activities. It also includes the financial costs associated with the alternatives, including construction, operation, maintenance, and property costs.

7. Property

I Significant impacts to property should be avoided where possible. Where they cannot be avoided, the effects should be minimized where possible, and every effort made to mitigate adverse effects. Property impacts include direct impacts on: access, parking, and buildings, and indirect impacts on: ~~visibility and safety~~ standards (e.g. building setback requirements, etc.).

8 Evaluation of Alternative Solutions

I When evaluating alternative solutions, the following considerations should be kept in mind:

- Many of the potential alternative solutions may resolve more than one problem.
- The feasibility of the alternative solutions will depend, in part, on the nature and location of the transportation system, the nature and location of the opportunity and/or problem(s) being addressed, the comparative cost of the alternative solutions, and on the municipality's capacity to finance the extension of services.

C.12 MASTER PLANS

Many municipalities undertake Servicing Master Plans to define their long-term servicing objectives as a supplement to water and wastewater needs identified through their Official Plan development process. A Master Plan integrates existing and future land-use planning and the planning of servicing infrastructure with the principles of environmental assessment planning.

Master Plans build upon the analysis and detailed policies developed through municipal Official Plans. Therefore, it must be recognized that the link between Master Plans and Official Plans is fundamental. An Official Plan is a legal document, developed through a public and legislative process in accordance with the Ontario Planning Act that contains "goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality". While Official Plans are approved under the Ontario Planning Act, typically they are developed through a process which applies the principles of EA planning. As such, Official Plans provide a planning and technical basis for undertaking infrastructure environmental assessment studies.

Master Plans are developed through a stakeholder consultation process that involves consultation with the public and government technical agencies, other municipalities, and First Nations. If developed in accordance with Section A.2.7 of the Municipal Class EA, at a minimum, a Master Plan can address Phases 1 and 2 of the Municipal Class EA process. As a result, a Master Plan can provide the basis for carrying out follow-on EA studies of the specific components, including the problem and/or opportunity being addressed and the range of alternatives being considered. Master Plans are discussed in Section A.2.7.

C.1.3 INTEGRATION WITH THE PLANNING ACT

The Municipal Class EA also provides for the opportunity to integrate the requirements of the Ontario EA Act with the requirements of the Ontario Planning Act as discussed in Section A.2.9 of the Municipal Class EA parent document. The key is that the requirements of both Acts must be met.

C2 DESCRIPTION OF THE PROJECTS, PURPOSE AND ALTERNATIVES

In considering the alternative solutions to water, stormwater management and sewage problems in Phase 2, the proponent shall bear the following in mind:

1. Nonstructural Alternatives

On the premise that structural solutions to infrastructure problems generally may have negative net environmental impacts, proponents should pay particular attention to non-structural solutions in evaluating alternatives.

Such alternatives might, for example, include the imposition of controls on private development (e.g. storm water management policies which require rainwater to be discharged onto the ground rather than into a storm sewer) or controls on resource use (e.g. bylaw requirements that prevent the discharge of once-through cooling water taken from municipal supplies). Land use/zoning controls, flood warning/flood proofing/emergency measures, conservation programs, are further examples of "soft" technology measures which may deserve attention.

While these types of alternatives may not be effective in providing adequate solutions to immediate or critical sewage, stormwater management or water problems, they should be given serious consideration. Where possible, they should be implemented in combination with structural measures if it can be demonstrated that they can contribute to the overall solution. For example, improved maintenance activities may allow a reduction in the size of a structural measure resulting in less environmental impact.

Consideration of such alternatives would serve to **focus a municipality's responsibility for the wise management of the resources under its jurisdiction**, in a manner which would avoid the development of infrastructure problems **through preventative or non-structural measures**.

2 Existing Servicing Conditions

Since sewage and water servicing are often inter-related, proponents should carefully consider **existing servicing** in the project study area when **defining the problem** and when **evaluating alternatives**.

3. The "Do Nothing" Alternative

The "Do Nothing" alternative examines what may happen if none of the alternatives under consideration are carried out, and should be considered by the proponent in all cases. The "Do Nothing" alternative assists project participants by providing a benchmark against which the consequences of the other alternatives can be measured.

C21 WATER PROJECTS

C.2.1.1 Description of the Projects

Projects planned under this Class EA can generally be categorized as:

- new water systems
- expansions to existing water systems
- upgrading of existing water systems

A **new water system** refers to a project which may include a water source, treatment plant and/or distribution system.

Expansion of an existing water system refers to the addition of new equipment or facilities or through improvements to operations and management activities to increase system capacity.

Upgrading an existing water system consists of additions or replacements to existing equipment or facilities or changes in management practices which are intended to achieve a higher level or improved quality of system performance, while not increasing system capacity.

Water System Components:

The following are typical components of a water system:

- source
- treatment
- distribution
- storage

The **source of water** for a community may be either from a surface water body such as a lake or river, in which case an intake extends into the water body; or from a groundwater aquifer, in which case the water is pumped from a well or wells. Many municipal water systems utilize both surface water and ground water. In addition, individual properties may be served by individual wells.

The quality of the source of water supply is what mainly determines the degree and type of treatment necessary. Where the community draws its water from a surface water source, treatment will be necessary because surface water contains bacteria and may be turbid, coloured or contain algae or other organics, or may suffer some other quality defect. Where the community is serviced by a communal well or wells drawing on groundwater supplies, treatment may or may not be necessary, (other than a mandatory requirement for disinfection.)

The **treatment component** will typically comprise a water treatment facility within which the incoming water is treated and pumped into the distribution system. Treatment may occur at a central pumping station or may occur at other points throughout the system where water is added, for example, at individual wells. The treatability of raw water from available water supply sources to achieve drinking water quality objectives will be the main environmental concern.

The water **distribution component** for communal systems will consist of watermains and may also include booster pumping stations.

Water Storage Facilities will be connected to the distribution system and may be for the purposes of pressure equalization and/or ensuring adequate flows for the peak hour water demand and for fire fighting. These facilities may be underground tanks, above-ground tanks or elevated tanks.

The development and implementation of a project under this Class EA will often involve additional work and activities incidental to the primary purpose of the project but which must be included in the project. These may include, for example:

- construction of new facilities or additions to existing facilities such as impoundments, settling tanks, pipe galleries and buildings
- acquisition of additional land to house the facilities, either at existing sites or new locations
- extensions of existing easements or utility corridors for watermains
- acquisition of additional land to maintain the appropriate "buffer zone" between adjacent uses and a water treatment plant, booster pumping station or storage facility.

C.2.1.2 Purpose of the Project

Projects developed under this Class EA will be undertaken to address problems affecting the operation and efficiency of existing water systems, to accommodate future growth of communities or to address water source contamination problems.

One or more of the following general objectives will be achieved:

- a) Eliminate or reduce risk of public health problems or nuisances.
- b) Improve the quality of water.
- c) Expand the capacity of the system.
- d) Improve system efficiency.
- e) Prevent system failure.
- f) Improve disposal of treatment wastes.

The purpose or objective of a specific project will be determined by existing or anticipated problems affecting operation and efficiency and the present or forecast demand for increased system capacity.

The following describe typical problems and demands which may arise:

a) Public Health:

The well-being of human life may be affected or nuisances may be caused by such problems as:

- groundwater or surface water pollution
- contamination of the water through the distribution system
- noise resulting from the operation of the water treatment plant or booster pumping stations
- inadequate treatment of raw water

b) Water Quality:

Water may not conform to the regulated or required water quality objectives as a result of such factors as:

- contamination of a distribution system
- deterioration in quality of the water source
- change in Ministry policies and guidelines for drinking water quality objectives
- inefficient operation of the water treatment plant;
- outdated original design and/or construction of the water treatment plant

c) System Capacity:

The existing water system may not be able to supply the quantities of water required, or to supply water at the required pressure due to such factors as:

- escape of water exfiltration / leakage from the water distribution network
- deterioration in the condition of the distribution system
- outdated original design and/or construction of the system

- system unable to meet new demands since it is at or very near to its original design capacity
- failure of the water source
- changes in design philosophy which affect capacity requirements

d) System Efficiency:

Various facets of system efficiency such as labour, maintenance costs or energy consumption may be improved by design improvements and/or the introduction of new technology.

The system may be considered inefficient for various reasons including:

- increased cost of maintaining existing equipment
- increased energy consumption
- equipment does not meet performance specifications
- outdated original design of system

e) Potential System Failure:

Concern may be expressed as to potential system failure due to such factors as:

- deterioration of system components due to age
- repeated equipment breakdown over time
- evidence of structural failure over time
- outdated original design and/or construction of the system

f) Disposal of Treatment Wastes:

The existing water treatment plant may exhibit problems related to the disposal of wastes generated, which may be attributed to:

- frequency of backwashing to maintain drinking water quality objectives
- changes in Ministry policies and guidelines with respect to disposal of chemical biosolids and backwash water

C.2.1.3 Alternative Solutions

In many instances, there may be more than one way of solving problems or meeting new demands for system requirements. A number of solutions, termed "Alternative Solutions" may include, for example:

- a) New water system
- b) Expansion or upgrading of existing water system
- c) Modifying operational practices at water treatment plant
- d) Expanding maintenance program
- e) Reducing water demand
- f) Obtaining water from another source
- g) Limiting community growth
- h) "Do nothing"

In evaluating Alternative Solutions the following factors should be kept in mind:

- A water system consists of inter-related components. Therefore, many of the potential alternative

solutions may resolve more than one of the general problems previously described.

- The feasibility of the alternative solutions will depend, in part, on the nature and location of the water system, the nature and location of the problem(s), the comparative cost of the alternative solutions, the pressures for growth, and on the municipality capacity to finance the extension of services.

For the alternative solutions identified above, a number of possible options are suggested:

a) New Water System:

- limit growth
- expand existing water system
- use individual wells for each property

b) Expand or Upgrade Existing System:

- limit growth
- improve operation and maintenance of existing system
- establish new water system
- replace/reconstruct existing system

c) Modify Operational Practices at the Water Treatment Plant:

- limit operating hours of noisy equipment to reduce sound level impacts on adjacent residents and uses
- ensure that the operator of the water treatment plant is following proper procedures to adhere to the required degree of treatment
- optimize operational procedures at the water treatment plant by altering equipment operation and chemical addition
- undertake training programs to upgrade the operator's understanding of treatment procedures and Ministry policies, guidelines and practices
- modify operational procedures and/or processes to reduce the quantities of backwash wastewater or chemical biosolids requiring disposal
- modify water quality monitoring program

d) Expand Maintenance Program:

- increase frequency of "flushing-out" and cleaning of the distribution system to improve hydraulic capacity and water quality
- undertake maintenance activities such as, (i) equipment overhaul and replacement of faulty or damaged parts, and (ii) locate and repair faults causing contamination in the water distribution component
- trace and monitor leakage in the water distribution system and undertake a program for its reduction

e) Reduce Water Demand:

- initiate a water conservation program to educate both the general public and industrial users of ways to reduce water usage
- adopt a municipal by-law directed at reducing water usage
- install individual water meters at each point of water usage and charge on the basis of volume used rather than a flat rate

f) Obtain Water from Another Source:

- provide for extension of watermains from another municipality into that part of the community requiring additional supply
- abandon existing water source and extend watermains from another municipality into the needy community
- abandon existing groundwater/surface water source and develop new water source and treatment at new groundwater/surface water source

g) Limit Community Growth:

- limit the ultimate extent and/or location of proposed residential, industrial and commercial growth in the community
- phase or schedule proposed growth in the community with respect to both locations and implement timing.

h) Do Nothing:

In the "Do Nothing" alternative, no improvements or changes would be made to solve the identified problem(s). This means that the problem(s) would remain in the system. It does not necessarily mean however, that no further development in the community would occur.

The "Do Nothing" alternative will be documented in the ESR along with any other alternative solutions.

The "Do-Nothing" alternative may be implemented at any time during the design process prior to the commencement of construction. A decision to "Do Nothing" would typically be made when the costs of all other alternatives, both financial and environmental, significantly outweigh the benefits.

C.2.2 SANITARY SEWAGE PROJECTS**C.2.2.1 Description of the Projects**

Projects planned under this Class EA can generally be categorized as:

- new sanitary sewage systems
- expansions to existing sanitary sewage systems
- upgrading of existing sanitary sewage system.

A **new sanitary sewage system** may include a sanitary sewage collection system, flow equalization facilities, a treatment plant, biosolids management facilities and effluent outfall/discharge/disposal facilities, and storage facilities.

Expansion to an existing sanitary sewage system refers to the addition of new equipment or facilities or through improvements to operations and maintenance activities to increase system capacity.

Upgrading of an existing sanitary sewage system consists of additions or replacements to existing equipment or facilities or changes in management practices which are intended to achieve a higher level or improved quality of system performance, while not increasing system capacity.

Sanitary Sewage System Components:

A typical sanitary sewage system may commonly include all or some of the following components:

- collection
- treatment
- effluent disposal
- management of biosolids
- storage

The **collection component** of a sewage system collects raw sewage from a source and delivers it to the treatment component via one or more of the following:

- gravity sewers
- vacuum lines
- pumping stations
- forcemains

The **treatment component** consists of one or more of the following facilities:

- an individual septic tank and tile field (servicing one building)
- a communal septic tank(s) and tile field(s) (servicing a number of buildings)
- a lagoon or waste stabilization pond
- a sewage treatment plant (STP)
- effluent outfall (may include diffuser and/or mixing zone).

Each of the above treatment facilities uses different processes and also produces wastewater effluent and biosolids.

The **effluent disposal component** consists of one or more of the following facilities or practices:

- outfall sewer (to surface water body receiver)
- diffusers and/or mixing zone (in surface water body receiver)
- disposal on land by spray irrigation and/or snow effluent
- subsurface disposal tile field
- infiltration lagoon (to ground water body receiver)

The **biosolids management component** consists of one or more of the following facilities or practices:

- disposal of biosolids at a sanitary landfill site

- disposal of biosolids by burning it in an incinerator
- utilization of biosolids by applying it to soil conditioning sites (agricultural fields)
- utilization of biosolids by composting
- a biosolids transfer station to store biosolids on a temporary basis

The **storage component** consists of one or more of the following facilities:

- flow equalization facility
- lagoon systems
- storage for combined sewage overflow.

An **expansion or upgrading project** may include the construction of one or more of the following facilities:

- sewers (gravity sewer, vacuum line, forcemain)
- pumping stations
- communal septic tanks and/or tile fields
- sewage treatment plants
- lagoon systems
- facilities for the disposal or utilization of biosolids
- flow equalization facility
- storage (e.g. for combined sewage overflow)

The development and implementation of a project under this Class EA will often involve additional work and activities incidental to the primary purpose of the project but which must be included in the project. These may include, for example:

- construction of new facilities or additions to existing facilities such as settling or aeration tanks, incinerators and buildings
- acquisition of additional land to house the facilities, either at existing sites or new locations
- extension and/or widening of existing sewer easement or utility corridor
- acquisition of additional land to maintain the appropriate "buffer zones" between adjacent uses and the treatment facilities

C.2.2.2 Purpose of the Project

Projects developed under this Class EA will be proposed to resolve problems affecting the operation and efficiency of existing systems, and/or to accommodate future growth of communities, or to alleviate specific pollution problems.

One or more of the following general objectives will be achieved:

- a) Eliminate or reduce risk of public health problems or nuisances.
- b) Improve the quality of effluent produced by the existing sewage system.
- c) Improve the management of biosolids waste produced by the system.
- d) Expand the capacity of the sewage system to solve existing problems or to accommodate future growth.
- e) Improve system efficiency.
- f) Prevent system failure.

The purpose or objective of a specific project will be determined by existing or anticipated problem(s) affecting the operation and deficiency of the system, and the present or forecast demand for increased system capacity.

The following are descriptions of the types of problems and demands identified above:

a) Public Health:

The well-being of human life may be affected, or nuisances may be caused, by such problems as:

- contamination of groundwater supply or surface water supply used for human consumption, livestock watering, recreation or irrigation
- failure of the system resulting in the backup of raw sewage through the sewers into basements
- failure to meet air quality requirements at biosolids incinerators
- odour from the sewage treatment facilities or from a biosolids transfer station
- noise from operation of a pumping station or sewage treatment plant
- traffic hazards, nuisance or noise from trucking of biosolids.
- bypassing of sanitary sewage flows at a treatment plant or pumping station during periods of high flow

b) Effluent Quality:

The objectives for water quality include criteria governing the physical and inorganic characteristics of water bodies (e.g. temperature, dissolved oxygen, chlorine, phosphorous), microbiological criteria and the allowable concentration of all parameters that may cause an impact to receiving water quality. The quality of the effluent produced by a sewage treatment plant must be adequate to ensure that the minimum standards set for the receiving water body or for land disposal can be consistently achieved.

It is the responsibility of the proponent to assess, or to confirm, the assimilative capacity of the receiver, derive effluent quality criteria from this assessment (concentrations and loadings) and have them confirmed by the Ministry of the Environment. This shall be done in the earliest stages of the planning and design process and the results should serve as the basis for comparison of alternative solutions.

The rationale for an expansion or upgrading project, based on the effluent quality criteria may be due to such problems as:

- inefficient operation of the treatment facility
- outdated original design of the system
- original design criteria are no longer acceptable
- industrial waste discharged contains chemicals toxic to the biological treatment process used in the treatment facility
- changes in policies and guidelines for sewage treatment processes and for the receiving water body
- changes in the physical and chemical characteristics of the influent due to sewer discharges and/or infiltration/inflow into the sewer system
- assimilative capacity of the receiving water body.

c) Management of Biosolids:

The need for the project may result from problems such as:

- the sanitary landfill site(s) at which biosolids are currently being disposed of may be at or near capacity
- the agricultural lands or soil conditioning sites at which biosolids are utilized may be at or near capacity
- the constituents of the biosolids may make them unacceptable for disposal/utilization at existing available sites
- Ministry policies or guidelines for biosolids disposal/utilization may have changed
- changes in agricultural practices making land unavailable for spreading biosolids
- cost of haulage of biosolids to a distant landfill site may be prohibitive
- biosolids incinerator may be at or near capacity.

d) System Capacity:

The existing sewage system may not be capable of handling present or forecast volumes of sewage due to such problems as:

- system is at or approaching its original design capacity and cannot accommodate increased volumes of sewage
- outdated original design or construction of the system
- deterioration in the condition of the collection system
- infiltration of groundwater into the collection system
- illegal connections into the collection system
- changes in design philosophy.

e) System Efficiency:

Various facets of system efficiency such as labour, maintenance costs or energy consumption may be improved by design improvements and/or the introduction of new technology, by plant optimization, process audit and real time control.

0 Potential System Failure:

Concern may be expressed as to potential system failure due to such factors as:

- deterioration of system components due to age
- structural failure of system components
- deterioration due to chemical attack
- repeated equipment breakdown
- outdated original design and/or construction of the system

C.2.2.3 Alternative Solutions

There may be a number of ways of solving problems, of meeting new demands on existing sewage

systems. A number of solutions, termed "Alternative Solutions", may include, for example:

- a) New sanitary sewage system
- b) Expansion or upgrading of existing sanitary sewage system
- c) Rehabilitate existing sanitary sewage system
- d) Modify operational practices at the treatment facility
- e) Expand maintenance program
- f) Improve individual septic systems
- g) Reduce sewage flows
- h) Reduce industrial discharge
- i) Improve combined sewer system control
- j) Alter current biosolids management practices
- k) Limit community growth
- l) Discharge to an adjacent existing sewage system
- m) Construct a new sewage/lagoon treatment facility
- n) "Do Nothing"

In evaluating Alternative Solutions the following factors should be kept in mind:

- A sewage system consists of a series of inter-related components. Therefore, many of the potential alternative solutions may resolve more than one of the general problems previously described.
- The feasibility of the alternative solutions will depend, in part, on the nature and location of the sewage system, the nature and location of the problem(s), the assimilative capacity of the receiver, the comparative cost of the alternative solutions, the pressures for growth and the municipality's capacity to finance the extension of services.

For the alternative solutions identified above, a number of possible options are suggested:

a) New Sanitary Sewage System:

- **limit** growth
- expand existing sanitary sewage system
- use individual septic tanks for each property

b) Expansion or Upgrading of Existing System:

- limit growth
- improve operation and maintenance of existing system
- establish new sanitary sewage system
- management of peak flows by providing on-line storage

c) Rehabilitate Existing Sanitary Sewage System:

- reline and/or seal existing sewers
- reconstruct existing sewers
- improve operation and maintenance of existing system
- modify drainage area
- management of peak flows by providing on-line storage

d) Modify Operational Practices at the Treatment Facility:

- limit operating hours of noisy equipment to reduce sound levels
- reschedule the timing for, or haulage routes of, trucks removing biosolids from the treatment facility to minimize traffic and safety problems in residential areas
- alter quantities of biosolids stored at the treatment facility and/or duration of biosolids storage to minimize odour problems
- alter timing or duration of land treatment
- audit process and optimize operational efficiency
- undertake training programs to upgrade operator's understanding of treatment procedures and Ministry policies, guidelines and practices
- real time control of treatment processes

e) Expand Maintenance Program:

- clean the sewage system to improve treatment efficiency and hydraulic characteristics
- undertake maintenance activities such as equipment overhaul, replacement of parts, repair of damaged tanks

1) Improve Individual Septic Systems:

- repair, clean and enlarge existing septic tanks and/or tile fields.

g) Reduce Sewage Flows:

- enforce municipal by-laws with respect to permitted connections to the sewage collection system e.g. sever illegal roof drains and weeping tiles
- maintain the collection system to minimize groundwater infiltration and stormwater in-flow into the sewers
- initiate a community water conservation program in order to reduce overall sewage volumes.

h) Reduce Industrial Discharge:

- adopt a sewer use by-law in the municipality to set criteria for the quality of industrial sewage discharge
- amend existing sewer use by-law in order to require pretreatment of sewage at industrial plants
- amend existing sewer use by-law in order to require process changes in industrial plants
- appoint an Industrial Waste Inspector and ensure that violations of the by-law are sought out and the by-law is vigorously enforced.

i) Improve Combined Sewer System Control:

In situations where combined sewers exist, the following alternatives may be considered:

- provide or expand temporary or permanent surface runoff storage facilities to accommodate "wet weather" peak surface run-off flows, e.g. in ponds, swales, fields, parking lots, roof tops, parks
- install inlet controls, as part of normal maintenance activities, to prevent surcharge of combined

sewers during "wet weather" peak run-off periods

- improve street maintenance program (i.e. cleaning, removal and disposal of debris) to minimize grit and solids entering combined sewers
- improve sewer maintenance program (e.g. sewer flushing, catch basin cleaning) to minimize grit, solids and slime being by-passed by combined sewer overflows
- install stationary or automatic flow regulators to utilize available storage capacity in an existing system.

j) Alter Current Biosolids Management Practices:

- utilize alternative chemicals or quantities of chemicals and/or chemical dosing methods to change characteristics of biosolids thereby making it acceptable for disposal utilization
- maintain or improve biosolids dewatering equipment to increase process efficiency and reduce biosolids volume.
- alter the application rate of biosolids disposal at existing landfill site(s)
- alter the application rate of biosolids utilized on existing agricultural land
- alter the quantity of biosolids stored on a contingency basis in existing facilities at the treatment plant or transfer stations, in order to resolve scheduling problems at disposal or utilization sites
- construct a new biosolids incinerator to complement/ substitute for existing disposal/utilization methods
- improve the operating efficiency of an existing biosolids incinerator.

k) Limit Community Growth:

- limit the ultimate extent and/or location of proposed residential industrial and commercial growth in the community
- phase or schedule proposed growth in the community with respect to both location and implementation timing.

l) Discharge to an Adjacent Existing Sewage System:

- discharge sewage from existing or proposed development into an existing sewage system located in an adjacent municipality.

m) Construct A New Sewage/Lagoon Treatment Facility:

- construct a new sewage treatment plant within an existing collection and treatment system to replace or supplement an existing sewage treatment plant or lagoon treatment facility
- construct a new lagoon treatment facility to supplement or replace an existing communal and/or subsurface disposal system.

n) "Do Nothing":

In the "Do Nothing" alternative, no improvements or changes would be made to solve the identified problem(s). This means that the problems would remain in the system.

It does not necessarily mean however, that no further development in the community would occur. The "Do Nothing" alternative shall be documented in the ESR along with any other alternative

solutions which were examined.

The "Do Nothing" alternative may be implemented at any time during the design process prior to the commencement of construction. A decision to "Do Nothing" would typically be made when the costs of all other alternatives, both financial and environmental, significantly outweigh the benefits.

C.2.3 STORMWATER MANAGEMENT PROJECTS

C.2.3.1 Description of the Projects

Stormwater management projects planned under this Class EA can generally be categorized as:

- new storm sewer systems
- expansions to existing storm sewer systems
- upgrading of existing storm sewer systems
- watercourse management projects
- stability projects

A **new storm sewer system** may include a stormwater collection system, treatment facility(ies), an outfall/discharge/re-use/disposal facility and storage facilities.

An **expansion to an existing storm sewer system** refers to the addition of sewers and new facilities or a change in management practices to an existing sewage system to increase system capacity.

Upgrading of an existing storm sewer system consists of additions or replacements to existing sewers and facilities or implementation of practices which are intended to modify flow, volume and/or quality control.

Watercourse management projects are intended to minimize the impacts of flooding, erosion and bank and valley wall instabilities.

NOTE:

Drainage works regulated under the **Drainage Act** are **exempt** from the Ontario EA Act.

Where stormwater works are carried out in conjunction with municipal road works, they shall be planned in accordance with the requirements of the schedules for but may be included in documentation prepared for the schedules for municipal road projects.

Storm Sewer System Components:

A storm sewer system will consist of the following basic components:

- collection system
- stormwater management and/or treatment facilities
- management of waste e.g. catch basin cleanings retention/detention basin solids, dredgings

The **collection system** collects storm drainage from such sources as private drains, road storm sewers, catch basins, ditch inlets and culverts, and conveys it to a **trunk storm sewer and/or**

channel, which in turn conveys it to receiving waters and/or a treatment facility.

Receiving waters and watercourses include but are not restricted to: overland flow routes, ditches, channels, intermittent or continuous streams and creeks, and rivers and lakes.

Stormwater management and/or treatment facilities include storage and other means to achieve hydrograph attenuation, volume reduction and/or to treat and address the quality of stormwater run-off. Storage may be provided by underground chambers, roofs, parking lots and detention/retention ponds together with their outlet control structures and outfalls. Stormwater volume may be reduced by enhancing infiltration by providing infiltration wells, pipes and trenches.

Water quality control may consist of one or more of the following:

- monitoring of stormwater quality parameters such as temperature, dissolved oxygen, bacterial counts, suspended solids and nutrients
- treatment such as infiltration, disinfection, sedimentation, biological uptake, screening and vortex sedimentation
- screening

An **expansion or upgrading project** may include the construction of one or more of the following:

- extension/expansion of collection system
- pumping stations
- stormwater channel improvements
- stormwater management/treatment facilities
- facilities for the disposal or utilization of solids/wastes
- storage (retention/detention)
- addition of control works such as weirs, dams, hydraulic brakes and other flow-limiting devices.

Watercourse Management projects consist of works located in open watercourses and may include flood control erosion control water quality control and works related to aquatic, wildlife and terrestrial management within a floodplain

Stability Projects consist of cut and fill works in floodplains and works required to stabilize banks and valley walls where instability is not caused by watercourse flow.

The development and implementation of a project under this Class EA will often involve additional work or activities incidental to the primary purpose of the project but which must be included in the project. These may include, for example:

- extension or widening of existing sewer easements or utility corridors
- acquisition of additional land for stormwater management facilities.

C.2.3.2 Purpose of the Project

Projects developed under this Class EA will be proposed to resolve problems affecting the operation and efficiency of existing systems and/or to accommodate future growth of communities, and/or to alleviate flooding or specific pollution problems.

One or more of the following general objectives will be achieved:

- a) Alleviate local or regional flooding problems
- b) Eliminate or reduce risk of public health or safety problems or nuisances
- c) Improve the quality of effluent produced by the stormwater system
- d) Expand the capacity of the stormwater system
- e) Improve system or treatment efficiency
- f) Prevent system failure
- g) Control, erosion and sedimentation
- h) Maintain baseflow or groundwater recharge
- i) Reduce combined sewer overflows
- j) Management of wastes produced by the system

The purpose or objective of a specific project will be determined by existing or anticipated problem(s) affecting operation and efficiency of the system, and the present and forecast demand for increased system capacity and/or improved water quality.

Following are descriptions of the types of problems and demands identified above:

a) Local or Regional Flooding:

Flooding caused by system deficiencies, alteration of land use characteristics and/or incidence of low frequency storms, may result in the following problems:

- loss of life
- serious property damage
- economic business loss
- damage or interruption of municipal services
- degradation of agricultural or recreational lands

b) Public Health and Safety:

The well-being of human life may be affected, or nuisances may be caused, by such problems as:

- contamination of groundwater supply or surface water supply used for human consumption, livestock watering, recreation or irrigation
- failure of the system resulting in the backup of sewage through the sewers into basements
- inadequate water quality control at stormwater management facilities
- unsafe conditions resulting from high flows, velocities or depths in open channels, detention ponds or other facilities accessed by the public

c) Effluent Quality:

The objectives for water quality include criteria governing the physical and chemical characteristics of water bodies, (e.g. temperature, dissolved oxygen, suspended solids, grease, salts, chlorides, nutrients), microbiological criteria, and the allowable concentration of all parameters that may cause impact to receiving water quality. The quality of the effluent produced by storm sewage systems should ensure that minimum standards set for receiving water bodies are consistently achieved.

The rationale for an expansion or upgrading project may, therefore, be based on the current or forecast quality of effluent produced, due to such problems as:

- inefficient operation of the stormwater management facility
- outdated original design or construction of the system
- original design criteria are no longer acceptable
- changes in policies and guidelines for stormwater management
- changes in the physical and chemical characteristics of the receiving water body due to upstream discharges
- insufficient assimilative capacity of the receiving water body
- degraded receiving water body.

d) System Capacity:

The existing storm sewage system may not be capable of handling present or forecast flows or volumes of stormwater due to such problems as:

- system is at or approaching its original design capacity and cannot accommodate increased flows or volumes of stormwater
- outdated original design or construction of the system
- deterioration in the condition of the collection system
- infiltration of groundwater into the collection system
- illegal connections into the collection system
- changes in design philosophy
- changes in drainage area and land use characteristics

e) System Efficiency.

Various facets of system efficiency such as labour, maintenance costs or energy consumption may be improved by design improvements and/or the introduction of new technology.

f) Potential System Failure:

Concern may be expressed as to potential system failure due to such factors as:

- deterioration of system components due to age
 - structural failure of system components
 - erosion of streams and channels
 - outdated original design or construction of the system
 - degraded receiving waters
 - changes in flow/quality of stormwater run-off
-

g) Erosion and Sedimentation:

Either in association with the construction of a project, and/or caused by natural processes and/or development pressures, erosion and-sedimentation may result in the following problems:

- serious property damage
- damage or interruption of private and municipal services
- degradation of terrestrial habitat
- degradation of aquatic habitat and fisheries resources
- upstream/downstream flooding problems.

h) Baseflow or Groundwater Recharge:

In areas of natural groundwater recharge, sprawling development and urbanization can threaten the continued replenishment of groundwater by precipitation and surface run-off. The following are examples of the kinds of problems which may result:

- lowered watertable on local or regional scale, affecting the surface ecosystem
- reduced groundwater supplies to municipal well systems
- reduced groundwater flows to streams, thus reducing dilution qualities downstream
- reduced groundwater contribution to watercourses, thus affecting peak flow, base flow and temperature characteristics important to aquatic and terrestrial habitats and fisheries resources.

i) Combined Sewer Discharges:

During wet weather conditions, stormwater run-off combines with sanitary sewage in combined sewers. Typical problems which result are:

- sewers function at, or over, capacity during times of wet weather flows, causing basement flooding
- dilution of flows make treatment more difficult and less effective
- excessive by-passing of sewage at treatment plant to receiving water bodies
- sewer overflow to receiving water body.

j) Management of Wastes:

Failure to remove or control gravel, sand, road salt and other debris which accumulate in catch basins, retention/detention ponds, roadside ditches and in storm sewers may result in the following problems:

- degraded water quality in catch basin sumps
- impacts on water quality of receiving water body
- obstruction/blockage in storm sewer system causing back-ups and flooding
- reduction in volume of retention/detention ponds
- reduction in groundwater recharge from ponds

C.2.3.3 Alternative Solutions

There may be more than one way of solving problems or of meeting new demands on existing stormwater management systems. A number of solutions, termed "Alternative Solutions", may include, for example:

- a) New storm sewage system.
- b) Expansion or upgrading of an existing storm and/or combined sewage system.
- c) Rehabilitate existing storm sewage system.
- d) Expand sewer cleaning program.
- e) Expand street cleaning program.
- f) Remove illegal drain connections.
- g) Require stormwater management.
- h) Limit Community growth
- i) Establish a sewer use by-law.
- j) Control and/or treat combined sewer flow.
- k) Manage system wastes.
- l) "Do Nothing".

Depending on the nature of the existing stormwater management system, and on the problems being encountered or anticipated, there are various ways in which these general alternatives could be carried out. The most common of these are described below.

In evaluating the Alternative Solutions the following factors should be kept in mind:

- a stormwater management system comprises a series of components
- the feasibility of the alternative solutions will depend in part, on the nature and location of the stormwater management system, the nature and location of the problem(s), the comparative cost of the alternative solutions, the pressures for growth, and the municipality's capacity to finance extensions of services.

For the alternative solutions identified above, a number of possible options are suggested:

a) New Storm Sewage System:

- limit growth
- expand existing storm sewage system.

b) Expansion or Upgrading of Existing System:

- limit growth
- improve operation and maintenance of existing system
- establish new storm sewage system
- install flow regulators to utilize storage capacity in existing sewage system.

c) Rehabilitate Existing Storm Sewage System:

- reconstruct/reline existing storm sewers
- reshape/realign existing stormwater ditches/channels

- add stormwater treatment facility.

d) Expand Sewer Cleaning Program:

- increase frequency of removal of debris and sediment from catch basins, manholes, inlet structures
- undertake regular, scheduled dragging, flushing and cleaning of the storm sewer system.

e) Expand Street Cleaning Program:

- carry out regular, scheduled cleaning of the street system to improve stormwater quality
- undertake normal maintenance and repair activities on the storm sewage system.

f) Remove Illegal or Undesirable Drain Connections:

- separate roof leaders and weeping tiles from storm drains
- disconnect illegal sanitary sewer connections from storm drains
- plug or disconnect floor drains from storm sewer systems.

g) Require Stormwater Management:

- provide or expand temporary or permanent surface runoff management facilities e.g. in ponds, swales, fields, parking lots, roof tops, parks
- develop artificial/constructed, or utilize natural, wetlands to improve quality of stormwater discharges
- ensure that approvals for new developments require the incorporation of urban surface run-off control measures, (e.g. on-site stormwater retention), minimization of impervious areas, appropriate lot grading, discharge of roof drains into cisterns, infiltration trenches or onto grassed areas to maximize ground water recharge
- ensure that approvals for major phased development be based on comprehensive sub-watershed plans
- for existing systems develop a comprehensive pollution prevention and control strategy for the community as part of an overall strategy for the municipality
- for both new and existing systems ensure that appropriate infrastructure policies are included in the municipal Official Plan.

h) Limit Community Growth:

- limit the ultimate extent and/or location of proposed residential, industrial and commercial growth in the community
- phase or schedule proposed growth in the community with respect to both location and implementation timing.

i) Establish a Sewer Use By-law:

- adopt a sewer use by-law in the municipality to set criteria for stormwater quality and storm sewer use
- amend existing sewer use by-law to reflect current or improved criteria

- ensure that violations of the by-law are sought out and the by-law is vigorously enforced.

j) Control and/or Treat Combined Sewer Flow:

- disconnect catch basins and reconnect to separate new or existing storm sewer
- provide sewer separation
- provide storage for treatment of combined sewer flows
- provide high-rate treatment for combined sewer flows
- increase hydraulic capacity at sewage treatment plant.

k) Manage System Wastes:

- improve storm sewer inspection and cleaning program
- increase frequency of catch basin cleaning
- proper disposal of catch basin cleanings/wastes
- improve street sweeping program especially in early Spring
- undertake roadside debris clean-up
- remove and dispose of sediments from retention/detention ponds.

1) "Do Nothing":

In the "Do Nothing" alternative, no improvements or changes would be made to solve the identified problem(s). This means that the problems would remain in the system. It does not necessarily mean however, that no further development in the community would occur.

The "Do Nothing" alternative shall be documented in the ESR along with any other alternative solutions which were examined.

The "Do Nothing" alternative may be implemented at any time during the design process prior to the commencement of construction. A decision to "Do Nothing" would typically be made when the costs of all other alternatives, both financial and environmental, significantly outweigh the benefits.

C.3 ENVIRONMENT

C3.1 DESCRIPTION OF THE ENVIRONMENT

The following provides an overview of environmental factors to be considered when reviewing existing and future conditions, developing alternatives, and analyzing and evaluating them to determine the preferred alternative.

Although these descriptions are general, the proponent is required to describe the environment to be affected by a specific project in detail including the significant features which comprise each type of environment. It should be noted that potential environmental effects include both positive and negative effects. Review agencies, First Nations and the public will therefore have an opportunity to understand the specific environment affected by a given project while it is being planned. The list provided is general only and is intended to be developed on a project-specific basis reflecting the scope of the study area, federal, provincial, and municipal legislation, policies, and agency and public input.

Water or Wastewater:

- Existing water and/or wastewater systems
- Future water and/or wastewater systems

Land-Use Planning Objectives:

- Provincial
- Regional
- Municipal

Natural Environment/Natural Heritage Features:

- Natural heritage policies
- Fisheries and aquatic resources
- Vegetation and flora
- Wildlife resources and linkages
- Surface water
- Ground water
- Geotechnical
- Fluvial geomorphology

Social Environment:

- Existing communities
- Existing residential areas
- Recreational facilities

Cultural Environment Heritage (Cultural and Archaeological Resources in the Environment):

- Archaeological resources and areas of archaeological potential
- Built heritage resources and cultural heritage landscapes

First Nations/Aboriginal Peoples:

- Lands
- Treaty rights
- Archaeological sites

- Land claims

Economic Environment:

- Commercial land-use
- Industrial land-use
- Agricultural land-use
- Preliminary cost estimates:
 - Capital costs
 - Property costs
 - Maintenance costs

Other:

- Utilities

C.3.2 DESCRIPTION OF THE POTENTIAL EFFECTS ON THE ENVIRONMENT

The effects (both positive and negative) on the environment are to be identified and assessed based on the following process:

- Review of existing conditions within the study area
- Review of future conditions within the study area
- Assessment of the potential effects that alternatives may have on the factors identified in Section C.3.1.
- Identification of a technically preferred alternative based on the overall net effects
- Review with affected parties per the requirements of the Municipal Class Environmental Assessment

C.3.3 MITIGATING MEASURES**C.3.3.1 Design**

Through the planning and design process described in this Class EA, however, it may be determined that, together with the benefits, certain projects may have some adverse effects on the environment. The Class EA process is intended to identify potential impacts and where possible, to avoid them. However, in some cases, this may not be possible. In such situations, measures will have to be taken to either minimize or offset such effects. Actions taken to reduce the effects of a certain project on the environment are called "Mitigating Measures".

During design, the environment affected by a project will be established and the specific net effects identified. The design shall include measures to mitigate the negative effects. Measures which must be taken to minimize the negative effects will be worked out such that the design can be tailored to recognize them. Contract drawings and documents shall include special provisions to ensure the least impact on the environment. Appendix 2 sets out a table showing typical mitigating measures for potential adverse effects on the environment.

C.3.3.2 Construction

This Class EA describes the process by which the various alternatives are analyzed and the most suitable design is chosen. The construction stage presents another set of alternatives as to how the work will be undertaken.

Many projects which undergo the Class EA planning process will be carried out by contract let by

competitive tender, and the contractor is normally the low bidder. The contractor will have estimated his costs and planned his method of operation during the tendering stage, subject to the specifications and special provisions in the contract and any relevant legislation.

Contractors differ in their approach regarding sequence of operation, techniques, methods of operation, type make and size of equipment utilized, and speed of operation. There is, however, a fairly general uniformity in construction operation, being the natural result of economic competition.

Some of these operations have potential for environmental impact, and where these can be anticipated in the design stage, 'special provisions' shall be written into the construction package. They shall spell out what can or cannot be done during specific operations. Unforeseen problems that arise during construction shall be addressed on the site, and the proponent's best judgment used to ensure that changes to the contract do not cause negative environmental impacts.

Staff responsible for inspecting the contractor's work must be made aware of such provisions, in order to ensure compliance during construction. It shall be the responsibility of the proponent to ensure that inspectors enforce compliance with the environmental provisions, as well as the traditional engineering provisions, of the construction package.

C.3.3.3 Policy and Guidelines

Throughout the planning and design process, and subsequently throughout the construction phase, the proponent is to comply with the policies and guidelines outlined by municipalities, or the provincial or federal governments in documents such as:

- Provincial policies, including:
 - Provincial Policy Statement (PPS)
 - The Planning Act
 - Places to Grow Act
 - Conservation Authority Policies and Regulations
 - The Ontario Heritage Act
 - Lakes and Rivers Improvement Act
 - Ontario Water Resources Act
 - Environmental Protection Act
- Related Provincial Plans, including:
 - Greenbelt Plan
 - Growth Plan for the Greater Golden Horseshoe
 - Niagara Escarpment Plan
 - Oak Ridges Moraine Plan
 - Parkway Belt Plan
 - Rouge North Management Plan
 - Rouge Park Master Plan
- Municipal policies, including:
 - Official Plans
 - Secondary Plans
 - Transportation Master Plans
 - Infrastructure Master Plans

In addition, federal requirements need to be addressed and coordinated where applicable, including:

- The Canadian Environmental Assessment Act (Canadian Environmental Assessment Agency)
- Navigable Waters Permit (Transport Canada)
- Fisheries Authorization (Department of Fisheries and Oceans)
- Funding (Transport Canada, Industry Canada)

PART D

MUNICIPAL TRANSIT PROJECTS



PART D — MUNICIPAL TRANSIT PROJECTS

D.1 INTRODUCTION AND BACKGROUND

Transit is a key component of municipal transportation networks. As municipalities continue to grow, there is an increasing emphasis being placed on transit due to its overall societal benefits on a broad scale. This is clearly evident in the identification of significant increases in transit as an integral part of many of the municipal Transportation Master Plans that have been or are being completed.

Prior to adding Part D (Municipal Transit Projects) to the Municipal Class Environmental Assessment parent document in 2007, municipalities did not have a pre-approved planning process under the Ontario Environmental Assessment (EA) Act to plan and implement transit projects. As a result, municipalities used a variety of different mechanisms under the Ontario EA Act, including the following:

- 1) Ontario Regulation 334, which includes provisions that:
 - i) identify new bus service on an exclusive right-of-way or a new rail transit system, or a new station, terminal or marshalling yard for a rail transit system, being subject to the requirements of an Individual Environmental Assessment (IEA).
 - ii) exempt projects with an estimated cost of not more than \$3.5M (note — this exemption does not apply to projects that are covered by parent Class EA documents).
- 2) Using the "Linear paved facility" definition (amended in 2004) in the Municipal Class EA
- 3) Partnering with the Ontario Ministry of Transportation (MTO) and/or GO Transit and then utilizing the transit provisions in their respective parent Class EA documents
- 4) Undertaking an Individual Environmental Assessment

With the growing emphasis on transit at the federal, provincial and municipal levels, municipal proposals for a wide range of transit initiatives are escalating. It is recognized that public transit offers many benefits as compared to the private automobile including:

- It is a more effective and efficient way of moving people;
- It is more energy-efficient per person;
- It requires less energy and produces less emissions per person;
- It provides mobility to all persons in society; and
- As a result, it will help achieve sustainable development and an improved urban environment.

The ability to carry out municipal transit projects under the Municipal Class EA parent document provides proponents with an opportunity to expedite the planning of municipal transit projects since they are EA-approved under the Ontario EA Act. GO Transit and the Ministry of Transportation currently have pre-approved planning processes that allow them to plan and implement inter-regional and provincial transit projects.

Municipalities have identified the need to develop an approach that would allow them to plan and design transit projects in a streamlined pre-approved process that provides for public consultation and assessment of environmental effects. The ability to carry out municipal transit projects under the Municipal Class EA was therefore identified in the Municipal Class EA (2000) 5-year review.

Therefore, in 2006/7, a study was undertaken to add municipal transit projects/activities to the

Municipal Class EA parent document. The study itself was undertaken as a Schedule C and an Environmental Study Report was filed on June 27, 2007 for public review. There were no Part II Order requests. Thereafter, MEA submitted a Major Amendment to the Ministry of the Environment (MOE) for approval to add municipal transit projects to the Municipal Class EA document. The amendment includes:

- Adding a new Part D to the parent document which addresses Municipal Transit Projects
- Adding a section to Appendix 1 of the parent document outlining municipal transit projects and their associated project schedule under the Municipal Class EA.
- Editing the remainder of the Municipal Class EA document where applicable, to include references to transit.

D.1.1 IMPLEMENTATION AND TRANSITION PROVISIONS

Transit projects are subject to the requirements of the Municipal Class EA as of **the date of approval of the Transit Amendment**. In discussion with the Ministry of the Environment, the following phase-in, or transitional provisions, were identified for transit projects underway as of **the date of approval of the Transit Amendment**:

D.1.1.1 Individual Environmental Assessments

For Individual Environmental Assessment studies underway upon the coming into effect of Part D of the Municipal Class EA, the following Transition Provisions apply:

- For projects where the Terms of Reference have been submitted:

If the proponent of an undertaking described in the Municipal Class EA, Part D — Municipal Transit Projects submitted a proposed Terms of Reference or Environmental Assessment in respect of that undertaking to the Ministry of the Environment **before the date of approval of the Transit Amendment**, the proponent may elect to proceed in accordance with the requirements of the Municipal Class EA rather than continuing with their application under Part II of the Ontario Environmental Assessment Act. This applies regardless of whether or not the Terms of Reference were approved by the Minister.

However, in order to do so the proponent must give written notice to the Director of the Ministry's Environmental Assessment and Approvals Branch within 60 days from approval of the Transit Amendment of their intention to proceed in accordance with the requirements of the Municipal Class EA.

If the proponent does not give the Director the requisite notice within 60 days from approval of the Transit Amendment, the proponent may only proceed with their application in accordance with Part II of the Environmental Assessment Act.

D.1.1.2 Transit Projects Exempt Under Ontario Regulation 334

Transit projects underway upon the coming into effect of Part D of the Municipal Class EA that were undertaken as per the conditions of Ontario Regulation 334 may continue to completion under Regulation 334.

D.1.2 DEFINITION OF "MUNICIPAL TRANSIT"

In general, "Municipal Transit" refers to public transportation services (and facilities) undertaken by a municipality for travel within a municipality or region, and can incorporate various technologies including bus, streetcar/light rail vehicle, Intermediate Capacity Transit Systems (ICTS), and heavy rail.

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For the purposes of Part D of the Municipal Class EA, however, "transit" includes all transit technologies other than heavy rail (subway). Accordingly, new heavy rail lines and maintenance facilities, or extensions of existing heavy rail lines are not included in this transit chapter. Since new, or extensions of existing heavy rail lines are not undertaken by municipalities on a frequent basis, the MOE has advised that the planning and design of heavy rail facilities will continue to be subject to Part II of the Ontario EA Act (i.e. Individual Environmental Assessment).

New, or changes to, heavy rail system elements including stations, park and ride lots, etc., however, are included in the Municipal Class EA. This is because: they are associated with an approved linear component of a transit facility; these types of activities are undertaken on a frequent basis to maintain and operate existing systems; and the anticipated environmental effects are generally predictable given that the projects are site-specific with localized impacts.

D.13 GLOSSARY OF TRANSIT TERMS

This section defines terms specific to the transit section of the Municipal Class EA. It should be noted, however, that the glossary of terms included in the main Municipal Class EA document (see pages G-1 to G-11) applies to Part D as well.

With the addition of "Transit Projects" to the Municipal Class EA parent document, the definition of "linear paved facility" has been modified to:

"Means facilities which utilize a linear paved surface including road lanes, or lanes for High Occupancy Vehicle (HOV) lanes."

High Occupancy Vehicle (HOV) — a bus or motor vehicle containing the specified minimum number of persons prescribed by local by-laws

The following terms are specific to the transit section of the Municipal Class EA:

Municipal Transit — see discussion in Section D.1.2.

Heavy Rail Transit (HRT) — The American Public Transportation Association (APTA) Public Transportation Fact Book, 2006 defines **Heavy Rail** as:

An electric railway with the capacity for a high volume of traffic. It is characterized by high speed and rapid acceleration passenger rail cars operating singly or in multi-car trains on fixed rails; separate rights-of-way from which all other vehicular and foot traffic are excluded; sophisticated signalling, and high platform loading. If the service were converted to full automation with no onboard personnel, the service would be considered an automated guideway.

Intermediate Capacity Transit System (ICTS) — The Canadian Urban Transit Association (CUTA) Canadian Transit Handbook describes ICTS in Section 3.3.4. An excerpt of which is included in Attachment 1.

Transit System — Encompasses the linear component of a transit facility and associated system elements such as stations, park and ride lots, storage and maintenance facilities and other ancillary features.

Linear Component of a Transit System - the travelled way including road lanes, lanes in an exclusive right-of-way, at grade track, or grade separated lanes/track of a transit facility and other

ancillary features (e.g. ballast, electrical substations etc), exclusive of stations, park and ride lots and storage and maintenance facilities.

Transit Loop — A facility constructed for the primary purpose of allowing a transit vehicle to turn around, either at the end of, or midway along, its route. Transit loops may include modest pedestrian facilities such as a passenger shelter and, in some cases, washrooms for operators.

Transit Stop — A facility where transit vehicles stop to pick up and discharge passengers and may include boarding/alighting platforms, bus bays, passenger shelters, benches, fare collection equipment, passenger information facilities and other related passenger equipment, amenities, and facilities. Examples of transit stops include:

- A bus, streetcar, or light rail vehicle stop or group of stops located on any roadway;
- A stop or group of stops on any existing transit facility such as a separate busway or rail facility, or a median bus rapid transit or rail facility with no or minimal intermodal transfer provisions (e.g. provisions to transfer between interregional and local bus services).

Transit Station/Terminal — A facility which is typically designed to accommodate passenger transfer activity between transit modes and other travel modes, and may include passenger pick-up and drop-off, and park and ride lots. Transit stations may include overpasses/underpasses for pedestrian use, passenger services buildings, shelters or structures, benches, fare collection equipment, passenger information facilities, bicycle posts/lockers and/or other related passenger equipment, amenities and facilities. The implementation of transit stations typically requires property acquisition. For the purposes of the Municipal Class EA, a transit station may also include the construction of a new subway station on an existing subway line, with or without any significant transfer facility at-grade.

Maintenance Facility — A facility where the service and repair of major mechanical components of transit vehicles is undertaken and typically includes vehicle storage.

Storage Facility/Yard — A facility used for the storage of transit vehicles, and can include vehicle fuelling, washing facilities, and minor "running maintenance".

Intelligent Transportation Systems (ITS) — "The application of advanced and emerging technologies (computers, sensors, control, communications, and electronic devices) in transportation to save lives, time, money, energy and the environment"

Source: *ITS Canada, 2006*

Park and Ride Lot — Parking lot associated with a transit stop, station, or terminal, for the purposes of passenger transfer between personal automobile and transit services.

D.1.3.1 "Same Purpose, Use and Location"

The Municipal Class EA defines the same purpose, use, capacity and location for municipal roads and water/wastewater projects in the Glossary section of the parent document. The definition has been modified for municipal transit projects as follows:

Same Purpose, Use, and Location (for transit projects/activities) refers to the replacement or upgrading of a structure or facility, where the objective and application remain unchanged, and there is no substantial change in location. For the purposes of the Transit Project schedules:

Purpose and Use refer to the overall intended result/objective of the project, and the specific operational utilization of the corridor.

Location refers to the specific site of physical changes. For example, for a transit facility within a roadway, works carried out within an existing road allowance such that no land acquisition is required are considered to be in the same location. (Note: *road allowance* is defined in the Glossary section of the parent document) It is recognized that some projects may involve no change in purpose or use and be within the existing road allowance other than minor additional property requirements in localized, site-specific areas. If the impacts are determined not to be significant, this can be considered to be in the same location.

Note that this definition does not apply to operational changes on a roadway that do not involve physical construction. For example, the dedication of an existing traffic lane for the exclusive use of transit through signing and/or pavement markings would not constitute a change in purpose and use, within the context of this document and the transit project schedules, if not accompanied by the construction of a physical barrier (see Project #17).

Accordingly, *Example a) A general traffic lane is reconstructed as a physically-separated (e.g. semi-exclusive) transit lane. This is considered to be a significant change in the purpose and use of the lane (See Project #16).*

Example b) A median transit lane separated from general traffic by a physical barrier is reconstructed with no change in footprint and with no change to the extent of physical separation from other traffic. This is considered to be for the same purpose and use (See Project #15).

D.14 TRANSIT IN THE MUNICIPAL CLASS EA

In fulfillment of the requirements of the Ontario EA Act, this section provides a broad description of the following with respect to municipal transit projects:

- the projects, purpose and alternatives
- the environment and potential mitigating measures
- screening criteria

Part D should be reviewed in conjunction with the project schedules in Appendix 1; typical mitigation measures for potential effects in Appendix 2; and, screening criteria in Appendix 3.

The Municipal Class EA process, including consultation and documentation, is provided in Part A of the Municipal Class EA.

D.15 KEY CONSIDERATIONS

Transit projects/activities in general are discussed in Section D.2. This section addresses key considerations when developing and assessing alternatives.

When generating and evaluating alternative transit improvement solutions in Phases 2 and 3 of the Municipal Class EA process, the proponent shall bear the following considerations in mind:

1. Land-Use Planning Objectives

Land-use planning objectives refer to the plans and policies as identified in provincial plans and municipal Official Plans and Secondary Plans. At a provincial level, key policies/plans include the Provincial Policy Statement (PPS), the Places to Grow Act (2005) and associated Growth Plan(s).

The Ontario Planning Act requires that municipal Official Plans contain "goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment". The Planning Act prescribes a rigorous process by which Official Plans are to be developed and periodically reviewed, including opportunities for extensive public consultation. Once adopted by the local municipal council, Official Plans are formally approved by the Ontario Minister of Housing and Municipal Affairs and, where applicable, are required to be in conformity with provincial objectives. Once in place, Official Plans are legal documents, and therefore, provide the specific municipal policies and objectives that need to be considered including, but not limited to, those for: urban areas, growth areas/corridors, rural areas, neighbourhoods and residential areas, employment areas, transit and transit-supportive development, commercial, institutional, recreational, natural, open space, agricultural, and special policy areas.

2. Natural Heritage Features

The Natural Environment consists of the following typical elements:

- Landforms (including valleylands)
- Groundwater
- Surface water and fisheries
- Terrestrial Vegetation and wetlands
- Wildlife and habitat; and
- Connections provided by, or between these, resources

Within this natural environment framework, significant natural heritage features may be identified at the local, regional, provincial or federal level reflecting municipal, Conservation Authority, provincial or federal designations/policies. Key elements such as valleylands, fish habitat, evaluated wetlands (including Provincially Significant Wetlands), significant portions of the habitat of threatened and endangered species, Areas of Natural and Scientific Interest (ANSI), and Environmentally Sensitive Areas (ESAs) will constitute significant natural heritage features. Woodlands and wildlife habitat may also constitute significant features if certain criteria are met. Natural heritage features should be identified early in the EA process to determine significant features and potential impacts. Significant natural heritage features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts.

In most cases, municipalities have specific policies related to natural environmental protection. These policies, along with regional, provincial, and/or federal policies should be identified as part of the EA process.

3. Social Environment

The Social Environment includes existing communities, residential areas and recreational areas. Significant negative impacts to the social environment should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts. Key considerations are the overall community impacts to residential

property and access, community facilities and access, recreational facilities and access, pedestrians, cyclists, noise impacts and air quality.

In most cases, municipalities have specific policies related to social environmental protection. These policies, along with regional and/or provincial policies should be identified as part of the EA process.

4. Cultural Environment

Cultural Environment refers to cultural heritage and archaeological resources in the environment. These are defined as follows:

Archaeological resources includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may be applied. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Built heritage resources means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, and industrial complexes of cultural heritage value.

Cultural heritage resources include built heritage, cultural heritage landscapes, and marine and other archaeological sites. The Minister of Culture (MCL) is responsible for the administration of the Ontario Heritage Act and is responsible for determining policies, priorities and programs for the conservation, protection and preservation of Ontario's heritage, which includes cultural heritage landscapes, built heritage and archaeological resources. MCL has released a series of resource guides on the Ontario Heritage Act, entitled the Ontario Heritage Tool Kit.

Significant cultural heritage and archaeological resources features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts, in accordance with provincial and municipal policies and procedures. Cultural heritage features should be identified early in the process in order to determine significant features and potential impacts.

5. First Nations/Aboriginal Peoples

This includes, but is not limited to:

- First Nations lands
- Aboriginal Peoples' Treaty Rights or use of land and resources for traditional purposes
- Aboriginal Peoples' industry
- Pre-historic and historic Aboriginal Peoples' archaeological sites
- Aboriginal Peoples' rights claims

6. Economic Environment

Economic Environment includes commercial and industrial land uses and activities. It also includes the financial costs associated with the alternatives, including construction, operation, maintenance, and property costs.

7. Property

Significant impacts to property should be avoided where possible. Where they cannot be avoided, the effects should be minimized where possible, and every effort made to mitigate adverse effects. Property impacts include direct impacts on: access, parking, and buildings, and indirect impacts where by relocating property lines the property owner is placed out of compliance with local standards (e.g. building setback requirements, etc.).

8. Evaluation of Alternative Solutions

When evaluating alternative solutions, the following considerations should be kept in mind:

- Many of the potential alternative solutions may resolve more than one problem.
- The feasibility of the alternative solutions will depend, in part, on the nature and location of the transportation system, the nature and location of the opportunity and/or problem(s) being addressed, the comparative cost of the alternative solutions, and on the municipality's capacity to finance the extension of services.

At a broad planning level, this step is typically addressed in Transportation Master Plans (see Section D.1.6), recognizing that the determination of transit needs would be a component of developing a balanced and integrated multi-modal transportation solution.

D.1.6 OVERVIEW OF TRANSIT IN TRANSPORTATION MASTER PLANS

Many municipalities undertake Transportation Master Plans (TMPs) to define their long-term transportation objectives as a supplement to transportation needs identified through their Official Plan development process. A Transportation Master Plan integrates existing and future land-use planning and the planning of transportation infrastructure with the principles of environmental assessment planning.

In larger urban areas, Transportation Master Plans often recognize that the current level of reliance on the automobile is not sustainable and that public transit provides benefits to the natural, social, and economic environment by improving mobility for people through providing traffic relief for people and goods, and reducing environmental impacts. As such, many Transportation Master Plans at the regional and local levels emphasize that increased use of transit is a key component of an integrated transportation strategy that considers all modes of travel.

Transportation Master Plans build upon the analysis and detailed policies developed through municipal Official Plans. Therefore, it must be recognized that the link between Transportation Master Plans and Official Plans is fundamental. An Official Plan is a legal document, developed

through a public and legislative process in accordance with the Ontario Planning Act that contains "goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality". While Official Plans are approved under the Ontario Planning Act, typically they are developed through a process which applies the principles of EA planning. As such, Official Plans provide a planning and technical basis for undertaking infrastructure environmental assessment studies.

Transportation Master Plans are developed through a stakeholder consultation process that involves consultation with the public, government technical agencies, other municipalities, and First Nations. If developed in accordance with Section A.2.7 of the Municipal Class EA, at a minimum, a TMP can address Phases 1 and 2 of the Municipal Class EA process. As a result, a TMP can provide the basis for carrying out follow-on EA studies of the specific components, including the problem and/or opportunity being addressed and the range of alternatives being considered. Transportation Master Plans are discussed in Section A.2.7 of the parent document.

D.1.7 INTEGRATION WITH THE PLANNING ACT

The Municipal Class EA also provides for the opportunity to integrate the requirements of the Ontario EA Act with the requirements of the Ontario Planning Act as discussed in Section A.2.9 of the Municipal Class EA parent document. The key is that the requirements of both Acts must be met.

It is also recognized that many site specific facilities (e.g. stations, maintenance facilities, etc.) are also subject to approval under the Planning Act. As such, it is possible to integrate the Planning Act approvals with Class EA requirements. These issues are fully discussed in detail in Section A.2.9 of the Municipal Class EA.

D.2 DESCRIPTION OF THE PROJECTS, PURPOSE AND ALTERNATIVES

This section addresses the main groupings of transit projects/activities as follows:

- D.2.1 — New Transit Systems
- D.2.2 — Linear Facilities and Associated Elements
- D.2.3 — Site-Specific Facilities
- D.2.4 — The Do Nothing Alternative

D.2.1 NEW TRANSIT SYSTEMS

D.2.1.1 Description of the Projects

New Transit Systems, as defined in the Glossary (see Section D.1.3), are comprised of both the linear component of a transit system and associated system elements such as stations, park and ride lots, storage and maintenance facilities and other ancillary features. These projects typically involve the acquisition of a new or widened right-of-way.

D.2.1.2 Purpose of the Project

New transit projects planned under this Class EA will be undertaken to provide new or extended transit facilities for the following possible reasons:

- 1) to accommodate and support opportunities and policies for economic development and municipal growth

- 2) to support opportunities and policies for reducing auto dependency and increasing use of alternate modes of transportation, including transit
- 3) to address projected capacity deficiencies in the transportation system
- 4) to provide greater transportation choice for basic mobility for those persons who do not have an alternative, including transit-dependent students, lower income workers, seniors and persons who cannot or do not drive.
- 5) to support policies for reducing environmental and health impacts of transportation.
- 6) to provide access to existing or proposed land uses.

D.2.1.3 Alternative Solutions

In many instances, there may be more than one way of solving problems, addressing opportunities, or meeting the demand for new or extended transit facilities. Possible "Alternative Solutions" may include, for example:

- 1) New transit systems
- 2) Widen or improve existing roads for general traffic, High Occupancy Vehicles (HOVs) or transit vehicles
- 3) Transit operational changes (i.e. increased frequency of service or extended routes on existing roads)
- 4) Provide alternative transportation facilities such as a new road, train, ferry, etc.
- 5) Limit / manage growth
- 6) Develop alternative routes for existing or anticipated traffic
- 7) "Do Nothing"

It should be noted that a combination of alternatives may be required to address the problem and/or opportunity (e.g. widen roadway for exclusive bus use in peak periods and general traffic use in off-peak periods).

D.2.2 LINEAR FACILITIES AND ASSOCIATED ELEMENTS

D.2.2.1 Description of the Projects

Projects of this type would typically involve one or more of the following:

- Construction or reconstruction of transit-only lanes or transit loops
- Construction of new localized operational improvements at specific locations (e.g. queue-jump lanes, turning lanes, etc.)
- Installation, construction, or reconstruction of traffic control devices
- Construction or reconstruction of grade-separations
- Reconstruction or replacement of water crossings and culverts to facilitate new or modified

transit improvements

- New or modified Intelligent Transportation Systems elements for transit systems
- Installation, modification, or reconstruction of safety facilities (i.e. lighting, safety barriers, energy attenuation, etc.)
- Decommissioning of existing municipal transit facilities

D.2.2.2 Purpose of the Project

Linear facilities and associated elements will be undertaken for the following possible reasons:

- 1) to accommodate and support opportunities and policies for economic development and municipal growth
- 2) to support opportunities and policies for reducing auto dependency and increasing use of alternate modes of transportation, including transit
- 3) to address projected capacity deficiencies in transportation system
- 4) to provide greater transportation choice and basic mobility for those persons who do not have an alternative, including transit-dependent students, lower income workers, seniors and persons who do not drive.
- 5) to address deficiencies in current transportation infrastructure, including structural and capacity deficiencies
- 6) to support policies for reducing environmental and health impacts of transportation.
- 7) to provide access to existing or proposed land uses.

D.2.2.3 Alternative Solutions

In many instances, there may be more than one way of solving problems, addressing opportunities or meeting the demands on existing linear facilities. Possible "Alternative Solutions" may include, for example:

- 1) Widen or improve existing facilities for general traffic, High Occupancy Vehicles (HOVs) or transit vehicles
- 2) Transit operational changes (i.e. increased frequency of service or extended routes on existing roads)
- 3) Provide alternative transportation facilities such as train, ferry, etc.
- 4) Limit / manage growth
- 5) Develop alternative routes for existing or anticipated transit
- 6) "Do Nothing"

It should be noted that a combination of alternatives may be required to address the problem and/or opportunity (e.g. widen roadway for exclusive bus use in peak periods).

D.2.3 SITE-SPECIFIC FACILITIES

While "site-specific" facilities are often part of linear transit systems, they may also be "standalone" facilities. Transit systems include both linear components and site-specific facilities.

D.2.3.1 Description of the Projects

Projects developed in this group may include the following:

- construction or expansion of transit stations
- construction or expansion of transit maintenance facilities
- construction or expansion of transit storage facilities
- construction or expansion of park and ride lots
- construction of a transit loop

D.2.3.2 Purpose of the Projects

Projects to develop site-specific facilities are undertaken to address one or more of the following problems:

- 1) additional or expanded stations required to meet demand or service requirements
- 2) increased transit vehicle fleet to be maintained
- 3) inadequate parking facilities
- 4) inadequate vehicle storage facilities

D.2.3.3 Alternative Solutions

The above problems, opportunities or a combination of them could justify the development of a site-specific project. Alternative solutions which may be considered are:

- 1) Build a new facility
- 2) Increase the capabilities of a nearby facility
- 3) Increase the efficiency of operation of existing facilities
- 4) Utilize mobile or temporary facilities
- 5) Lease commercially available facilities (e.g. parking lots)
- 6) Contract out the service function to a commercial enterprise (e.g. vehicle maintenance operations)
- 7) "Do nothing"
- 8) A combination of multiple alternative solutions

D.2.4 THE "DO NOTHING" ALTERNATIVE

Throughout Section D.2, the "Do Nothing" alternative is to be considered. In the "Do Nothing"

alternative, no facilities would be constructed to solve the identified problem or opportunity. This means that the problem would remain in the system or an opportunity would not be addressed. It does not necessarily mean, however, that no further development in the community would occur.

The "Do Nothing" alternative will be documented along with any other alternatives to the project which were examined.

The "Do Nothing" alternative may be recommended at any time during the design process prior to the commencement of construction. A decision to "Do Nothing" would typically be made when the costs of all other alternatives, both financial and environmental, significantly outweigh the benefits.

D.3 ENVIRONMENT

D.3.1 DESCRIPTION OF THE ENVIRONMENT

The following provides an overview of environmental factors to be considered when reviewing existing and future conditions, developing alternatives, and analyzing and evaluating them to determine the preferred alternative.

Although these descriptions are general, the proponent is required to describe the environment to be affected by a specific project in detail including the significant features which comprise each type of environment. It should be noted that potential environmental effects include both positive and negative effects. Review agencies, First Nations and the public will therefore have an opportunity to understand the specific environment affected by a given project while it is being planned. The list provided is general only and is intended to be developed on a project-specific basis reflecting the scope of the study area, federal, provincial, and municipal legislation, policies, and agency and public input.

Transportation:

- Existing transportation network
- Future transportation network

Land-Use Planning Objectives:

- Provincial
- Regional
- Municipal

Natural Environment/Natural Heritage Features:

- Natural heritage policies
- Fisheries and aquatic resources
- Vegetation and flora
- Wildlife resources and linkages
- Surface water
- Ground water
- Geotechnical
- Fluvial geomorphology

Social Environment:

- Existing communities
- Existing residential areas
- Recreational facilities
- Noise and vibration
- Air quality
- Aesthetics

Cultural Environment (Cultural Heritage and Archaeological Resources in the Environment):

- Archaeological resources and areas of archaeological potential
- Built heritage resources and cultural heritage landscapes

First Nations/Aboriginal Peoples:

- Lands
- Treaty rights
- Archaeological sites
- Land claims

Economic Environment:

- Commercial land-use
- Industrial land-use
- Agricultural land-use
- Preliminary cost estimates:
 - Capital costs
 - Property costs
 - Maintenance costs

Other:

- Utilities

D.3.2 DESCRIPTION OF THE POTENTIAL EFFECTS ON THE ENVIRONMENT

The effects (both positive and negative) on the environment are to be identified and assessed based on the following process:

- Review of existing conditions within the study area
- Review of future conditions within the study area
- Assessment of the potential effects that alternatives may have on the factors identified in Section D.3.1.
- Identification of a technically preferred alternative based on the overall net effects
- Review with affected parties per the requirements of the Municipal Class Environmental Assessment

D33 MITIGATING MEASURES

D.3.3.1 Design

It is recognized that, overall, municipal transit offers many benefits to the social, natural, and economic environments in addition to transportation and land-use benefits. The Ontario Provincial Policy Statement outlines the major benefits of transit to the economy, urban form, and protection of natural resources.

Through the planning and design process described in this Class EA, however, it may be determined that, together with the benefits, certain projects may have some adverse effects on the environment. The Class EA process is intended to identify potential impacts and where possible, to avoid them. However, in some cases, this may not be possible. In such situations, measures will have to be taken to either minimize or offset such effects. Actions taken to reduce the effects of a certain project on the environment are called "Mitigating Measures".

During design, the environment affected by a project will be established and the specific net effects identified. The design shall include measures to mitigate the negative effects. Measures which must be taken to minimize the negative effects will be worked out such that the design can be tailored to recognize them. Contract drawings and documents shall include special provisions to ensure the least impact on the environment. Appendix 2 sets out a table showing typical mitigating measures for potential adverse effects on the environment.

D.3.3.2 Construction

This Class EA describes the process by which the various alternatives are analyzed and the most suitable design is chosen. The construction stage presents another set of alternatives as to how the work will be undertaken.

Many projects which undergo the Class EA planning process will be carried out by contract let by competitive tender, and the contractor is normally the low bidder. The contractor will have estimated his costs and planned his method of operation during the tendering stage, subject to the specifications and special provisions in the contract and any relevant legislation.

Contractors differ in their approach regarding sequence of operation, techniques, methods of operation, type make and size of equipment utilized, and speed of operation. There is, however, a fairly general uniformity in construction operation, being the natural result of economic competition.

Some of these operations have potential for environmental impact, and where these can be anticipated in the design stage, 'special provisions' shall be written into the construction package. They shall spell out what can or cannot be done during specific operations. Unforeseen problems that arise during construction shall be addressed on the site, and the proponent's best judgment used to ensure that changes to the contract do not cause negative environmental impacts.

Staff responsible for inspecting the contractor's work must be made aware of such provisions, in order to ensure compliance during construction. It shall be the responsibility of the proponent to ensure that inspectors enforce compliance with the environmental provisions, as well as the traditional engineering provisions, of the construction package.

D.3.3.3 Policy and Guidelines

Throughout the planning and design process, and subsequently throughout the construction phase,

the proponent is to comply with the policies and guidelines outlined by municipalities, or the provincial or federal governments in documents such as:

- Provincial policies, including:
 - Provincial Policy Statement (PPS)
 - The Planning Act
 - Places to Grow Act
 - Conservation Authority Policies and Regulations
 - The Ontario Heritage Act
 - Lakes and Rivers Improvement Act
 - Ontario Water Resources Act
 - Environmental Protection Act
- Related Provincial Plans, including:
 - Greenbelt Plan
 - Growth Plan for the Greater Golden Horseshoe
 - Niagara Escarpment Plan
 - Oak Ridges Moraine Plan
 - Parkway Belt Plan
 - Rouge North Management Plan
 - Rouge Park Master Plan
- Municipal policies, including:
 - Official Plans
 - Secondary Plans
 - Transportation Master Plans
 - Infrastructure Master Plans

In addition, federal requirements need to be addressed and coordinated where applicable, including:

- The Canadian Environmental Assessment Act (Canadian Environmental Assessment Agency)
- Navigable Waters Permit (Transport Canada)
- Fisheries Authorization (Department of Fisheries and Oceans)
- Funding (Transport Canada, Industry Canada)

ATTACHMENT 1 - INTERMEDIATE CAPACITY TRANSIT SYSTEM (ICTS)

The Canadian Urban Transit Association (CUTA), in their Canadian Transit Handbook, 3rd Edition (1993) provides the following discussion on Intermediate Capacity Transit Systems (ICTS):

...In 1972, the Province of Ontario announced a program to develop the "GO Urban" system, a concept based on small vehicles under automatic control with a magnetic levitation suspension system, a linear induction motor (LIM) propulsion and lightweight elevated guideways....

As development of an "Intermediate Capacity Transit System" (ICTS) continued, magnetic levitation was replaced by a conventional flanged steel wheel on steel rail suspension/guidance system, and vehicle size increased to 12.7m in length, comparable to a standard transit motor bus. ICTS, at its current stage of development, has a number of innovative features:

- *Linear induction motor propulsion: Retained from the original GO Urban concept the LIM is essentially a rotary motor cut radially with the stator imbedded as a reaction rail in the guideway and the rotor and windings suspended horizontally from the vehicle trucks. Variable frequency AC power creates an electromagnetic repulsion between the LIM and reaction rail, similar to a conventional rotary electric motor.*

With a 600 volt DC wayside power supply, development of an onboard power conditioning unit to transform the power to variable frequency alternating current was required. The advantages cited for the LIM are a reduction in moving parts and removal of tractive effort from the wheels, with the intention of reducing wheel and rail wear and noise levels. To date, noise levels have continued to be a problem.

- *Radial or "Steerable" trucks: Conventional rail trucks are rigid which results in "flanging" in tight corners and creates the wheel squeal typical of rail-based systems. The ICTS truck is designed to pivot on a central bolster. This design maintains the ride quality characteristics of the rigid truck while allowing the axles to operate independently.*
- *Fully automated train control: The ICTS control system...is based on a "moving block" concept which dynamically determines safe train separation at any speed based on the position and speed of leading and following trains. The system is also capable of semi-automatic operation under human control, with cab signals.*

...Line capacities of 15,000 to 25,000 passengers per hour can be provided, based on the current design.

APPENDICES

1. PROJECT SCHEDULES

- a) **Municipal Road Projects**
- b) **Municipal Water and Wastewater Projects**
- c) **Municipal Transit Projects**

2. TYPICAL MITIGATING MEASURES FOR POTENTIAL ENVIRONMENTAL EFFECTS

3. SCREENING CRITERIA

4. MASTER PLANS

5. PUBLIC CONSULTATION

6. SAMPLE NOTICES

7. INFORMATION REGARDING THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT

APPENDIX 1

PROJECT SCHEDULES

- i) Municipal Road Projects**
 - ii) Municipal Water and Wastewater
Projects**
 - iii) Municipal Transit Projects**
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SCHEDULES

STATUS OF MUNICIPAL ROAD PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

The following schedules are intended to assist proponents in understanding the status of various projects. **The types of projects and activities listed are intended generally to be categorized into Schedules A, A+, B and C with reference to the magnitude of their anticipated environmental impact.** In specific cases however, **a project may have a greater environmental impact than indicated by the Schedule and in such instances the proponent may, at its discretion, change the project status by elevating it to a higher schedule.** Consequently, in selecting the appropriate project schedule, it must be recognized that level of complexity will vary depending on the nature of the project. This is discussed in Section A.2.1.1. **Given the varying levels of complexity, the divisions among Schedules A, A+, B and C projects are therefore often not distinct.** While the Class EA document defines the minimum requirements for the environmental assessment planning, the proponent is responsible for "customizing" it to reflect the complexities and needs of a specific project.

The foregoing should be considered not only at the outset of project planning but as one proceeds through the process and reviews / confirms the project schedule.

Key considerations when screening potential effects are outlined in Appendix 3 and include requiring property, affecting watercourses, affecting fisheries, affecting significant natural heritage features (e.g. woodlots and wetlands), or having impacts which are considered significant to your community.

For example, a project may be a Schedule A or A+. It may, however, have potential major impacts such as requiring property, removing trees, affecting watercourses, affecting fisheries, or having impacts which are considered significant in your community. Accordingly, while it may technically be a Schedule A or A+, the proponent should carefully consider the appropriateness of that selection, since it would likely be more appropriately carried out as a Schedule B or C.

Take, for example, the redesignation of an existing general purpose lane as a High Occupancy Vehicle (HOV) lane. This could be accomplished with the installation of low cost traffic control devices and as such could be considered as a Schedule A project. However, the potential changes to general purpose traffic patterns could be significant and could have effects on adjacent businesses or communities and as such should perhaps be considered as a Schedule B or C project.

A proponent may elect to undertake an individual environmental assessment should the magnitude of the project, the anticipated environmental impact of the project or its controversial nature warrant it. **Following the selection of the most appropriate schedule, the proponent is encouraged to document their rationale for the selection.**

In selecting the most appropriate Schedule, proponents should bear in mind the requirement to plan large or extended projects in their entirety. Projects, for example, which are to be implemented in

stages over an extended period of time shall be planned in their entirety at the time when the first stage is to be undertaken and **shall not be broken up, or piecemealed, into smaller components.**

The Schedules shall be viewed inclusively in order to ensure that the correct schedule is selected. The proponent shall review all applicable schedules to ensure the correct choice of Schedule. In cases where components of a single project fall within more than one Schedule, the more rigorous Schedule shall apply.

Overlap Between EA Approvals:

Where two or more components of a project are not covered entirely within either the roads schedules or the water and wastewater schedules it will be necessary to plan the project under the more rigorous of the schedules. For example, a project consisting of a new road crossing a new dyke could not be planned in its entirety under either the roads or the water and wastewater schedules. In such cases, the proponent shall plan the project in accordance with all applicable requirements but may document the planning process in one Project File or ESR.

The decision to proceed under one set of schedules rather than another, shall not be open to challenge nor be grounds for a request for a Part II Order.

Background Studies:

Background Studies are exempt from the Class EA process.

MUNICIPAL ROAD PROJECTS

SCHEDULE A - PRE-APPROVED ACTIVITIES:

Schedule A activities are Pre-approved. The proponent may proceed without following the procedures set out in any other part of this Class EA.

Projects which take place partly outside the proponents municipal boundary shall be planned at least under Schedule B, other than normal or emergency operational activities which shall be Schedule A.

SCHEDULE A+ - PRE-APPROVED ACTIVITIES:

Schedule A+ activities are Pre-approved, however, the public is to be advised prior to project implementation. The manner in which the public is advised is to be determined by the proponent. (see Section A.1.2.2 re: Schedule A+)

SCHEDULE B - ACTIVITIES SUBJECT TO THE SCREENING PROCESS:

Schedule B activities, having completed Phases 1 and 2 of the planning process, are Approved Subject to Screening. If the screening process through Phases 1 and 2 results in other requirements of this Class EA being applicable, then those requirements must be fulfilled.

For Schedule B activities, the proponent shall contact specific agencies and potentially affected members of the public (see Screening Criteria under Appendix 3). For example, if a road widening project affected a motel and associated tourist facilities then the proponent should contact the Ministry responsible for tourism and recreation.

Agreements made or commitments given by the proponent to affected agencies or members of the public during the course of the screening process must be followed through and implemented or else the conditions of the EA Approval will be deemed to be unfulfilled. If a party has a concern that cannot be resolved by discussion and negotiation between that party and the proponent, then the procedure to request an order may be invoked (see Section A.2.8). By the nature of Schedule B activities, however, it is anticipated that this will not occur frequently.

Two points of contact with the public are mandatory under the screening process. The proponent may select the method of public notification which best suits the circumstances of the specific project under consideration (see Exhibit A.2 - Flow Chart and Section A.3.5 Public Consultation).

SCHEDULE C - ACTIVITIES SUBJECT TO THE FULL PLANNING PROCESS OF THE CLASS EA:

Schedule C activities shall follow the planning procedure outlined in this document.

TABLES:

The following tables indicate under which Schedule a project is expected to fall. Certain types of project are clearly Schedule A or A+ and are Pre-approved, without financial limit. Other projects are clearly Schedule B and are approved subject to screening, without financial limit.

Other types of road projects, however, by their nature, may be relatively large in terms of their total cost, whereas their environmental impact may or may not be significant. Such projects are, therefore, set out in the Tables within predetermined cost ranges and may be A, A+, B or C. A determination as to which Schedule is appropriate will require the proponent to prepare a cost estimate for the project during Phase 2 when the appropriate Schedule is still under consideration (see Glossary definition of "Cost").

In the Tables, the following notations apply:

NL	No Financial Limit
< \$ 8.7 m	Less than \$8.7 million
> \$ 8.7 m	More than \$8.7 million

Regarding the identified cost limits, the MEA Monitoring Committee will review these on an annual basis and any changes will be subject to a minor amendment.

Description of the Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)	Cost Limit for Project Approved Under Schedule			
	Pre-Approved			
	A	A+	B	C
GENE PLION AND •4 NANCE OF LINEAR PAVED FACIL FAC A				
1 Normal or emergency operation and maintenance of linear paved facilities and related facilities	NL	-		-
2. Shaping and cleaning existing roadside ditches	NL	-		
3 Construction or operation of sidewalks or bicycle paths or bike lanes within existing rights-of-way		NL		
4 Gravel replacement and reshaping on existing roads	NL	-	-	
5. a) Urban: Resurfacing, with no change to horizontal alignment b) Urban: Patching and frost heave treatment c)Rural: Resurfacing, patching and frost heave treatment with no change to horizontal alignment		NL - -		- - -
6. Plowing and sanding	NL	-		
7. Stockpiling sand, gravel and fill	NL	-		-
8 Stockpiling of de-icing material at existing service facility where stockpiling has previously taken place	NL	-	-	-
9. Initial stockpiling of de-icing material at existing service facility	-	-	NL	-
10. Snow and de-icing operations that comply with MOE's Guideline B-4 "Snow Disposal and De-icing Operations in Ontario"	NL	-		-

Description of the Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)	Cost Limit for Project Approved Under Schedule			
	Pre-Approved		B	C
	A	A+		
CONSTRUCTION OR RECONSTRUCTION OF LINEAR PAVED FACILITIES AND			RELATED FACILITIES	
11. Streetscaping (e.g. decorative lighting, benches, landscaping) not part of another project		<2.2 m	>2.2 m	
12. a) Construction of localized operational improvements at specific locations (e.g. the addition of a ramp to an existing interchange; turning lanes at an intersection, but not a continuous centre left turning lane) b) Installation of guide rail	NL	<2.2 m	>2.2 m	
13. Installation, construction or reconstruction of traffic control devices (e.g. signing, signalization)	<8.7 m	-	>8.7 m	
14. Construction of new parking lots	<8.7 m	-	>8.7 m	
15. Installation of safety projects (e.g. lighting including "high mast", grooving, glare screens, safety barriers, energy)	<2.2 m	-	>2.2 m	-
16. Establishment of a roadside park or picnic area	-	-	NL	
17. Culvert repair and replacement where the capacity of the culvert is not increased beyond the minimum municipal standard or the capacity required to adequately drain the area, whichever is greater, and where there is no change in	NL	-		-
18. Construction of a new culvert or increase culvert size due to change in the drainage area	-	-	NL	-
19. Reconstruction where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (e.g. no change in the number of lanes)	-	NL	-	-
20. Reconstruction or widening where the reconstructed road or other linear paved facilities (e.g. HOV lanes) will not be for the same purpose, use, capacity or at the same location as the facility being reconstructed (e.g. additional lanes, continuous centre turn lane)	-	-	<2.2 m	>2.2 m
21. Construction of new roads or other linear paved facilities (e.g. HOV lanes)	-	-	<2.2 m	>2.2 m
22. Redesignation of an existing General Purpose Lane (GPL) or High Occupancy Vehicle (HOV) lanes through signage or pavement marking modifications (i.e. not requiring physical construction): <ul style="list-style-type: none">• new parking or turning lane markings on an existing roadway• conversion of one-way or two-way streets• redesignation of existing GPL to HOV; or HOV to GPL	NL	-	-	-
23. 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. [Note — Reference to "local" roads refers to roadway function not municipal jurisdiction. See definition in Glossary of Municipal Class EA.]	NL	-		

Description of the Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)	Cost Limit for Project Approved Under Schedule			
	Pre-Approved		B	C
	A	A+		
24. Reconstruction of a water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location. (Capacity refers to either hydraulic or road)	-	NL	-	-
25. Reconstruction of a water crossing where the reconstructed facility will not be for the same purpose, use, capacity or at the same location. (Capacity refers to either hydraulic or road)		-	<2.2 m	>2.2 m
26. Construction of new water crossings. This includes ferry		-	<2.2m	>2.2 m
27. Construction of new grade separations		-	<8.7 m	>8.7 m
28. Construction of underpasses or overpasses for pedestrian, recreational or agricultural use		-	<2.2 m	>2.2 m
29. Construction of new interchanges between any two roadways, including a grade separation and ramps to connect the two roadways	-	-	<8.7 m	>8.7 m
30. Reconstruction or alteration of a structure or the grading adjacent to it when the structure is over 40 years old, where the proposed work will alter the basic structural system, overall configuration or appearance of the structure	-	-	<2.2 m	> 2.2 m
31. Construction of noise barriers, i.e. structures such as walls and berms or a combination of the two	-	NL	-	-
32. New fence installations not associated with another	NL	-	-	
33. Utility removal, modification or relocation for safety or aesthetic purposes	NL	-	-	
34. Restoration of a facility immediately after a natural disaster, provided the facility is for the same purpose, use, capacity and at	NL	-	-	
35. Projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of Municipal Class EA)	NL,	-	-	-
36. Expansions, improvements and modifications to existing patrol yards and maintenance facilities where no land acquisition is required	NL	-	-	
37. Expansions, improvements and modifications to existing patrol yards and maintenance facilities where land acquisition is required		-	<2.2 m	>2.2 m
38. Establish new patrol yards or maintenance facilities		-	<2.2 m	>2.2 m
39. Retirement of existing roads and road related facilities		NL	-	-
40. Retirement of existing laneways		NL	-	
41. All other road related works		-	<2.2 m	>2.2 m
.P(PORSNA K •,	4g :t7			
42. Any project which would otherwise be subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act, R.S.O 1990, Chapter P.13, as amended.	NL		-	

SCHEDULES

STATUS OF MUNICIPAL WATER AND WASTEWATER PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

(NOTE: Wastewater refers to sewage and stormwater)

The following schedules are intended to assist proponents in understanding the status of various projects. The types of projects and activities listed are intended generally to be categorized into Schedules A, A+, B and C **with reference to the magnitude of their anticipated environmental impact**. In specific cases however, a **project may have a greater environmental impact than indicated by the Schedule and in such instances the proponent may, at its discretion, elevate the project to a higher Schedule**. Consequently, in selecting the appropriate project schedule, it must be recognized that level of complexity will vary depending on the nature of the project. This is discussed in Section A.2.1.1. **Given the varying levels of complexity, the divisions among Schedules A, A+, B and C projects are therefore often not distinct**. While the Class EA document defines the minimum requirements for the environmental assessment planning, the proponent is responsible for "customizing" it to reflect the complexities and needs of a specific project.

The foregoing should be considered not only at the outset of project planning but as one proceeds through the process and reviews / confirms the project schedule.

Key considerations when screening potential effects outlined in Appendix 3 and include requiring property, affecting fisheries, affecting significant woodlots and wetlands, or having impacts which are considered significant to your community.

For example, a project may be a Schedule A or A+. It may, however, have potential major impacts such as requiring property, removing trees, affecting watercourses, affecting fisheries, or having impacts which are considered significant in your community. Accordingly, while it may technically be a Schedule A or A+, the proponent should carefully consider the appropriateness of that selection, since it would likely be more appropriately carried out as a Schedule B or C.

Take, for example, the expansion of a water storage facility in an existing utility corridor. This is a Schedule A+ project. However, if the utility corridor contains recreational trails and has abutting residential properties it is possible that the construction could have significant community impacts and as such should perhaps be considered as a Schedule **B** or C project. A proponent may elect to undertake an individual environmental assessment should the magnitude of the project, the anticipated environmental impact of the project or its controversial nature warrant it. **Following the selection of the most appropriate schedule, the proponent must document their rationale for the selection.**

In selecting the most appropriate Schedule, proponents should bear in mind the requirement to plan large or extended projects in their entirety. Projects, for example, which are to be implemented in stages over an extended period of time shall be planned in their entirety at the time when the first stage is to be undertaken and **shall not be broken up, or piecemealed, into smaller components.**

Overlap Between EA Approvals:

The Schedules shall be viewed inclusively in order to ensure that the correct Schedule is selected. The proponent shall review all applicable Schedules to ensure the correct choice of Schedule. In cases where components of a single project fall within more than one Schedule, the more rigorous Schedule shall apply.

Where two or more components of a project are not covered entirely within either the roads schedules or the water and wastewater schedules it will be necessary to plan the project under the more rigorous of the schedules. For example, a project consisting of a new road crossing a new dyke could not be planned in its entirety under only either the roads or the water and wastewater schedules. In such cases, the proponent shall plan the project in accordance with all applicable requirements but may document the planning process in one Project File or ESR.

The decision to proceed under one set of schedules rather than another (i.e. road schedules versus water and wastewater schedules), shall not be open to challenge nor be grounds for a request for an order.

Background Studies:

Background Studies are exempt from the Class EA process.

MUNICIPAL WATER AND WASTEWATER PROJECTS

SCHEDULE A: PRE-APPROVED ACTIVITIES

(Note: The schedules shall be reviewed inclusively to ensure that the correct schedule is selected)

The following Schedule A projects are pre-approved. The proponent may proceed without following the procedures set out in this Class EA.

Projects which take place partly outside the proponent's municipal boundary shall be planned at least under Schedule B, other than "normal or emergency operational activities" which shall be Schedule A.

Wastewater Management Projects:

1. Normal or emergency operational activities (see Glossary definition for Operation). Such activities may include, but are not limited to, the following:
 - modify, repair, reconstruct existing facilities to provide operational, maintenance or other improvements such as reducing odour, insulating buildings to reduce noise levels and conserve energy, landscaping
 - on-going maintenance activities
 - normal operation of sewage treatment plants
 - installation of new service connections, catch basins and appurtenances from existing sewers
 - maintenance and/or minor improvements to grounds and structures
 - addition of minor buildings, sheds and equipment and materials storage areas
 - repairs, cleaning, renovations or replacement of sewage treatment facilities, pumping plant equipment or outfalls
 - cleaning, relining, repairs and renovations to existing sewage collection system
 - installation or replacement of standby power equipment where new equipment is located within an existing building or structure.
2. Increase pumping station capacity by adding or replacing equipment where new equipment is located within an existing building or structure and where the existing rated capacity is not exceeded.
3. Expand / refurbish / upgrade sewage treatment plant including outfall up to existing rated capacity where no land acquisition is required.
4. Install chemical or other process equipment for operational or maintenance purposes in existing sewage collection system or existing sewage treatment facility.
5. Provide additional treatment facilities in existing lagoons, such as aeration, chemical addition, post treatment, including expanding lagoon capacity up to existing rated capacity, provided no land acquisition nor additional lagoon cells are required.
6. Expansion of the buffer zone between a lagoon facility or land treatment area and adjacent uses where the buffer zone is entirely on the proponent's land.

SCHEDULE A - Continued

7. Dispose of, utilize, or manage biosolids on an interim basis (e.g. further treatment in drying beds, composting, temporary holding at transfer stations), at:
 - a) An existing sewage treatment plant where the biosolids is generated, or
 - b) An existing landfill site, incinerator or organic soil conditioning site, where the biosolids is to be utilized or disposed of.
8. Establish a new biosolids organic soil conditioning site.
9. Increase sewage 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 or the outfall to the receiving the water body, with no increase to total mass loading to receiving water body as identified in the Certificate of Approval.
10. Establish, extend, or enlarge a sewage collection system and all necessary works to connect the system to an existing sewage outlet, where it is 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 collection system.
11. Establish new or replace or expand existing stormwater detention/retention ponds or tanks and appurtenances including outfall to receiving water body provided all such facilities are in either an existing utility corridor or an existing road allowance.
12. Replace traditional materials in an existing watercourse or in slope stability works with material of equal or better properties, at substantially the same location and for the same purpose.
13. Reconstruct an existing dam weir at the same location and for the same purpose, use and capacity.
14. Expand, improve or modify existing patrol yards, equipment and material storage facilities, maintenance facilities and parking lots for service vehicles, where no land acquisition is required.
15. Sewage projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of Municipal Class EA).
16. Roadside ditches, culverts and other such incidental stormwater works constructed solely for the purpose of servicing municipal road works.
17. Construction of stormwater management facilities which are required as a condition of approval on a consent, site plan, plan of subdivision or condominium which will come into effect under the Planning Act prior to the construction of the facility.
18. Any project which would otherwise be subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

SCHEDULE A - Continued**NOTE:**

Drainage works, regulated under the **Drainage Act**, are exempt under the Ontario EA Act.

Water Projects:

1. Normal or emergency operational activities (see Glossary definition of "Operation"). Such activities may include but are not limited to the following:
 - modify, repair, reconstruct existing facilities to provide operational maintenance or other improvements such as reducing odour, insulating of buildings to reduce noise levels and conserve energy, landscaping
 - on-going maintenance activities
 - normal operation of water treatment plants
 - install new service connections, hydrants and appurtenances from existing water mains
 - maintenance and/or minor improvements to grounds and structures
 - addition of minor buildings, sheds and equipment and materials storage areas
 - repairs or cleaning of a well or intake
 - repairs and renovations to treatments and pumping plant equipment, water storage facilities, distribution mains and appurtenances
 - installation of corrosion protection systems
 - replacement of standby power equipment where new equipment is located within an existing building or structure
 - cleaning and/or relining existing watermains.
2. Increasing **pumping station capacity by adding or replacing equipment where new equipment is located within an existing building or structure;**
3. Install chemical or other process equipment, provide additional treatment facilities such as filtration, for operational or maintenance purposes, in existing treatment plants or in existing pumping stations.
4. Install new or replacement 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.
5. Increase water treatment plant capacity intake through improvements to operations and maintenance activities only, but without construction of works to expand, modify or retrofit the plant, where the increase does not increase the limit in the Permit to Take Water.
6. Establish, extend or enlarge water distribution system and all necessary works to connect the system to an existing system, where it is 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 extension of the collection system.
7. Expand, improve, or modify existing patrol yards, equipment or material storage facilities, maintenance facilities and parking lots for service vehicles, where no land acquisition is required.

SCHEDULE A - Continued

- 8. New water systems for which an approval under the Safe Drinking Water Act is not required.**
- 9. Replace/expand existing water storage facilities provided all such facilities are in either an existing road allowance or an existing utility corridor or where no land acquisition is required.**
- 10. Projects planned and approved under Ontario Regulation 586/06 (see Section A.2.10.4 of the Municipal Class EA).**
- 11. Any project which would otherwise be subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act, R.S.O. 1990, Chapter P.13, as amended.**

MUNICIPAL WATER AND WASTEWATER PROJECTS

SCHEDULE A+ - PRE-APPROVED ACTIVITIES

(Note: The schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)

The following Schedule A+ activities are pre-approved, however, the public is to be advised prior to project implementation. The manner in which the public is advised is to be determined by the proponent.

Wastewater Management Projects:

1. 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, including the use of Trenchless Technology for water crossings.
2. Retire a facility which would have been planned under Schedule A or Schedule A+ of the Municipal Class EA for its establishment (see Glossary definition of Retirement).
3. Increase pumping station capacity by adding or replacing equipment and appurtenances, where new equipment is located in an existing building or structure and where its existing rated capacity is exceeded.
4. Installation or replacement of standby power equipment where new equipment is located in an existing building or structure.
5. 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.

Water Projects:

1. 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 an existing utility corridor, including the use of Trenchless Technology for water crossings.
2. Retire a water facility which would have been planned under Schedule A or Schedule A+ of the Municipal Class EA for its establishment (See Glossary definition of Retirement).
3. Installation of new standby power equipment to an existing building or structure
4. Expand / refurbish / upgrade water treatment plant up to existing rated capacity where no land acquisition is required.

MUNICIPAL WATER AND WASTEWATER PROJECTS**SCHEDULE B: ACTIVITIES SUBJECT TO THE SCREENING PROCESS**

(Note: The schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)

The following Schedule B activities, having completed Phases 1 and 2 of the planning process, are approved subject to Screening. If the screening process, through Phases 1 and 2, results in other requirements of this Class EA being applicable, then those requirements must also be fulfilled.

For the following activities the proponent shall contact specific agencies and potentially affected members of the public (see Screening Criteria under Appendix 3). For example, if it is determined when planning to modify the intake to an existing water system, that the project will directly affect a permanent watercourse, then the proponent shall contact the Local District of the Ministry of Natural Resources and the Federal Department of Fisheries and Oceans - Habitat Management and Enhancement.

Agreements made or commitments given by the proponent to affected agencies or members of the public during the course of the screening process must be followed through and implemented or else the conditions of the EA approval will be deemed to be unfulfilled. If a party has a concern that cannot be resolved by discussion and negotiation between that party and the proponent, then the procedure to request an order may be invoked (see Section A.2.8). By the nature of Schedule B activities, however, it is anticipated that this will not occur frequently.

Two points of contact with the public are mandatory under the screening process. The proponent may select the method of public notification which best suits the circumstances of the specific project under consideration (see Exhibit A.2 - Flow Chart and Section A.3.5 - Public Consultation).

Wastewater Management Projects:

1. Establish, extend or enlarge a sewage collection system and all works necessary to connect the system to an existing sewage outlet where such facilities are not in an existing road allowance or an existing utility corridor.
2. Establish new stormwater retention/detention ponds and appurtenances or infiltration systems including outfall to receiving water body.
3. Enlarge stormwater retention/detention ponds/ tanks or sanitary or combined sewage detention tanks by addition or replacement, at substantially the same location.
4. Establish sewage flow equalization tankage in existing sewer system or at existing sewage treatment plants, or at existing pumping stations for influent and/or effluent control.
5. Add additional lagoon cells or establish new lagoons, or install new or additional sewage storage tanks at an existing sewage system, where land acquisition is required but existing rated capacity will not be exceeded.
6. Establish biosolids management facilities at:

SCHEDULE B - Continued

- a) A sewage treatment plant where the biosolids were not generated.
 - b) An existing landfill site, incinerator or organic soil conditioning site where the biosolids are not to be disposed of nor utilized.
7. Retire a facility which would have been subject to either Schedule **B** or C of the Municipal Class EA for its establishment (see Glossary definition of Retirement).
 8. Increase or increase pumping station capacity by adding or replacing equipment and appurtenances, where new equipment is located in a new building or structure.
 9. Installation or replacement of standby power equipment where new equipment is located in a new building or structure.
 - 10. Relocation or replacement of outfall to receiving water body, up to existing rated capacity where new land acquisition is required.**
 11. Increase sewage 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 or the outfall to the receiving water body where there is an increase to total mass loading to the receiving water body as identified in the Certificate of Approval.
 12. Expand, improve or modify existing patrol yards, equipment or material storage facilities and maintenance facilities where additional land acquisition is required.
 13. Communal sewage systems (new or expanded) with subsurface effluent disposal subject to approval under Section 53 of the Ontario Water Resources Act.
 14. New service facilities (e.g. patrol yards, storage and maintenance facilities, parking lots for service vehicles).
 15. Expansion of the buffer zone between a lagoon facility or land treatment area and adjacent uses, where the buffer zone extends onto lands not owned by the proponent. '
 16. Water crossing by a new or replacement sewage facility except for the use of Trenchless Technology for water crossings.
 17. Construct berms along a watercourse for purposes of flood control in areas subject to damage by flooding.
 18. Modify existing water crossings for the purposes of flood control.
 19. Works undertaken in a watercourse for the purposes of flood control or erosion control, which may include:
 - bank or slope regrading
 - deepening the watercourse
 - relocation, realignment or channelization of watercourse

SCHEDULE B - Continued

- revetment including soil bio-engineering techniques
 - reconstruction of a weir or dam.
- 20 C _____ O
21. Construct a fishway or fish ladder in a natural watercourse, expressly for the purpose of providing a fishway.
 22. Enclose a watercourse in a storm sewer.
 23. Construct a stormwater control demonstration or pilot facility for the purpose of assessing new technology or procedures.
 24. Reconstruct existing weir or dam at the same location where the purpose, use and capacity are changed.
 25. Removal of an existing weir or dam.
 26. Establish stormwater infiltration system for groundwater recharge.
 27. A new holding tank that is designed for the total retention of all sanitary sewage disposed into it and requires periodic emptying.

Water Projects:

1. Establish, extend or enlarge a water distribution system and all works necessary to connect the system to an existing system or water source, where such facilities are not in either an existing road allowance or an existing utility corridor.
2. Establish facilities for disposal of process wastewater (e.g. install sewer connection, construct holding pond, dewatering and hauling operations to disposal sites).
3. Expand existing water treatment plant including intake up to existing rated capacity where land acquisition is required.
4. Retire a water facility which would have been planned under Schedule B or C of the Municipal Class EA for its establishment (See Glossary definition of Retirement).
5. Increase pumping station capacity by adding or replacing equipment and appurtenances where new equipment is located in a new building or structure.
6. Installation or replacement of standby power equipment located in a new building or structure.
7. Expansions, improvements and modifications to existing patrol yards, equipment or materials storage facilities, and maintenance facilities where land acquisition is required.
8. Establish new or expand/replace existing water storage facilities.

SCHEDULE B - Continued

9. New service facilities (e.g. patrol yards, storage and maintenance facilities, parking lots for service vehicles).
10. Establish a well at a new municipal well site, or install new wells or deepen existing wells or increase pump capacity of existing wells at an existing municipal well site where the existing rated yield will be exceeded. If a new water system is also required, this will become a Schedule C project.
11. Water crossing by a new or replacement water facility except for the use of Trenchless Technology for water crossings.
12. 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.
13. Replacement of water intake pipe for a surface water source.

MUNICIPAL WATER AND WASTEWATER PROJECTS**SCHEDULE C: ACTIVITIES SUBJECT TO THE FULL PLANNING PROCESS OF THE CLASS EA**

(Note: The schedules shall be reviewed inclusively to ensure that the correct schedule is selected)

The following Schedule C activities shall follow the planning procedure outlined in this document.

Wastewater Projects:

- 1. Construct new sewage system, including outfall to receiving water body and/or a constructed wetland for treatment.**
- 2. Construct new sewage treatment plant or expand existing sewage treatment plant beyond existing rated capacity including outfall to receiving water body.**
- 3. Establish new lagoons or expand existing lagoons or install new or additional sewage storage tanks which will increase beyond existing rated capacity.**
- 4. Provide for land application of sewage effluent through spray irrigation system or overland flow.**
- 5. Establish a new biosolids landfill site or new biosolids incineration site for purposes of biosolids disposal.**
- 6. Establish a new transfer station or new storage lagoon not located at a sewage treatment plant, incinerator, landfill site, or organic soil conditioning site, for purposes of biosolids management.**
- 7. Construct new or modify, retrofit or improve existing retention/detention facility or infiltration system for the purpose of stormwater quality control where chemical or biological treatment or disinfection is included, including outfall to receiving water body.**
- 8. Construction of a diversion channel or sewer for the purpose of diverting flows from one watercourse to another.**
- 9. Construct new shore line works, such as off-shore breakwaters, shore-connected breakwaters, groynes and sea walls.**
- 10. Construct a new dam or weir in a watercourse.**
- 11. Construct new sanitary or combined sewage retention / detention facility at a new location.**

SCHEDULE C - Continued

Water Projects:

1. Construct new water system including a new well and water distribution system.
2. Construct new water treatment plant or expand existing water treatment plant beyond existing rated capacity.
3. Establish a new surface water source.
4. Artificially recharge an existing aquifer from a surface water source for purposes of water supply.

SCHEDULES

STATUS OF MUNICIPAL TRANSIT PROJECTS UNDER THE CLASS ENVIRONMENTAL ASSESSMENT

The following schedules are intended to assist proponents in understanding the status of various projects.

The process for developing the listing of transit projects/activities and determining the associated project schedules is documented in the Environmental Study Report dated June 2007 for a "Major Amendment to the Municipal Class EA Document to include Municipal Transit Projects".

The following list of projects has been developed to recognize that the key types of transit projects/activities include:

- maintenance of facilities
- service operations
- site specific facilities such as stations or maintenance facilities
- linear facilities
- overall transit systems

Transit project schedules generally categorize the projects as follows:

Maintenance and Operations

Schedule A

Site Specific Projects

Typically identified as Schedule A or A+, A+ or B, or B or C. Project schedule is determined by the adjacent land use. For example, if a project is adjacent to residential land-use or an environmentally-sensitive area, it would receive a higher schedule than if it was adjacent to a less sensitive area (i.e. industrial or commercial). For the purposes of Projects #20-25 and #30-33, the term "environmentally-sensitive area" applies to the natural, social, cultural, and economic environments. It is the responsibility of the proponent to undertake the appropriate investigations and consultation to determine the adjacent land use and to identify "environmentally-sensitive" area(s) by applying the applicable legislation, policies, and standards.

Linear Facilities

localized improvements - *Schedule A+*

minor modifications - *Schedule B*

major modifications and - *Schedule C*

For some projects related to the construction or reconstruction of linear facilities, the determination of project schedule is based on the potential for environmental effects, where:

- Schedule A/A+ - no or minimal adverse environmental effects

- Schedule B — have the potential for some adverse environmental effects, where these effects are well understood from a technical perspective and are minor in nature and mitigation is well understood.
- Schedule C projects — have the potential for significant environmental effects

Transit System

Construction of new transit system encompassing the linear component of the transit facility and associated system elements is identified as a *Schedule C*

Regarding the term "significant", when referring to environmental effects a specific definition can not be provided since it is assigned a specific meaning according to the environmental factor area under consideration (e.g. natural, social, cultural, economic) and the applicable policies (at the federal, provincial, regional and municipal levels) as well as public and agency input. Accordingly, when initiating a project, the proponent will identify the potential for environmental impacts. To determine the potential for environmental impacts, proponents will likely require preliminary investigations, potentially involving specialists, to identify potential impacts of projects. This applies particularly with regards to natural environmental impacts (e.g. fisheries) and impacts to cultural heritage and archaeological resources. It is the responsibility of the proponent to undertake the appropriate investigations and consultation to identify "potential environmental effects" and determine their significance by applying the applicable legislation, policies, and standards, through the use of specialists where appropriate and through input from review agencies and the public where applicable.

APPLICATION ON A PROJECT-SPECIFIC BASIS

The types of projects and activities listed are intended generally to be categorized into Schedules A, A+, B and C with reference to the magnitude of their anticipated environmental impact. In specific cases, however, a project may have a greater environmental impact than indicated by the Schedule and in such instances the proponent may, at its discretion, change the project status by elevating it to a higher schedule. Consequently, in selecting the appropriate project schedule, it must be recognized that level of complexity will vary depending on the nature of the project. This is discussed in Section A.2.1.1. **Given the varying levels of complexity, the divisions among Schedules A, A+, B and C projects are therefore often not distinct.** While the Class EA document defines the minimum requirements for the environmental assessment planning, the proponent is responsible for "customizing" it to reflect the complexities and needs of a specific project.

The foregoing should be considered not only at the outset of project planning but as one proceeds through the process and reviews / confirms the project schedule.

Key considerations when screening potential effects are outlined in Appendix 3 and include requiring property, affecting watercourses, affecting fisheries, affecting significant natural heritage features (e.g. woodlots and wetlands), or having impacts which are considered significant to your municipality.

For example, a project may be a Schedule A. It may, however, have potential major impacts such as significantly affecting property or natural features (e.g. removing trees, affecting watercourses,

affecting fisheries), or having other impacts which are considered significant in your municipality. Accordingly, while it may technically be a Schedule A, the proponent should carefully consider the appropriateness of that selection, since it would likely be more appropriately carried out as a Schedule B or C.

Take, for example, the construction of a new transit station in an industrial area not adjacent to a residential land use or environmentally-sensitive area. This is identified as a Schedule A+ project. However, there could be instances when this type of project could result in potential changes that may result in significant effects, for example, to adjacent businesses, institutions, recreational areas, etc. In these situations it may be more appropriate for the proponent to plan the project as a Schedule B or C project.

A proponent may elect to undertake an individual environmental assessment should the magnitude of the project, the anticipated environmental impact of the project or its controversial nature warrant it. **Following the selection of the most appropriate Schedule, the proponent is encouraged to document their rationale for the selection.**

In selecting the most appropriate Schedule, proponents should bear in mind the requirement to plan large or extended projects in their entirety. Projects, for example, which are to be implemented in stages over an extended period of time shall be planned in their entirety at the time when the first stage is to be undertaken and **shall not be broken up, or piecemealed, into smaller components.**

The Schedules shall be viewed inclusively in order to ensure that the correct schedule is selected. The proponent shall review all applicable schedules to ensure the correct choice of Schedule. In cases where components of a single project fall within more than one Schedule, the more rigorous Schedule shall apply.

Overlap Between EA Approvals:

Where two or more components of a project are not covered entirely within the roads schedules, the water and wastewater schedules, or the transit schedules, it will be necessary to plan the project under the more rigorous of the schedules. For example, a project consisting of a new road or transit facility crossing a new dyke could not be planned in its entirety under the roads, the water and wastewater, or the transit schedules. In such cases, the proponent shall plan the project in accordance with all applicable requirements but may document the planning process in one Project File or ESR.

The decision to proceed under one set of schedules rather than another shall not be open to challenge nor be grounds for a request for a Part II Order.

Background Studies:

Background Studies are exempt from the Class EA process.

MUNICIPAL TRANSIT PROJECTS

SCHEDULE A/A+ PRE-APPROVED ACTIVITIES:

Schedule A and A+ activities are Pre-approved. The proponent may proceed without following the procedures set out in any other part of this Class EA.

Schedule A

- generally includes normal or emergency operational and maintenance activities
- the environmental effects of these activities are usually minimal and therefore, these projects are pre-approved

Schedule A+

- generally includes: reconstruction for the same purpose, use, and at the same location; localized modifications; and site-specific facilities not in or adjacent to a residential land-use or an environmentally-sensitive area
- the environmental effects of these activities are usually minimal and therefore, these projects are pre-approved, however, the public is to be advised prior to project implementation. The manner in which the public is advised is to be determined by the proponent.

Projects which take place partly outside the proponent's municipal boundary shall be planned at least under Schedule B, other than normal or emergency operational activities which shall be Schedule A.

SCHEDULE B ACTIVITIES SUBJECT TO THE SCREENING PROCESS:

Schedule B activities, having completed Phases 1 and 2 of the planning process, are Approved Subject to Screening. If the screening process through Phases 1 and 2 results in other requirements of this Class EA being applicable, then those requirements must be fulfilled.

For Schedule B activities, the proponent shall contact specific agencies and potentially affected members of the public (see Screening Criteria under Appendix 3). For example, if a road widening project for exclusive transit lanes affected a motel and associated tourist facilities then the proponent should contact the Ministry responsible for tourism and recreation.

Agreements made or commitments given by the proponent to affected agencies or members of the public during the course of the screening process must be followed through and implemented or else the conditions of the EA Approval will be deemed to be unfulfilled. If a party has a concern that cannot be resolved by discussion and negotiation between that party and the proponent, then the procedure to request an order may be invoked (see Section A.2.8). By the nature of Schedule B activities, however, it is anticipated that this will not occur frequently.

Two points of contact with the public are mandatory under the screening process. The proponent may select the method of public notification which best suits the circumstances of the specific project under consideration (see Exhibit A.2 - Flow Chart and Section A.3.5 Public Consultation).

SCHEDULE C - ACTIVITIES SUBJECT TO THE FULL PLANNING PROCESS OF THE CLASS EA:

Schedule C activities shall follow the planning procedure outlined in the Municipal Class EA parent document.

TABL**ES:**

The following tables indicate under which Schedule a project is expected to be categorized.

Description of Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)	Class EA Project Schedule			
	Pre approved		B	C
	A	A+		
MAINTENANCE AND OPERATIONS '				
1 General maintenance of all transit-related facilities including but not limited to: <ul style="list-style-type: none"> • Normal or emergency operation and maintenance of transit facilities and related facilities • Resurfacing, patching and frost heave treatment with no change in footprint • Rehabilitation and internal modifications to existing buildings and facilities • Plowing and sanding of transit facilities and related facilities • Shaping and cleaning of existing roadside ditches and culverts • Parking lot and lighting rehabilitation; • Building rehabilitation or replacement; • Facility surveillance, control systems; etc. • Snow and de-icing operations that comply with MOE's Guidelines 	X			
2 General service operations provisions including but not limited to: <ul style="list-style-type: none"> • Service Changes and Operational Changes on existing routes; • Temporary service to special events on non-regular routes; • Short-term changes to existing routes (both mode and location); • New, extended or expanded bus routes on existing roads; 	X			
3. New, extended or expanded transit stops (including roadside shelters, on	X			
MODIFICATION AND RECONSTRUCTION OF EXISTING FACILITIES				
4. Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes, queue jump lanes, and roadway access ramps etc) with no or minimal adverse environmental effects.		X		
5. Construction of localized operational improvements at specific locations (i.e. stopping lanes, access lanes, turning lanes, queue jump lanes, and roadway access ramps etc) with the potential for some adverse environmental effects.			X	
6. Installation, construction or reconstruction of traffic control devices (i.e.	X			
7. Installation, construction or reconstruction of traffic control devices (i.e. signing, signalization) with the potential for some adverse environmental			X	
8. New Intelligent Transportation System elements for transit systems (e.g.	X			
9. Installation of safety projects (i.e. lighting, glare screens, safety barriers,	X			
10. Installation of safety projects (i.e. lighting, glare screens, safety barriers, energy attenuation) with the potential for some adverse environmental effects.			X	

Description of Project <i>(Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)</i>	Class EA Project Schedule			
	Pre-approved		B	C
	A	A+		
11. Culvert repair or replacement where the capacity of the culvert is not increased beyond the minimum municipal standards or capacity required to adequately drain the area, whichever is greater and where there is no change in drainage area.	X			
12. Culvert repair or replacement where the capacity of the culvert or drainage area is changed.			X	
13. Reconstruction of water crossing where the reconstructed facility will be for the same purpose, use, capacity and at the same location as the facility being reconstructed (capacity refers to hydraulic capacity).		X		
14. Reconstruction of water crossing where the reconstructed facility will not be for the same purpose, use, capacity and at the same location as the facility being reconstructed (capacity refers to hydraulic capacity).			X	
15. Reconstruction of linear components of a transit system where the reconstructed facility will be for the same purpose, use, and at the same location as the facility being reconstructed. (e.g. resurfacing of an existing Reserved Bus Lane (RBL) or reconstruction of existing streetcar track)		X		
16. Reconstruction, widening or expansion of linear components of a transit system where the reconstructed facility will not be for the same purpose, use, and at the same location as the facility being reconstructed (e.g. a change from an existing Reserved Bus Lane (RBL) that is separated from general purpose lanes by signage and pavement markings only to a Reserved Bus Lane (RBL) in an exclusive right-of-way (i.e. physically separated from general purpose lanes)				X
17. Redesignation of an existing General Purpose Lane (GPL) or High Occupancy Vehicle (I-10V) lane to a transit lane through signage and pavement marking modifications (i.e. not requiring physical		X		
18. Reconstruction of linear components of a transit system for different vehicle technology where there is no change in footprint or general purpose traffic operations.			X	
19. Reconstruction of stations, maintenance/storage facilities, passenger pick-up/drop off areas (e.g. Kiss and Ride), park and ride lots, etc. where no land acquisition is required.	X			
20. Expansions, improvements and modifications to existing stations, maintenance and storage facilities, passenger pick-up/drop off areas (e.g. Kiss and Ride), park and ride lots, etc. not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.	X			
21. Expansions, improvements and modifications to existing stations, maintenance and storage facilities, passenger pick-up/drop off areas (e.g. Kiss and Ride), park and ride lots, etc. in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.		X		
CONSTRUCTION OF NEW FACILITIES				
22. Construction of new stations not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.		X		

Description of Project (Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected.)	Class EA Project Schedule			
	Preapproved		B	C
	A	A+		
23. Construction of new stations in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.			X	

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24. Construction of new passenger pick-up/drop off areas (e.g. Kiss and Ride), and park and ride lots not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.		X		
25. Construction of new passenger pick-up/drop off areas (e.g. Kiss and Ride), and park and ride lots in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.			X	
26. Widening of an existing road to create new transit lanes for bus or light rail.				X
27. Construction of a new electrical substation associated with an existing transit facility		X		
28. Construction of a transit loop		X		
29. Construction of new grade separation.			X	
30. Construction of new maintenance facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.			X	

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31. Construction of new maintenance facilities in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.				X
32. Construction of new storage facilities not in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.		X		
33. Construction of new storage facilities in or adjacent to residential land-use or an environmentally-sensitive area including natural heritage features, cultural heritage and archaeological resources, recreational or other sensitive land-uses.			X	
34. Construction of new Transit System i.e. involving construction of new infrastructure. (For implementation of new transit services not requiring construction of new infrastructure i.e. using existing roads, see Project				X
MISCELLANEOUS PROJECTS				
35. Construction of noise barriers (i.e. structures such as walls and berms or a		X		

36. New fence installations not associated with another project.	X			
37. Utility removal, modification or relocation for safety, operational or aesthetic purposes.	X			
38. Restoration of a facility immediately after a natural or man-made disaster provided the facility is for the same purpose, use, and at the same location.	X			

Description of Project <i>(Note: The Schedules shall be reviewed inclusively to ensure that the correct schedule is selected)</i>	Class EA Project Schedule			
	Pre approved		B	C
	A	A+		
39. Any Project which would likely otherwise be subject to this Class EA and has fulfilled the requirements outlined in Section A.2.9 of this Class EA and for which the relevant Planning Act documents have been approved or have come into effect under the Planning Act, R.S.O. 1990, Chapter 13, as amended.	X			
40. Temporary, not permanent, activity with a defined duration and with the intent to go back to the original condition, unless it is determined to make it a permanent condition which would have to be approved through the Class EA process where applicable.		X		
41. Decommissioning of existing major transit facilities (i.e. facilities requiring construction activities for decommissioning)		X		

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APPENDIX 2

TYPICAL MITIGATING MEASURES FOR POTENTIAL ENVIRONMENTAL EFFECTS

TYPICAL MITIGATING MEASURES FOR POTENTIAL ADVERSE ENVIRONMENTAL EFFECTS

Sections B.3.3 and C.3.3 and D.3.3 refer to the mitigation of potential adverse environmental effects. This Appendix provides examples of possible site specific situations and the measures which might be taken to mitigate the effects identified.

This list is illustrative only and the proponent must address specific effects during the planning and design process, and document these effects and the appropriate mitigating measures.

1 With any potential adverse environmental effects, the objectives are to avoid, prevent or minimize impacts.

1 Reference to the Provincial Policy Statement issued under the Ontario Planning Act and associated reference manuals, would also be useful.

Effect	Mitigating Measures	Application Where/When
SURFACE DRAINAGE SYSTEM •		
Sedimentation and turbidity of adjacent water bodies	<ul style="list-style-type: none"> • erosion control measures • buffers and setbacks • sediment traps • staging work • bio-engineering 	After site grading and during construction on slopes and channels Collect sediment before entering drainage channel During biologically critical periods
Ponding effects on adjacent properties due to natural drainage disruption	<ul style="list-style-type: none"> • appropriate use of culverts, porous backfill and tile drains • apply natural channel 	In new construction projects and expansion
Streambank erosion from diversion, construction or channelization of watercourse	<ul style="list-style-type: none"> • erosion control measures • bio-engineering techniques 	River crossings, drainage outlets

Effect	Mitigating Measures	Application Where/When
Contamination of surface waters through runoff, spills, leaks and disinfection activities	<ul style="list-style-type: none"> • provision for spill control • fast accurate reporting of spill • spill containment • stockpile materials or devices for spill control • avoid adverse soil conditions • monitor facility for leaks • implement disinfection techniques in concert with fisheries requirements • pollution prevention and source control by best management land use practices and best management stormwater practices. • buffers and setbacks • install check dams on drainage swales 	As a general practice and particularly in vicinity of water bodies, wetlands
Blasting exposes rocks containing soluble minerals that could potentially contaminate surface water supply, i.e. sulfate, lead, arsenic	<ul style="list-style-type: none"> • subsurface investigation, i.e. geochemical analysis of bedrock • avoid blasting in areas containing toxic materials 	Areas of shallow soil over relevant bedrock type (normally occurring in Canadian Shield)
Changes in volume of surface runoff	<ul style="list-style-type: none"> • use design measures to minimize increase in surface runoff 	New impervious surfaces
Changes in flood storage capacity by placing fill and structures in floodplain	<ul style="list-style-type: none"> • avoid placing fill and structures in floodplain or compensate flood and fill permits from Local Conservation Authority 	Construction within river valleys. Disposal of excess fill.
GROUNDWATER., .		
Through blasting, expose rocks containing soluble minerals that could potentially contaminate groundwater, e.g. sulfate, lead, arsenic	<ul style="list-style-type: none"> • subsurface investigation, i.e. geochemical analysis of bedrock • avoid blasting in areas containing toxic minerals 	Areas of shallow soil over bedrock. Rock cuts and excavations.
Interference of shallow aquifers and springs	<ul style="list-style-type: none"> • hydrogeologic investigation to identify such areas in advance • develop alternatives to avoid impacts 	Excavations
Reduce groundwater quantity through construction dewatering	<ul style="list-style-type: none"> • locate construction activities away from groundwater users and water bearing formations (soils) where possible • proper dewatering techniques • seasonal constraints on construction 	Depletion or lowering of shallow aquifers and springs by groundwater utilization

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Effect	Mitigating Measures	Application Where/When
Spills or leaks resulting in contamination of groundwater supply	<ul style="list-style-type: none"> • construction refuelling precautions • land filling precautions • operation and storage 	Near watercourses and on site generally. Areas of high infiltration capability.
Drainage of wetland areas resulting in a reduced groundwater contribution to surface waterbodies	<ul style="list-style-type: none"> • avoid wetland areas • utilize appropriate backfill material, i.e. high permeable backfill is 	Trenching, excavation, placing fill, dewatering
Reduced surface water recharge to groundwater particularly in soils with high infiltration characteristics	<ul style="list-style-type: none"> • restrict extent of impervious surfaces in zones of high infiltration 	Subsurface barriers, e.g., foundations, areas of impervious surfaces, e.g. parking lots, roads, compaction of soils
Interference with groundwater movement	<ul style="list-style-type: none"> • maintenance of the existing groundwater regime through engineering design 	Excavations, drainage, construction, dewatering, e.g. in roadbeds, foundations and trenches
Contamination of adjacent wells through runoff from construction	<ul style="list-style-type: none"> • erosion and sediment control • locate projects 	Construction adjacent to well sites and exposed aquifers
FISH-AQUATIC WILDLIFLAND VEGETATION		
Introduction of warmer water from ponds into colder surface watercourse	<ul style="list-style-type: none"> • appropriate selection of ponding site • pond design • infiltrate into groundwater system • planting to provide shade 	Dewatering of trench and excavations. Sediment traps. Extend detention ponds.
Modification or removal of aquatic habitat; displacement of plants and animals	<ul style="list-style-type: none"> • stage work to non-critical times • restore stream substrate • choose suitable site for stream diversions 	During construction, e.g. river crossings, dewatering of excavations
Reduced water quality of nearby surface water having value as wildlife habitat	<ul style="list-style-type: none"> • provisions for spill control • fast and accurate reporting of spill • spill containment • stockpile materials or devices for spill control • avoid adverse soil conditions 	Storm sewers, ditches, diversions and by-passing
Timing effects of construction on spawning, nesting and breeding periods	<ul style="list-style-type: none"> • staging of work to avoid spawning and breeding periods • seasonal constraints for 	For stream crossings and diversions
Lowering of water table resulting in reduced contribution to streams and stress of riparian vegetation	<ul style="list-style-type: none"> • design to maintain existing groundwater flows • restrict extent of impervious surfaces in 	Dewatering of trenches, excavations and aquifers. Areas of newly created impervious surfaces.

Effect	Mitigating Measures	Application Where/When
Increased nutrient loading of existing habitats	<ul style="list-style-type: none"> • buffers and setbacks • provisions for spill control 	Near watercourses and on site generally.
Drainage of wetland areas causing mortality or stress to animals and possible changes in species composition	<ul style="list-style-type: none"> • maintain existing groundwater regime • avoid wetland areas • utilize appropriate backfill material, 	Trenching or excavating
Siltation to surface watercourses resulting in "smothered" plants and animals due to the deposition of silt and increased turbidity of surface watercourses	<ul style="list-style-type: none"> • utilize suitable backfill material • trench drainage should be discharged to settling areas before being permitted to enter surface waterbodies • erosion control measures 	Road bed and ditch construction. Storm sewer outfalls. Erodible soils, stockpiles.
Stress on biological communities	<ul style="list-style-type: none"> • consider the carrying capacity of the local natural environment • avoid sensitive periods such as breeding seasons 	Municipal infrastructure is necessary to service projected municipal / population growth. This increases stress on recreational and natural resources.
Tree removal will affect the amount of sunlight reaching waters and affect plant productivity and increase watercourse temperatures	<ul style="list-style-type: none"> • avoid tree removal near surface waterbodies • restoration planting 	Stream crossings
TERRESTRIAL VEGETATION AND WILDLIFE		
Introduction of exotic plant species through erosion control restoration	<ul style="list-style-type: none"> • restoration planting • use annuals which later die out • use indigenous (native) species only 	On slopes and other areas to control erosion. In any distribution area requiring restoration work.
Changes in vegetative composition as a result of loss of topsoil and subsoil or mixing	<ul style="list-style-type: none"> • restore site by replacing soils in preconstruction horizons 	trenching or excavating
Removal or disturbance of significant trees and/or ground flora	<ul style="list-style-type: none"> • review status of species • avoid these areas • employ tree protection 	During site grading and construction phase of any project
New or increased exposure of forest edge with resultant effects of windthrow, leading to loss of habitat for wildlife	<ul style="list-style-type: none"> • avoid woodlots and similar areas • pre-stress woodlots • restore edges 	During site grading and construction phase of any project

Effect	Mitigating Measures	Application Where/When
Mortality I stress due to changes in soil moisture conditions, resulting in loss of wildlife habitat	<ul style="list-style-type: none"> • minimum fragmentation of forest habitat • avoid poorly drained areas • use of appropriate roadbed and backfill materials • revegetation using indigenous species able to survive new conditions 	During construction of roadbed and storm sewers
HERITAGE. RESOURCES		
Deterioration of sites, structures or landscapes having archaeological, historical or architectural values, as a result of environmental changes	<ul style="list-style-type: none"> • avoid where possible • employ necessary steps to decrease harmful environmental impacts such as vibration, alterations of water table, etc. 	Where appropriate with respect to archaeological, historical or architectural resources
Unwanted increase in public access and potential vandalism	<ul style="list-style-type: none"> • fence off area of concern • prevent public access 	Where appropriate with respect to archaeological heritage resource
Threatened viability of, or opportunity for, retention of sites having heritage value	<ul style="list-style-type: none"> • avoid these areas • record or salvage information on features to be lost 	Where appropriate with respect to significance of the heritage resource
Unavoidable alteration to or destruction of heritage structures or archaeological sites	<ul style="list-style-type: none"> • record or salvage information on features to be lost 	Where appropriate with respect to significance of the heritage resource
Disruption of quiet enjoyment	<ul style="list-style-type: none"> • staging of construction to cause least disruption • employ noise and dust control measures 	As general practice.
AGRICULTURAL		
Soil contamination by chemicals	<ul style="list-style-type: none"> • minimize use of deicing materials • establish and enforce chemical handling standards • provide for emergency clean-up and soils replacement 	As general practice.
Loss of productive farmland	<ul style="list-style-type: none"> • avoid prime agricultural areas • direct where possible to non-agricultural designations • locate and design facilities so as to minimize land requirements and construction disturbance • rehabilitate disturbed areas 	In agricultural and rural areas.
Disruption of field access	<ul style="list-style-type: none"> • minimize severance of farm properties • provide alternative access points at critical times 	In agricultural and rural areas.

Effect	Mitigating Measures	Application Where/When
Disturbance of livestock by noise and dust during construction	<ul style="list-style-type: none"> employ noise and dust control measures 	In agricultural and rural areas.
Disruption of tile and surface drainage systems	<ul style="list-style-type: none"> stage construction work restore tile and surface drainage system 	In agricultural and rural areas.
Loss of biosolids use as fertilizer	<ul style="list-style-type: none"> improve biosolids quality 	In agricultural and rural areas.
Decrease in groundwater	<ul style="list-style-type: none"> design to minimize dewatering effects provide recharge 	In agricultural and rural areas.
Facilities inconsistent with or disrupt character of prime agricultural area	<ul style="list-style-type: none"> avoid prime agricultural areas avoid major capital infrastructure, i.e. barns, dryers, etc. 	In agricultural and rural areas
Climate change on which crops including speciality crops depend	<ul style="list-style-type: none"> avoid and design facilities so as to not adversely disrupt the micro-climate (cold air drainage) on which crops depend 	In agricultural and rural areas Specialty crop designation in Municipal Official Plans
Effects of physical changes in operation due to property loss	<ul style="list-style-type: none"> compensation 	In agricultural and rural areas
Loss of infrastructure	<ul style="list-style-type: none"> avoid major capital investments in infrastructure avoid major livestock facilities 	In agricultural and rural areas
MUNICIPAL OFFICIAL PLANS		
RESIDENTIAL, INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL		
Disruption of pedestrian movements between adjacent uses	<ul style="list-style-type: none"> maintain continuity of pedestrian walkway system as much as possible provide walkway strips to adjacent 	As general practice. Where suitable.
Disruption of tourism facilities	<ul style="list-style-type: none"> stage construction employ noise and dust control measures provide crosswalks and sidewalks at access 	As general practice. Where suitable.
Facilities inconsistent with or which disrupt character of area	<ul style="list-style-type: none"> preserve existing amenities as much as possible design and site structures to blend with adjacent building forms and materials site grading; utilize 	As general practice. Where suitable.

Effect	Mitigating Measures	Application Where/When
Temporary disruption during construction and/or inconvenience to users of adjacent properties and building	<ul style="list-style-type: none"> • notify public agencies and adjacent owners of construction scheduling • prepare emergency program to ensure quick resolution of servicing problems • consult with public agency and/or adjacent landowners regarding temporary access routes • schedule construction so as to minimize period of disruption in proximity of adjacent uses and structures • ensure access for emergency response vehicles / personnel • apply noise and vibration control measures (use quieter equipment, maintain equipment properly) 	<p>Where substantial inconvenience or disruption to adjacent uses would be experienced and where measures would substantially reduce effects.</p> <p>As general practice.</p>
Removal of residences and other buildings	<ul style="list-style-type: none"> • co-ordinate removal program to minimize inconvenience • carry out heritage assessment as appropriate 	As general practice.
O117TD0012,RECREATION		
Temporary disruption of open space activities during construction	<ul style="list-style-type: none"> • employ noise and dust control measures • staging of construction to cause least disruption 	In areas within or adjacent to public open space
Effects of physical changes in layout of recreational uses due to property loss	<ul style="list-style-type: none"> • compensate by providing facilities elsewhere 	In areas within or adjacent to public open space
SOILS GEOLOGY		
Erosion by wind, water and ice	<ul style="list-style-type: none"> • restoration planting • stage work • avoid highly erodible soils • stabilize slopes • compaction • chemical stabilizers • gravel blankets • seeding • sodding toe • drainage 	<p>Erodible soils in excavations, cut and fill areas.</p> <p>Stockpiles, cut slopes</p>

Effect	Mitigating Measures	Application Where/When
Slumping of encroached slopes	<ul style="list-style-type: none"> • avoid potentially unstable slopes • mechanical stabilization methods • revegetation (only effective once the root infrastructure has developed) • restrict dewatering near 	Steep slopes. Cut slopes. Removal of the toe of a slope during construction. Dewatering.
Rockfall hazard	<ul style="list-style-type: none"> • buffer zone • initiate rockfall at potential failures 	Blasting. Steep weathered slopes.
Loss of aggregate and mineral resources	<ul style="list-style-type: none"> • avoid sites of aggregate and mineral reserves • extract aggregate and 	Zones of economic aggregate and mineral occurrence
Contamination of soils by petrochemicals, etc.	<ul style="list-style-type: none"> • remedial measures to avoid spills and leaks • contingency plan for clean-up 	During construction.
Mixing of topsoil with subsoil	<ul style="list-style-type: none"> • stripping and stockpiling of topsoil separate from subsoil 	Generally in areas of undisturbed soils
TOPOGRAPHY I. LANDFORM		
"Scarring" of significant landscape features	<ul style="list-style-type: none"> • avoid significant features 	Designation of significant feature, i.e. landmark
CLIMATIC FEATURES'		
Removal of vegetation causing reduction of windscreen effect on adjacent building or activity	<ul style="list-style-type: none"> • retain as much vegetation as possible • avoid vegetated areas in close proximity to buildings or activity areas • restore vegetation as soon as possible • repair landscape plan 	Construction in close proximity to buildings or activity areas
PUBLIC HEALTH		
Exhaust emissions from construction equipment and vehicles	<ul style="list-style-type: none"> • minimize operation on site, control location on site 	Where adjacent uses or natural vegetation could be adversely affected
Effects on groundwater elevation of existing subsurface sewage disposal systems (e.g. septic systems)	<ul style="list-style-type: none"> • monitor groundwater levels and, if necessary, take appropriate action 	Where appropriate

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Effect	Mitigating Measures	Application Where/When
Groundwater contamination	<ul style="list-style-type: none"> • construction refuelling precautions • fill design and operation precautions • precautions in operation and storage facilities • containment of leachate maintenance facilities 	On site generally.
Effects of emergency by-passing of sewage	<ul style="list-style-type: none"> • contact potentially affected government agencies and public downstream within 24 hours of by-pass event 	In all cases.
OPERATIONAL AND CONSTRUCTION NOISE		
Proximity to noise sensitive land uses (e.g. hospitals); insufficient setbacks; road grades (steep hills); high traffic volumes; poor road surface; stopping / starting of truck traffic; operation of construction equipment	<ul style="list-style-type: none"> • relocate major roads away from sensitive land uses, divert traffic • reduce grades of hills • use appropriate asphalt surface to reduce tire noise • institute truck prohibitions • construct noise barriers • modify speed limits • proper maintenance of equipment 	As general practice. Construction in urban areas.

This list is illustrative only and the proponent must address specific effects during the planning and design process, and document these effects and the appropriate mitigating measures.

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APPENDIX 3

SCREENING CRITERIA

SCREENING CRITERIA

The following guidelines are offered to assist proponents in establishing contact with appropriate review agencies when certain situations are identified which give rise to various types of environmental impacts. The examples which follow are not expected to be comprehensive and the proponent is responsible to determine the appropriate agency contact when different situations arise and different environmental impacts are identified.

The following guidelines are expected to be useful to proponents developing projects under Schedules **B** or **C**. Reference to the Provincial Policy Statement issued under Section 3 of the Planning Act, and associated reference manuals, would also be useful.

ABBREVIATIONS:

MCL	Ministry of Culture
MOE	Ministry of the Environment
MMAH	
MNR	– Ministry of Municipal Affairs and Housing
MTO	
DFO	– Ministry of Natural Resources
	Ministry of Transportation

Situation	Example	Contact
Works 0114C4 Affecting		
Permanent and intermittent water courses and waterbodies, navigable waterways	<ul style="list-style-type: none"> • rivers • streams, creeks • marshes, bogs • lakes, ponds • outfalls, crossings • municipal drains 	<ul style="list-style-type: none"> • Conservation Authority • Local MNR Office (in all cases) • MOE Regional Office (or other appropriate MOE offices) • Ministry of Culture • DFO - Canadian Coast Guard • DFO - Habitat Management • Environment Canada
Groundwater	<ul style="list-style-type: none"> • wells, aquifers • groundwater recharge areas 	<ul style="list-style-type: none"> • Local Health Unit and/or MOE Regional Office • Local MNR Office
Rare, endangered or significant assemblage of wildlife fish and plant species	<ul style="list-style-type: none"> • list pursuant to the Endangered Species Act • game species • regionally significant wildlife, fish or flora 	<ul style="list-style-type: none"> • Local MNR Office • Conservation Authority • MCL • Natural Heritage Information Office (MNR) • COSEWIC • Environment Canada
Fisheries, fish habitat	<ul style="list-style-type: none"> • rivers, lakes • navigable waters • highways 	<ul style="list-style-type: none"> • Local MNR Office • Conservation Authority • DFO - Habitat Management

Situation	Example	Contact
Environmentally sensitive area	<ul style="list-style-type: none"> • ESA as defined and identified on OP or in MNR's or Conservation Authority's plans 	<ul style="list-style-type: none"> • Local MNR Office • Conservation Authority • Local Municipality
Hazard Lands	<ul style="list-style-type: none"> • unstable soils • steep slopes • floodplain land 	<ul style="list-style-type: none"> • Local MNR Office • Conservation Authority • Local Municipality
Woodlots	<ul style="list-style-type: none"> • Agreement Forests • Significant Woodland 	<ul style="list-style-type: none"> • Local MNR Office • Local Municipality
Natural Heritage Features	<ul style="list-style-type: none"> • provincially, regionally and locally significant natural heritage features (such as significant woodlots and wetlands) and associated ecological functions • National Wildlife areas 	<ul style="list-style-type: none"> • Regional and local municipality • Local MNR Office • Conservation Authority • MOE Regional Office • Environment Canada
Ornamental or Street Trees	<ul style="list-style-type: none"> • trees on municipal land 	<ul style="list-style-type: none"> • Owner of property immediately adjacent to lands containing trees • municipal staff responsible for trees
Recreational Areas	<ul style="list-style-type: none"> • Provincial Parks and park reserves • Conservation areas • Niagara Parks Commission • National Parks • Heritage Lands • Municipal Parks, open spaces and trail system 	<ul style="list-style-type: none"> • Owner of recreational property • MCL • Local MNR Office • Conservation Authority • Local Municipality • Canadian Heritage - Parks Canada
Tourist Facilities	<ul style="list-style-type: none"> • motels • restaurants, scenic lookouts 	<ul style="list-style-type: none"> • MCL
Historical or Archaeological Resources	<ul style="list-style-type: none"> • historic buildings • heritage structures (e.g. bridges) • scenic areas • archaeological sites (historic and pre-historic) • historic regions, e.g. Rideau-Trent-Severn Corridor • cultural heritage landscapes 	<ul style="list-style-type: none"> • MCL • Local Heritage or Historical Group including Local Architectural Conservation Advisory Committee (LACAC) • Canadian Heritage
First Nation Lands	<ul style="list-style-type: none"> • roadways • sewage and water facilities • places of importance for reasons of traditional use, sacred significance and cultural and natural heritage significance 	<ul style="list-style-type: none"> • local First Nation and aboriginal community leaders • Ministry of Aboriginal Affairs • MNR • Indian and Northern Affairs Canada
Social Service Facilities	<ul style="list-style-type: none"> • homes for the aged • psychiatric homes • group homes • hospitals 	<ul style="list-style-type: none"> • Ministry of Community and Social Services - District Office

Situation	Example	Contact
Transportation Service Facilities	<ul style="list-style-type: none"> • highways • navigable waters / harbours • St. Lawrence Seaway • airports • railway crossings 	<ul style="list-style-type: none"> • MTO - District Office and Regional Manager of Engineering and Right-of-Way • DFO - Coast Guard • Transport Canada • Canadian Transportation Agency
Utilities	<ul style="list-style-type: none"> • electrical, telephone, oil, gas pipelines 	<ul style="list-style-type: none"> • Ontario Hydro • Local Utility Companies
Sensitive or Special Planning Areas	<ul style="list-style-type: none"> • regionally significant growth centres • major industrial parks, subdivisions • development in Northern Ontario • areas with potential for tourism development / designation 	<ul style="list-style-type: none"> • MMAH - Provincial Planning and Environmental Services Branch • Ministry of Economic Development, Trade and Tourism • Ministry of Northern Development and Mines • MCL • Local Municipality
Prime agricultural areas and specialty crop areas	<ul style="list-style-type: none"> • areas designated for prime agricultural in Municipal Official Plans and/or areas where soil Classes 1, 2 and 3 predominate 	<ul style="list-style-type: none"> • Ministry of Agriculture, Food and Rural Affairs - Land Use Planning • Local Agricultural Representative • Local Municipality
Where project is being either partially or entirely federally funded or involves federal land	<ul style="list-style-type: none"> • federal infrastructure programs • sale or leasing of federal lands 	<ul style="list-style-type: none"> • funding agency or land owner
Works directly affecting "Great Lakes interconnecting channels"	<ul style="list-style-type: none"> • St. Mary's River • St. Clair River • Detroit River • Niagara River • St. Lawrence River 	<ul style="list-style-type: none"> • Local MNR Office (in all cases) • DFO - Canadian Coast Guard • DFO - Habitat Management • Environment Canada • Foreign Affairs and International Trade
Niagara Escarpment Planning Area		<ul style="list-style-type: none"> • Niagara Escarpment Commission
Parkway Belt Planning Area		<ul style="list-style-type: none"> • MMAH - Provincial Planning and Environmental Services Branch
Oak Ridges Moraine		<ul style="list-style-type: none"> • MNR, MMAH
Planning Act and Provincial Policy Statements	<ul style="list-style-type: none"> • where the Ministry of Municipal Affairs and Housing is the Planning Act approval authority • where an inter-jurisdictional project is contemplated • where new services would substantially increase growth capability outside an urban designation 	<ul style="list-style-type: none"> • MMAH - Provincial Planning and Environmental Services Branch • appropriate Planning Act approval authority where it is not MMAH

<p>IN ALL CASES</p>	<ul style="list-style-type: none"> • every situation 	<ul style="list-style-type: none"> • MOE Regional Office - EA Co-ordinator (and other appropriate MOE offices) • property owners adjacent to project site • local Area municipality (as appropriate) • local Regional municipality (as appropriate) • County or Planning Board • potentially affected members of the public, landowners and adjacent municipalities
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APPENDIX 4

MASTER PLANS

MASTER PLANS

4.1 Introduction

This appendix should be read in conjunction with Section A.2.7 of Part A. Master Plans are long range plans which integrate infrastructure requirements for existing and future land use with environmental assessment planning principles. These plans examine an infrastructure system(s) or group of related projects in order to outline a framework for planning for subsequent projects and/or developments. At a minimum, Master Plans address Phases 1 and 2 of the Municipal Class EA process.

This overall planning approach recognizes that there are real benefits to the process when comprehensive plans are undertaken for projects which have some common elements such as geography or function. Master planning provides the municipality with a broad framework through which the need and justification for specific projects can be established and the environmental assessment process can be satisfied. Master Plans are discussed in Section A.2.7 while additional explanatory information and sample notices are provided herein.

4.2 Features of Master Plans

Key features of a Master Plan include:

- addresses the key principles of successful environmental planning (see Section A.1.1)
- addressed at least the first two phases of the Municipal Class EA and can also cover other phases
- allows for an integrated process with other planning initiatives
- provides a strategic level assessment of various options to better address overall system needs and potential impacts and mitigation
- is generally long term
- takes a system wide approach to planning which relates infrastructure either geographically or by a particular function
- recommends an infrastructure master plan

which can be implemented through the **I** implementation of separate projects
 includes a description of the specific projects

Examples of Master Plans include: wastewater and water servicing plans for an entire or major portions of a municipality; wastewater treatment plans and water supply plans for a community or municipality; watershed plans, transportation master plans; and, infrastructure master plans.

4.3 Approval of Master Plans

A Master Plan would typically be subject to approval by the municipality. A Master Plan, however, does not require approval under the EA Act, unless conducted as an individual EA. However, any specific projects within a Master Plan must fulfill all appropriate Class EA requirements (or, individual EA requirements, where appropriate). Requests for an order to comply with Part II of the EA Act would be possible only for those projects identified in the Master Plan which are subject to

the Municipal Class EA, and not the Master Plan itself

44 Master Planning Process

The Master Planning Process is discussed in Section A.2.7. The Master Plan must address at least the first two phases of the Class EA process. Given the broad scope of Master Plans, however, there are infinite ways of conducting them. Various approaches are described in this section, however, this information is provided as a guide only. Proponents are strongly recommended to adapt and tailor the details of these approaches to best suit their needs, as long as the resulting approach is in keeping with the requirements of the Class EA process and the intent of its application. The onus is on the proponent to determine the preferred approach for the issues being addressed by the municipality. Prior to commencing a Master Plan, proponents are urged to contact the EAA Branch to discuss their proposed approach.

Approach #1

This approach involves the preparation of a Master Plan document at the conclusion of Phases 1 and 2 of the Municipal Class EA process. The Master Plan document would be made available for public comment prior to being approved by the municipality.

Typically, the Master Plan would be done at a broad level of assessment thereby requiring more detailed investigations at the project-specific level in order to fulfil the Municipal Class EA documentation requirements for the specific Schedule B and C projects identified within the Master Plan.

The Master Plan would therefore become the basis for, and be used in support of, future investigations for the specific Schedule B and C projects identified within it. Schedule B projects would require the filing of the Project file for public review while Schedule C projects would have to fulfil Phases 3 and 4 prior to filing an Environmental Study Report (ESR) for public review.

Approach #2

This approach involves the preparation of a Master Plan document at the conclusion of Phases 1 and 2 of the Municipal Class EA process where the level of investigation, consultation and documentation are sufficient to fulfil the requirements for Schedule B projects. Accordingly, the final public notice for the Master Plan could become the Notice of Completion for the Schedule B projects within it. Any Schedule C projects, however, would have to fulfil Phases 3 and 4 prior to filing an ESR(s) for public review. The Master Plan would provide the basis for future investigations for the specific Schedule C projects identified within it.

Approach #3

This approach involves the preparation of a Master Plan document at the conclusion of Phase 4 of the Municipal Class EA process. In this approach one document is prepared: the Master Plan to document Phases 1 to 4 of the Class EA process for Schedule B and/or Schedule C projects. Therefore, the final public notice for the Master Plan could become the Notice of Completion for the Schedule B and C projects within it.

Depending on the scope of the Master Plan, this approach would likely result in extensive documentation should the Master Plan include numerous Schedule C projects. The proponent should take this into consideration when determining the appropriateness of using this approach.

Approach #4 - Integration with the Planning Act

Given the broad scope of Master Plans, it may be appropriate to integrate with approvals under the Planning Act. For example, the preparation of a new official plan or a comprehensive official plan amendment could be accompanied by master plans for water, wastewater and transportation. When these planning documents are prepared simultaneously, alternatives can be assessed taking into account land use and servicing issues while addressing a preferred alternative which minimizes, to the extent possible, the impact on the community, natural environment and the economy. Often the range of alternatives that can be assessed for servicing are greater because the land use plan has not been finalized.

A master servicing plan prepared in this fashion establishes need and justification in a very broad context. This approach would satisfy early phases of the Class EA including Phases 1 and 2 for Schedule B projects and may satisfy, in addition, Phases 3 and 4 for Schedule C projects. This approach is best suited when planning for a significant geographical area in the long term where interdependent decisions which impact servicing and land use are being made and the range of servicing alternatives needs to be addressed in an integrated fashion in order to recommend the best overall solution for the community.

To fulfil the requirements under the Planning Act, the requirements in Section A.2.9 of this document apply.

Master Plan Reviews

It is recommended that the proponent include within the Master Plan, regardless of the approach followed, a process stating clearly to the public and potentially affected persons when and how the Master Plan will be reviewed.

A Master Plan should be reviewed every five years to determine the need for a detailed formal review and/or updating. Potential changes which may trigger the need for a detailed review include:

- major changes to original assumptions
- major changes to components of the Master Plan
- significant new environmental effects
- major changes in proposed timing of projects within the Master Plan

For specific projects identified in the Master Plan, and which are subject to the Municipal Class EA, revisions and addenda are addressed in Sections A.4.1.1 and A.4.2.2 in Part A of this document.

SAMPLE NOTICES

Given the broad scope of Master Plans, the different approaches and the potential diversity of their implementation, it is neither appropriate nor practical to provide numerous sample notices. What follows are sample notices for a Master Plan following Approach #1. **Regardless of the approach, proponents must ensure that the minimum mandatory notification requirements outlined in this Class EA are met.** The following sample notices are provided for information purposes only.

SAMPLE NOTICE #1

NORTH FALLS MASTER PLAN NOTICE OF STUDY COMMENCEMENT AND PUBLIC CONSULTATION CENTRE #1*

THE STUDY

The Town of North Falls is carrying out a study to determine infrastructure requirements for the Town to service the proposed doubling of our population. This study is being conducted in accordance with the requirements of Phases 1 and 2 of the Municipal Class Environmental Assessment which is an approved process under the Environmental Assessment Act.

WE WANT TO HEAR FROM YOU

Public consultation is a key component of this study. The proposed consultation plan provides for public consultation centres at two points in the study: Spring 2000 - to review the problem; and, Fall 2000 - to review alternative solutions. In addition there will be an opportunity to review the final Master Plan report.

The study area is as shown on the attached key plan. The first public consultation centre has been arranged to review and receive input from the public about the collection of background information and identification of the problem:

Date:

Time:

Location:

STUDY CONTACTS

All those with an interest in the study are urged to attend.

If you have any questions or wish to be added to the study mailing list, please contact:

Project Manager	phone
Address	fax
	e-mail

or visit our website at www.northfalls.com

Note to Users: In some cases these could be separate notices, i.e. a notice of study commencement followed at a later date by a notice of the first public consultation centre.

SAMPLE NOTICE #2

NORTH FALLS MASTER PLAN NOTICE OF PUBLIC CONSULTATION CENTRE #2

STUDY STATUS

The Town of North Falls is carrying out a study to determine infrastructure requirements for the Town to service proposed future development. Based on the study findings to date and comments received from technical agencies and the public, a series of alternative solutions have been developed to address proposed transportation, water and wastewater requirements.

SECOND PUBLIC CONSULTATION CENTRE

The first public consultation centre was held on May 1, 2000 to introduce the study. As a result of comments received from the public, additional investigations were conducted with regard to heritage resources in the study area. Thereafter, alternative solutions were developed and assessed in terms of their environmental effects.

A second public consultation centre has been arranged to review and receive input from the public about the alternative solutions, and the preliminary identification of a preferred master plan solution:

Date:

Time:

Place:

STUDY CONTACTS

All those with an interest in the study are urged to attend.

If you have any questions or wish to be added to the study mailing list, please contact:

Project Manager	phone
Address	fax
	e-mail

or visit our website at www.northfalls.com

SAMPLE NOTICE #3

NORTH FALLS MASTER PLAN NOTICE OF STUDY COMPLETION

RECOMMENDED MASTER PLAN

The Town of North Falls has prepared a Master Plan following Phases 1 and 2 of the Municipal Class Environmental Assessment.

Based on the study findings and input from technical agencies and the public, the recommended Master Plan is as shown on the attached key plan. The Master Plan identifies the recommended infrastructure to service the future growth of the Town while minimizing environmental impacts. The recommended Master Plan incorporates the comments received from the public and agencies during the course of the study. The main components are listed below. While the Master Plan addresses need and justification at a broad level, more detailed studies for each of the projects included in the Master Plan will be done at a later date following the Municipal Class EA.

TYPE OF PROJECT

STATUS

SCHEDULE B PROJECTS

- water
- wastewater
- roads

- While the Master Plan addresses Phases 1 and 2 of the Municipal Class EA, additional investigations will be carried out at a later date.

SCHEDULE C PROJECTS

- water
- wastewater
- roads

- Master Plan addresses Phases 1 and 2 of the Municipal Class EA
 - Phases 3 and 4 will be completed for each project at a later date

INDIVIDUAL EA PROJECTS

- new provincial highway

- this is under the jurisdiction of the Ministry of Transportation who will be initiating an individual EA

The Master Plan is available for review at the following locations:

Municipal Office

Local Library

Please forward any comments to the Study Contact by <date>. Thereafter, the Master Plan will be reviewed and revised taking into consideration the comments which are received from the public. The recommended Master Plan will be presented to Town Council for approval.

Jim Bryant, P. Eng.
Town Engineer
Town of North Falls

Date of Notice

APPENDIX 5
CONSULTATION

CONSULTATION

51 Consultation Plan

Section A.3 of Part A identifies the mandatory requirements for public notification and consultation. This, however, is the minimum. Proponents must develop an approach to consultation which incorporates the minimum mandatory requirements while reflecting the needs of the specific project, the community in which it is located, and potentially affected and interested stakeholders.

Accordingly, at the outset of the study, the proponent should develop a consultation plan identifying:

- who is to be consulted
- what they will be consulted about
- where they will be contacted in the process
- how they will be consulted, i.e. what methods will be used
- how input from the public will be integrated in the study and the decision-making
- the manner in which comments and concerns will be responded to
- how the plan will be monitored to determine its effectiveness

When developing a consultation plan, the main considerations are:

- the scope of the problem or opportunity being addressed
- the level of complexity and sensitivity
- potential environmental issues and impacts
- specific community characteristics and needs
- available resources
- approaches used on other similar studies in the community
- appropriate methods for the specific project

A consultation plan is not necessarily a formal document. Rather, it is a proposed approach or methodology which is determined early in the study and may be documented, for example, in a study design, minutes, memo to file, or a report.

52 Methods of Public Consultation

There are numerous methods for contacting and consulting with the public including the following:

Purpose	Methods
<ul style="list-style-type: none"> • Notification 	<ul style="list-style-type: none"> • notices in newspapers (mandatory) • notices mailed to persons directly affected (mandatory) • notices posted in community facilities • notices sent to residents associations, specified interest groups, etc. • radio / TV announcements • notices posted at the site of the project
<ul style="list-style-type: none"> • Provision of Study Information 	<ul style="list-style-type: none"> • information package distributed by mail or made available at a community facility or municipal office

Purpose	Methods
	<ul style="list-style-type: none"> • newsletter • display panels in a community facility • website
<ul style="list-style-type: none"> • Information Collection / Exchange 	<ul style="list-style-type: none"> • public information centre; public open house; public consultation centre; public involvement centre • workshops: <ul style="list-style-type: none"> - for the public - for specific interest or community groups - for representatives of different groups • public meeting • small group meeting • meeting on a one-to-one basis • "kitchen table" meeting • field trip / site visit • comment sheets, surveys or questionnaires • telephone calls • personal visits • creation of a public liaison committee • representation on the Study Team

For a more detailed description of consultation methods and techniques, one can refer to the most current consultation guide prepared by the Ministry of the Environment.

Most projects will likely require a combination of methods. When determining the appropriate methods to use, the following should be considered:

- potential audience size
- level of involvement - i.e. potential for information exchange and input
- degree of information exchange that can be expected
- potential to identify issues
- potential to resolve contentious or outstanding issues
- special needs of the participants

5.3 Information about the Municipal Class EA

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It is the responsibility of the proponent to explain the Municipal Class EA including the provision to request a Part II order, to the public.

Proponents should make a copy of the Municipal Class EA available for review to those who request it and have a copy available at public locations when the study is being discussed. It is also desirable to make available to members of the public, a summary of the main points related to the Municipal Class EA. A sample public handout about the Municipal Class EA is provided. It was prepared for a hypothetical project in a hypothetical municipality.

When referring to a specific project, it is desirable to identify where the project is in terms of the Class EA process.

54 Resolution of Conflicts and Disputes

The Municipal Class EA identifies the need for consultation early in and throughout the process and the need for those with concerns to discuss them with the proponent.

There may be projects, however, where issues cannot be resolved and so conflict resolution techniques may be appropriate. The EAA Branch describes the main types of conflict resolution as follows.

Facilitation

Facilitation involves a third party to assist in the discussion of issues and concerns among the participants and assist them in arriving at mutually agreeable solutions. Facilitation refers to a flexible approach that encourages the open exchange of ideas and opinions. Facilitation is an art - it requires listening carefully to hear what a person is really saying, ensuring others are receptive to what is being said, and encouraging all sides to work co-operatively in developing solutions. In some cases, facilitation may result in a consensus - when an agreement is reached to the satisfaction of everyone. In other cases, facilitation may at least result in a narrowed list of issues that remain to be resolved.

Negotiation

Negotiation is possible when all sides - the proponent and the parties - want resolution of the outstanding issues and are willing to engage in negotiations. An outside person is not always necessary, but may be helpful in assisting the proponent and interested parties to form their own positions and responses to what the other proposes.

Negotiations often require those in dispute to consider trade-offs and compromise. Effective negotiation results in proponents and interested parties arriving at mutually agreeable solutions.

Mediation

Mediation may be required when the proponent and participants have reached the point where no further discussion is possible without the intervention of a neutral third party. Mediation is a voluntary, more formalized conflict resolution process, and may include the mediator meeting with each side separately to identify what the problems are and then create a new process to resume discussions. Disputes requiring mediation are often emotionally charged and require skilful handling by an experienced professional. The mediator has no authority to impose a settlement. The desired outcome of mediation includes an improved relationship between the proponent and parties, together with solutions that are mutually acceptable.

Arbitration

Arbitration is a technique involving a neutral third-party acceptable to all sides, who is retained to hear the positions of those in dispute and then issue a decision that resolves the conflict or dispute. The decision of the arbitrator is binding on all parties. Arbitration is a formal conflict resolution process and is used only when the proponent and interested parties cannot arrive jointly at an acceptable resolution. However, any decision of the arbitrator must respect the requirements of the EA Act.

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SAMPLE

PUBLIC HANDOUT

RE: MUNICIPAL CLASS EA PROCESS

TOWN OF NORTH FALLS - PATRICIA AVENUE CLASS EA

The Town of North Falls is undertaking the study of Patricia Avenue and is planning this project under Schedule 'C' (Municipal Road Projects) in accordance with the requirements of the Municipal Class EA.

The purpose of this handout is two fold:

- to provide an overview of the Municipal Class Environmental Assessment Process; and,
- to explain the role of the public in the process and opportunities to get involved

ONTARIO ENVIRONMENTAL ASSESSMENT ACT

The purpose of the Ontario Environmental Assessment Act (EA Act) is "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment". Environment is applied broadly and includes the natural, social, cultural, built and economic components.

Environment Assessment (EA) is a decision making process to promote good environmental assessment planning. The key features are:

- Early consultation
- Consideration of a reasonable range of alternatives
- Assessment of environmental effects
- Systematic evaluation of alternatives
- Clear documentation and traceable decision making

There are 2 basic types of EA processes:

- **Individual EA**
 - requires Terms of Reference approved by the Ministry of the Environment (MOE)
 - requires that EA report be submitted to MOE for review and approval by the province
- **Class EA**
 - applies to a specific group or "class" of projects

MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT

The Municipal Class EA is an approved Class EA process which applies to municipal infrastructure projects including roads, water, wastewater, and transit.

There are four types of projects or activities:

- Schedule 'A'**
 - municipal maintenance, operational and emergency activities
 - pre-approved therefore municipality can proceed without further approval under the EA Act
- Schedule 'A+'**
 - pre-approved, however the public is to be advised prior to project implementation
- Schedule 'B'**
 - projects with the potential for some adverse environmental effects
 - these are approved subject to a screening process including consultation with directly affected public and agencies
- Schedule 'C'**
 - projects with the potential for significant environmental effects which must proceed under the planning and documentation procedures outlined in the Municipal Class EA document

SAMPLE

PUBLIC INVOLVEMENT

The role of those members of the public with an interest in a study is to provide background information to advise the proponent of their support and concerns, and to review and provide comments and input about the study findings. For Schedule C projects there are three mandatory opportunities for public involvement as shown below.

The opportunity to get involved will usually be done through notices in the newspaper. This is, however, the minimum and on many projects there will be additional opportunities for example, to attend public information centres, community workshops and / or municipal council meetings. Members of the public with an interest in the study should ask to be placed on the study mailing list to receive notification of the consultation opportunities for a specific project.

CLASS EA PROCESS	PHASE	PHASE 2	PHASE 3	PHASE 4	PHASE 5
PROBLEM OR OPPORTUNITY ..		ALTERNATIVE SOLUTIONS	ALTERNATIVE DESIGN CONCEPTS FOR PREFERRED SOLUTION	ENVIRONMENTAL STUDY REPORT	IMPLEMENTATION
Consultation Requirements	Optional	Mandatory	Mandatory	Mandatory	Optional
		Fall 2007	Winter 2007	Spring 2007	

WE
THIS STUDY -IA' ARE HERE

WE WANT TO HEAR FROM YOU

To provide your comments or to be placed on the study mailing list, please contact the following:

Study Contact: **Municipality / Proponent**
Mailing Address
Phone
Fax
E — mail
Website

Change in Project Status — Appeal Provision

It is recommended that all stakeholders (including the proponent, public and review agencies) work together to determine the preferred means of addressing a problem or opportunity. If you have any concerns, you should discuss them with the proponent and try to resolve them. In the event that there are major issues which can not be resolved, you may request the Minister of the Environment by order to require a proponent to comply with Part II of the EA Act before proceeding with a proposed undertaking which has been subject to Class EA requirements. This is called a Part II Order. The Minister will make one of the following decisions:

1. deny the request
2. refer the matter to mediation
3. require the proponent to comply with Part II of the EA Act by one of the following:
 - submitting the ESR for government review and approval, or,
 - completing an individual EA for government review and approval, or
 - preparing a Terms of Reference governing the preparation of an Individual EA.

Additional information regarding this appeal process may be obtained from the Town of North Falls.

All stakeholders are urged to try to resolve issues since it is preferable for them to be resolved by the municipality in which a project is located, rather than at the provincial level.

APPENDIX 6

SAMPLE NOTICES

SAMPLE NOTICES

The following Sample Notices are provided:

Schedule B:

- ◆ 1st mandatory contact, Phase 2 . Public Comment Invited or Notice of Study Commencement
- ◆ 2nd mandatory contact, Phase 2 . Notice of Completion

Schedule C:

- ◆ 1st mandatory contact, Phase 2 Public Comment Invited or Notice of Study Commencement
- ◆ 2nd mandatory contact, Phase 3 – Notice of Public Consultation Centre
- ◆ 3rd mandatory contact, Phase 4 Notice of Completion of Environmental Study Report
- ◆ Revisions and Addenda to ESR Notice of Filing of Addendum

NOTE:

1. The notices describe hypothetical projects in a hypothetical municipality and are intended only as a guide.
2. The format, style, title or content may vary from municipality to municipality to suit specific circumstances and local requirements. **However, the following points shall be included in all notices as minimum mandatory requirements:**
 - ◆ name and address of the municipal proponent
 - ◆ a brief description of the project which outlines the nature of the problem or opportunity and the need for a solution
 - ◆ reference to the project following the requirements of the Municipal Class Environmental Assessment
 - ◆ details of when and where information, (e.g. ESR) is available to the public
 - ◆ name or title of a contact person to whom comment should be directed
 - ◆ in the case of Notices of Completion for both Schedule **B** and C projects: i) date by which comment/input is to be received by the proponent, ii) advice for the public's right with regard to the provisions to request an order, with date by which the request must be received by the Minister and the address of the Minister.
3. In many cases, notices are made more meaningful if small location maps are included in the notices.
4. Notices should be in language which is easy to understand by the average person.

This appendix also includes a sample covering memo to MOE - EAA Branch, to accompany copies of Notice of Completion for Schedule B or C projects (see discussion in Section A.1.5.1 of Part A).

SCHEDULE B

1ST MANDATORY PUBLIC CONTACT - PHASE 2

**TOWN OF SOUTH FALLS
CLASS ENVIRONMENTAL ASSESSMENT
BIOSOLIDS STORAGE FACILITIES
PUBLIC COMMENT INVITED
(OR NOTICE OF STUDY COMMENCEMENT)**

The Town of South Falls is studying the problem of biosolids storage and disposal. Options include the establishment of temporary sewage biosolids storage facilities to allow land spreading of biosolids to continue on nearby lands.

The project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**.

For further information on this project, or to inspect a copy of the Class Environmental Assessment, please contact Ms. Anne Lane, Environmental Technician, Town of South Falls, 1 South Falls Road, South Falls, Ontario, LOM 1NQ Telephone: (519) 222-3300.

Public input and comment are invited, for incorporation into the planning and design of this project, and will be received until 17th February, 2000. Subject to comments received and the receipt of necessary approvals, the Town of South Falls intends to proceed with the planning, design and construction of this project, to be completed by late 2000.

This Notice issued 5th January, 2000.

**K J. Brown, P. Eng.
Town Engineer
Town of South Falls**

SCHEDULE B

2ND MANDATORY PUBLIC CONTACT • PHASE 2

TOWN OF SOUTH FALLS CLASS ENVIRONMENTAL ASSESSMENT BIOSOLIDS STORAGE LAGOONS - COOKS LANE LANDFILL NOTICE OF COMPLETION

To allow the spreading of sewage biosolids to continue on agricultural lands in the Township of Hadley, the Town of South Falls is proposing to establish temporary storage lagoons at the Town's landfill site located on Cook's Lane. These works are planned to be completed by late 2000 at an estimated cost of \$75,000.

The above project is being planned under **Schedule B** of the **Municipal Class Environmental Assessment**. Subject to comments received as a result of this Notice, and the receipt of necessary approvals, the Town of South Falls intends to proceed with the design and construction of this project.

The project plans and other information are available at the following locations

Engineering Department
Town of South Falls
1 South Falls Road
South Falls, Ont. LOM 1N0
Mon-Fri : 9:00 am - 9:00 pm
Telephone: (519) 222-3300

County Library,
500 Main Street,
South Falls, Ont. LOM 2K0

Mon-Fri : 8:30 am - 4:30 pm
Saturday : 9:00 am - 5:00 pm
Sunday : **1:00** pm - 5:00 pm
Telephone: (519) 223-1234

Interested persons should provide written comment to the municipality on the proposal within 30 calendar days from the date of this Notice. Comment should be directed to the Town Engineer at Town Hall.

If concerns arise regarding this project, which cannot be resolved in discussion with the municipality, a person or party may request that the Minister of the Environment make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environment assessments. Requests must be received by the Minister at the address below within 30 calendar days of this Notice. A copy of the request must also be sent to the Town Engineer. If there is no "request received by May 28, 2000, the biosolids storage lagoons will proceed to design and construction as presented in the planning documentation.

Minister of the Environment
135 St. Clair Avenue
10th Floor, TORONTO, Ont. M4V 1P5

This Notice issued 27th April, 2000.

K. J. Brown, P. Eng.
Town Engineer, Town of South Falls

SCHEDULE C

1ST MANDATORY PUBLIC CONTACT - PHASE 2

**TOWNSHIP OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SYSTEM AUGMENTATION
PUBLIC COMMENT INVITED
(OR NOTICE OF STUDY COMMENCEMENT)**

Population growth and expansion of recreational areas in the south of the Township have placed the Township's water supply system under stress, resulting in water restrictions being imposed last summer. The Township is therefore considering ways and means of augmenting the water supply and have authorized hydrogeological studies to be undertaken.

In accordance with the requirements for **Schedule C** projects of the **Municipal Class Environmental Assessment**, the Township is making preliminary study material and plans available for public review. During the week of 8th to 12th October, 2000, between the hours of 4:00 p.m. and 8:00 p.m., the public is invited to attend at the Henry Lion Public School, Side Road 15. The Township's consultants will be available to discuss issues and concerns with members of the public. Thereafter, input and comment will be accepted by the consultants until 2nd November, 2000.

Further details and a copy of the Municipal Class Environmental Assessment are available at the consultant's office: ABC Engineering Limited, 100 Main Street, Huntington, Ont. K0L 1C0, telephone (519) 123 -1567; attention Ms. Julie Appleby, B.Sc., Chief Hydrogeologist

This Notice issued 21st September, 2000.

Reeve, John McKay
Township of Dartford
R.R. #1
Dartford, Ontario

SCHEDULE C

2ND MANDATORY PUBLIC CONTACT - PHASE 3

TOWNSHIP OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SYSTEM AUGMENTATION NOTICE OF PUBLIC CONSULTATION CENTRE

Recent hydrogeological studies undertaken to consider methods of augmenting the Township's water supply to serve the growth in the south end of the Township have now been concluded. In order to overcome seasonal water shortages, the Township is considering the establishment of a recharge system to augment the water supply from the two 1st Concession wells, using the York River as the water source.

This project is being planned as a **Schedule C** project under the **Municipal Class Environmental Assessment**. A public consultation centre is planned to provide further information to the public on the proposal and to receive input and comment from interested persons:

Public Consultation Centre

Time: Open House : 3:00 pm to 6:30 pm
 Public Meeting : 7:00 pm
Date: Wednesday 23rd January, 2000
Location: Henry Lion Public School, Sideroad 15
 Township of Dartford

Following the public consultation centre, further comments are invited, for incorporation into the planing and design of this project, and will be received until 15th February, 2000. For further information, please contact:

Ms. Julie Appleby
Chief Hydrogeologist
ABC Engineering Limited
100 Main Street
Huntington, Ont. K0L 1C0
Telephone (519) 123-4567

Subject to comments received as a result of this Notice, the Township plans to instruct the consultants to proceed with the planning for this project and an Environmental Study Report will be prepared and placed on the public record for a minimum 30 day review period.

This Notice issued 2nd January, 2000.

Reeve John McKay
Township of Dartford
R.R. #1
Dartford, Ontario

SCHEDULE C

3RD MANDATORY PUBLIC CONTACT • PHASE 4

TOWNSHIP OF DARTFORD CLASS ENVIRONMENTAL ASSESSMENT WATER SUPPLY AUGMENTATION FIRST CONCESSION RECHARGE SYSTEM NOTICE OF COMPLETION OF ENVIRONMENTAL STUDY REPORT

In order to augment the water supply in the south of the Township to serve population growth and expansion of tourist and recreational facilities, the Township is proposing to establish a recharge system to augment the aquifer which serves the 1st Concession wells. This project involves the establishment of a pumping station at Baileys Bluff on the York River, the construction of water supply lines along the 5th Sideroad and the 1st Line and the construction of a series of lagoons and trenches along the crest of Dartford Hill, in the 1st Concession.

The Township has planned this project under **Schedule C** of the **Municipal Class Environmental Assessment**. The Environmental Study Report has been completed and by this Notice is being placed in the public record for review. Subject to comments received as a result of this Notice and the receipt of necessary approvals, the Township intends to proceed with the construction of this project in the year of 2000. The estimated cost is \$225,000 of which the Ministry of the Environment is expected to contribute \$75,000.

The Environmental Study Report is available for review at the following locations;

Township Office
Township of Dartford
Township Road 20
Dartford, Ontario

Mon-Fri :8:30 am - 4:30 pm
Telephone: (519) 765-4321

Resource Centre, YM-YWCA
3rd Floor, 123 First Avenue
Dartford, Ontario

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. KOL 1CO. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist.

Please provide written comment to the Township clerk within 30 calendar days from the date of this Notice. If concerns regarding this project cannot be resolved in discussion with the municipality, a person may request that the Minister of the Environment make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessments. Requests must be received by the Minister at the address below by 31st May, 2000. A copy of the request must also be sent to the Township Clerk. If no request is received by 31st May, 2000, the 1st Concession Recharge System will proceed to construction as outlined in the Environmental Study Report.

Minister of the Environment ,
135 St. Clair Avenue West. 10th Floor
TORONTO. Ont. M4V 1P5

This Notice issued 1st May, 2000.

Reeve John McKay
Township of Dartford
R.R. #1, Dartford, Ontario

**REVISIONS AND ADDENDA TO
ENVIRONMENTAL STUDY REPORT**

NOTICE OF FILING OF ADDENDUM

**TOWNSHIP OF DARTFORD
CLASS ENVIRONMENTAL ASSESSMENT
WATER SUPPLY AUGMENTATION
FIRST CONCESSION RECHARGE SYSTEM
NOTICE OF FILING OF ADDENDUM**

Construction of the First Concession Recharge System commenced in the summer of 1999. The York River Pumping Station and the trunk watermain were completed in late September. Due to unexpected soil conditions at the southerly end of Dartford Hill however, construction of the lagoons and infiltration trenches was halted to allow a review of the design to be undertaken.

An Addendum has now been completed to the Environmental Study Report which was issued 1st May, 1999. The Addendum contains details of the revised recharge system and the amended construction schedule. Please note that only the changes proposed in the Addendum are open for review.

By this Notice the Addendum is being placed on the public record for review in accordance with the requirements of the Municipal Class Environmental Assessment . Subject to comments received as a result of this Notice, the Township intends to proceed with the construction of this project in the summer of 2000. The estimated cost is \$225,000 of which the Ministry of the Environment is expected to contribute \$75,000.

The Addendum is available for review at the following locations

Township Office,
Township of Dartford,
Township Road 20,
Dartford, Ont.

Mon-Fri : 8:30 am - 4:30 pm
Telephone: (519) 765-4321

Resource Centre, YM-YWCA,
3rd Floor, 123 First Avenue,
Dartford, Ont.

Mon-Sat: 9:00 am - 9:00 pm
Telephone: (519) 456-7123

Further information may be obtained from the Township's consultants, ABC Engineering Limited, 100 Main Street, Huntington, Ont. KOL 1G0. Telephone (519) 123-4567. Attention Ms. Julie Appleby, Chief Hydrogeologist.

Please provide written comment to the Township Clerk within 30 calendar days from the date of this Notice. If concerns regarding the revisions to the First Concession Recharge System cannot be resolved through discussion with the Township, a person may request that the Minister of the Environment make an order for the project to comply with Part II of the Environmental Assessment Act (referred to as a Part II Order), which addresses individual environmental assessment. Requests must be received by the Minister at the address below by 31st March, 2000. A copy of the request must be sent to the Township Clerk. If no request is received by 31st March 2000, the Township intends to proceed with construction as outlined in the Addendum.

Minister of the Environment ,
135 St. Clair Avenue W., 10th Floor
TORONTO, Ont. M4V 1P5.

This Notice issued 1st March, 2000.

Reeve John McKay
Township of Dartford
R.R. #1
Dartford, Ont.

COVERING MEMO TO MOE - EAA BRANCH

To: Environmental Assessment and Approvals Branch
Ministry of the Environment
2 St. Clair Avenue, Floor 12A
Toronto, Ontario M4V 1L5

From: *[Name of Proponent]*
[Address]
[Study Contact] *[phone]*

– *[fax]*

– *[e-mail]*

Re: *[Name and Location of Project]*

Date:

The above-noted project is being carried out in accordance with the Municipal Class EA. Please find enclosed a copy of the following for your files:

- Notice of Completion (Schedule B Project)
- Notice of Completion of Environmental Study Report (Schedule C Project)

17=1 Notice of Filing of Addendum



APPENDIX 7

**INFORMATION REGARDING THE
CANADIAN ENVIRONMENTAL
ASSESSMENT ACT**

TABLE 7.1
POTENTIAL CEAA TRIGGERS FOR MUNICIPAL PROJECTS

This table is to be read in conjunction with Section A.2.11 and Appendix 3. The table is not all inclusive. It is the Responsible Authority's responsibility to confirm the application of the CEAA and to determine the scope of assessment that is to be conducted. Proponents are therefore encouraged to contact potential RAs early in the process.

POTENTIAL PROJECT TRIGGER	PROVISIONS OF ACTS	RESPONSIBLE AUTHORITY	COMMENTS
A CEAA SCREENING IS TRIGGERED IF THE PROJECT:			
1. is being funded with federal money	CEAA s.s. 5(1)b	the funding department	Act is triggered where federal money is being provided (e.g., Infrastructure Program projects).
2. Is on federal land	CEAA ss.5(1)(c)	Federal department responsible for the implicated lands	This would affect projects crossing federal lands such as national parks (Heritage Canada), Indian reserves (Department of Indian Affairs and Northern Affairs) or national defence bases (Department of National Defence)
3. is likely to affect a line or property, regulated by the NEB, that is used for the transmission of oil or gas.	<i>National Energy Board Act</i>	National Energy Board	may apply to highway projects requiring the re-location of a pipeline that is regulated by the NEB.
4. is likely to affect the operation of a railway company or property.	<i>Canadian Transportation Act</i>	Transport Canada, Canadian Transportation Agency	generally will apply to projects where a rail line crossing is contemplated.
5. involves the temporary storage of explosives on-site.	<i>Explosives Act</i> , par. 7(1)a	Natural Resources Canada	projects which involve blasting and will store the explosives on-site require a permit under the Explosives Act.
6. involves the federal government in the acquisition, administration or disposal of real property for which a license for any use or occupation of real property is required.	<i>Federal Real Property Regulations</i> , Paragraph 4(2)a	Various - the Federal Department providing the license	would apply to projects which propose to use or occupy federal real property.
7. is likely to affect fish or fish habitat, affect the quantity or quality of water available for fish or result in the destruction of fish.	<i>Fisheries Act</i> , s.s. 35(2)	Department of Fisheries and Oceans - Habitat management and Enhancement	authorisation is required to harmfully alter fish habitat (e.g., in the construction of stream crossings).
8. is likely to affect the navigability of a water body.	<i>Navigable Waters Protection Act</i> , 5(1)a	Transport Canada - Canadian Coast Guard	this would apply to projects potentially affecting the navigability of navigable rivers through the construction or alteration of works on, over, under, through or across a navigable waterway (e.g., bridges).
9. is likely to take place in, involve dredge and fill operations, draw water from or discharge to a historic canal operated by Parks Canada.	<i>IA. and N.D. Canal Land Regulations</i> <i>Public Lands Licensing Order</i> <i>Heritage Canal Regulations</i>	Heritage Canada - Parks Canada	potentially triggered by projects crossing the Trent Severn Waterway and Rideau Canal. The Canal Land Regulations and Public Lands Licensing Order address drainage <i>into a canal</i> (e.g., stormwater drains); and the Heritage Canal Regulations address dredge and fill activities (e.g., construction of bridge piers).
10. is likely to affect Indian reserve lands	Indian Act ss 29(2), 35(1), 35(2) and 39	Department of Indian and Northern Affairs	would only apply to projects that are located on, or require access through Indian Reserves

TABLE 7.2

IDENTIFYING EXPERT FEDERAL AUTHORITIES

ENVIRONMENTAL ISSUES	EXPERT FEDERAL AUTHORITY
1. Environmental Effects	
(from definition of "environment" in the <i>Canadian Environmental Assessment Act</i>)	
Changes in the environment:	
• general	Environment Canada
• air	Environment Canada
• land	Environment Canada
	Natural Resources Canada
• wildlife	Environment Canada
• fish and fish habitat	Fisheries and Oceans Canada
• soil	Agriculture Canada
• forest resources	Natural Resources Canada
• humans	Health Canada
• water	Environment Canada
	Fisheries and Oceans
	Natural Resources Canada
Related changes in:	
• sustainable use	Environment Canada
• human health conditions socio-economic conditions	Health Canada
	Agriculture Canada
	Environment Canada
	Fisheries and Oceans Canada
	Health Canada
	Indian and Northern Affairs Canada
	Industry, Science and Technology Canada
	Natural Resources Canada
• cultural resources	Canadian Heritage
	Indian and Northern Affairs Canada
• aboriginal resource use	Indian and Northern Affairs Canada
• aboriginal land use	Health Canada
• historical, archaeological, paleontological and architectural resources	Canadian Heritage
	Natural Resources Canada
	Public Works Canada
• management of protected areas - national parks, national historic sites, historic rivers and heritage canals	Canadian Heritage
2. CEAA Process and Procedures	Canadian Environmental Assessment Agency
	Environment Canada
3. International Environmental Issues	Foreign Affairs and International Trade Canada
	Canadian International Development Agency

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Canadian Environmental Assessment

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Canada-Ontario Agreement on Environmental Assessment Cooperation

Preamble

WHEREAS Canada and Ontario respect each other's constitutional responsibilities;

WHEREAS certain projects in Ontario require an environmental assessment by Canada pursuant to the *Canadian Environmental Assessment Act* and by Ontario pursuant to the Ontario *Environmental Assessment Act*,

WHEREAS the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act* allow for inter-jurisdictional cooperation and coordination in environmental assessment;

WHEREAS Canada and Ontario have subscribed to those principles of cooperation embodied in the *Sub-agreement on environmental assessment* (Sub-agreement) established under the *Canada-wide Accord on Environmental Harmonization* (Accord);

WHEREAS Canada and Ontario agree that a cooperative environmental assessment will be conducted for each project covered by this agreement according to the requirements of their respective authorizing statutes and regulations while avoiding unnecessary duplication, delays and uncertainty that could arise from separate environmental assessments; and

THEREFORE Canada and Ontario agree to implement the provisions in the Sub-agreement through this Agreement on environmental assessment cooperation.

Definitions

In this Agreement:

"Class environmental assessment document" means:

a class environmental assessment document prepared under section 14 of the Ontario *Environmental Assessment Act*.

"Class screening report" means:

a class screening report as declared under section 19 of the *Canadian Environmental Assessment Act*.

"Cooperative environmental assessment" means:

the environmental assessment of a proposed project where Canada and Ontario have an environmental assessment responsibility, **and they** cooperate to **meet the legal** environmental assessment requirements of

both Parties through a single environmental assessment process.

"Environmental assessment document" means:

- a. for Canada, the documentation provided by the proponent in response to the scope of the project, the factors to be considered under section 16 of the *Canadian Environmental Assessment Act*, and the scope of those factors; and
- b. for Ontario, the document that is submitted by a proponent seeking approval for an undertaking to the Ontario Minister of the Environment for review under the Ontario *Environmental Assessment Act*. The environmental assessment document is the result of the proponent's entire planning process, including pre-submission consultation.

"Environmental assessment" means:

the assessment of the environmental effects of a proposed project conducted in accordance with the *Canadian Environmental Assessment Act* or in accordance with the Ontario *Environmental Assessment Act* and their regulations.

"Environmental assessment responsibility" means:

- a. for Canada, a power, duty or function that is exercised by any person or body under the *Canadian Environmental Assessment Act* that requires a screening, comprehensive study, mediation or review panel under the *Canadian Environmental Assessment Act*, and
- b. for Ontario, a ministerial decision pursuant to the Ontario *Environmental Assessment Act* that is approved by the Ontario Cabinet.

"Interest" means:

the environmental management responsibilities of a Party, the exercise of which does not require an environmental assessment responsibility by that Party.

"Joint panel/tribunal" means:

a public hearing body established by Canada pursuant to the *Canadian Environmental Assessment Act*, and by Ontario under the Ontario *Environmental Assessment Act* and the *Consolidated Hearings Act*, the members of which are appointed by Canada and Ontario.

"Lead Party" means:

the Party as determined under clause 9 of this Agreement.

"Party" means:

either Canada or Ontario.

"Project" means:

a project as defined in subsections 2(1) and 2(3) of the *Canadian Environmental Assessment Act* or an undertaking as defined in

subsection 1(1) of the Ontario *Environmental Assessment Act*.

"Responsible authority":

has the same meaning as set out in section 2(1) of the *Canadian Environmental Assessment Act*.

"Terms of reference" means:

- a. for Canada, the scope of the project, the factors to be considered and the scope of the factors as determined under sections 15 and 16 of the *Canadian Environmental Assessment Act* by a responsible authority in the case of a screening or a comprehensive study and by the Minister of the Environment (and in appropriate circumstances by a review panel) in the case of a panel review; and
- b. for Ontario, the formal document submitted for the Minister's approval early in the environmental assessment process which sets out the workplan to be followed during the production of the environmental assessment document. Once approved, the terms of reference form the framework for the preparation and review of the environmental assessment document. Under subsection 6.1(1) of the Ontario *Environmental Assessment Act*, the environmental assessment must be prepared in accordance with the approved terms of reference.

Interpretation

1. (1) This Agreement:

- a. creates an administrative framework within which the Parties can cooperatively exercise their respective powers and duties **established** by the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act*,
- b. is a public document that is to be **read and interpreted in a** manner consistent with the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act*, and all other federal and provincial legal requirements, including, but not limited, to legislative requirements; and
- c. does not create any new legal powers or duties nor does it alter the powers and duties established by the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act* and is not legally binding on the Parties.

(2) This Agreement recognizes the right of either Party to carry out its legal obligations and confirms the commitment of the Parties to work together in conducting cooperative environmental assessments.

(3) Neither Canada nor Ontario gives up any jurisdiction, right, power, privilege, prerogative or immunity by virtue of this Agreement or any subsidiary agreements resulting therefrom.

Scope

2. For Canada, this Agreement applies to any person or body that is required to ensure an environmental assessment is conducted under the *Canadian Environmental Assessment Act* and for Ontario this Agreement applies to any

person or body having authority under the Ontario *Environmental Assessment Act*.

Objectives

3. The objectives of this Agreement are to:

- a. achieve greater efficiency and the most effective use of public and private resources where environmental assessment processes involving both Parties are or may be required by law;
- b. foster cooperation between the Parties concerning the environmental assessment of proposed projects; and
- c. describe the roles and responsibilities for the Parties in implementing a cooperative environmental assessment.

Coordination of Responsibilities of Designated Offices

Designated Offices

4. (1) Each Party will maintain an office that will serve as the main source of general information on that Party's environmental assessment process, procedures and policies.

(2) Canada's designated office will be the Canadian Environmental Assessment Agency's office (Agency office) located in Toronto.

(3) Ontario's designated office will be the Environmental Assessment and Approvals Branch of the Ministry of the Environment located in Toronto (Ontario office).

(4) Each Party's designated office will be responsible for:

- a. coordinating, as needed, administrative matters pertaining to this Agreement and any potential cooperative environmental assessment;
- b. facilitating consultation and cooperation between the Parties in relation to projects proceeding under a cooperative environmental assessment, where appropriate;
- c. providing information about their respective environmental assessment processes, policies and procedures;
- d. coordinating and facilitating federal and provincial contact and communication on environmental assessment matters with potential proponents, other government departments, ministries, agencies, Aboriginal communities, and the public;
- e. reviewing periodically the implementation of this Agreement and the effectiveness of the cooperative environmental assessments undertaken;
- f. developing operational procedures, as needed, for matters pertaining to this Agreement; and
- g. keeping a directory of the names of those who have been assigned by

each Party to assist in the administration or review of each cooperative environmental assessment and making this information available to each other on request.

(5) The designated offices will meet as required to monitor the efficiency and effectiveness of the Agreement and to review comments from the public on the operation of the Agreement that may be received.

Cooperative Environmental Assessment Coordination Responsibilities

(Clauses 5 through 23 of this Agreement do not apply to the development or review of federal class screening reports or provincial class environmental assessment documents, or Ontario Regulation 116/01 (Electricity Projects); nor do they apply to projects being assessed under these instruments. See clauses 24 and 25 for coordination procedures of class environmental assessments.)

5. (1) Normally, for projects subject to a cooperative environmental assessment, the following will apply:

- a. the Agency office will act as the federal environmental assessment coordinator, as described under the *Canadian Environmental Assessment Act*, throughout all stages of the cooperative environmental assessment unless confirmed otherwise by the Agency office to the Ontario office; and
- b. the Ontario office will coordinate the input and involvement of provincial ministries and agencies from the early stages of pre-notification through all stages of the cooperative environmental assessment.

(2) For projects or parts of projects referred to a joint panel/tribunal, the following will apply:

- a. the joint panel/tribunal secretariat will become the point of contact for Canada and Ontario once a project has been referred by both Ministers of the Environment to the joint panel/tribunal for hearing; and
- b. the Agency office will resume its role as point of contact for Canada and the Ontario office will resume its role as point of contact for Ontario, following the submission of the joint panel/tribunal report and recommendations/decisions to the Ministers of the Environment.

Pre-Notification and Early Coordination

6. (1) The Parties will advise each other as early as possible, through their designated offices, of projects potentially subject to both the *Canadian Environmental Assessment Act* and the *Ontario Environmental Assessment Act*.

(2) The designated offices will provide timely disclosure and access to relevant information about the proposed projects.

(3) The Parties will consult and work with each other and proponents, as early as possible, to ensure that the information needed to identify the Parties' environmental assessment responsibilities is included in any project description under the *Canadian Environmental Assessment Act* or an application under the *Ontario Environmental Assessment Act*. Guidance will be provided to the

proponent in a consolidated fashion where appropriate.

(4) The designated offices will advise proponents at the earliest opportunity when they are aware of the potential for a cooperative environmental assessment of a proposed project.

Notification and Determination of Environmental Assessment Responsibilities

7. (1) Following submission of a project description, the designated offices, will confirm, in writing, to each other as soon as practicable so that each Party's legislated timelines can be met, when an environmental assessment responsibility or an interest exists in relation to the proposed project.

(2) If either Party believes that it may have an environmental assessment responsibility but the project proposal or description documentation is insufficient to make such a final determination, that Party will:

- a. document its responsibilities that may require an environmental assessment and request the proponent to provide the additional information required; and
- b. provide the documentation referred to in (a) above to the other Party including the proponent's response to the other Party.

(3) Where one Party has an environmental assessment responsibility and the other Party believes that it may have an environmental assessment responsibility but has not yet made such a determination, the Party that has yet to make a determination will participate in the environmental assessment until it has made a determination. Such participation will be mindful of the need to make a timely determination of environmental assessment responsibilities. The information required to make a determination may be obtained as provided for in clause 7(2).

Cooperative Environmental Assessments

8. (1) Where each Party has determined that it has an environmental assessment responsibility for a proposed project, a cooperative environmental assessment will be undertaken.

(2) The cooperative environmental assessment will be administered by a Lead Party in a manner that enables both Parties to meet their legal requirements and ensures that the cooperative environmental assessment:

- a. generates the type and quality of information required to satisfy both the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act*, and
- b. provides findings on the environmental effects of the proposed project required for decision making by the respective Parties.

(3) A Party's participation in a cooperative environmental assessment will be consistent with and mindful of legislated timelines.

Determining Lead Party

9. (1) The Lead Party for the purposes of administering the cooperative environmental assessment will, in accordance with section 5.6.0 of the Sub-

agreement to the Accord, generally be determined as follows:

- a. Canada will be the Lead Party for proposed projects on federal lands where federal approval(s) apply.
- b. Ontario will be the Lead Party for proposed projects on lands within its provincial boundary not covered under clause (a) above where *Environmental Assessment Act* approval(s) may apply.
- c. If a project is located on lands under both federal and provincial jurisdiction, the Lead Party will be determined by mutual agreement of the Parties.

(2) If a Party believes that it would be in the best interest of a cooperative environmental assessment to vary the Lead Party under clause 9(1)(a) or 9(1)(b) above, that Party will notify the other Party's designated office within 25 working days of receiving an adequate project description and provide a rationale for the variance. While the issue of varying the Lead Party is being discussed, the Party assuming the lead based on clauses 9(1)(a) and 9(1)(b) of this Agreement will continue to act as the Lead Party for the purposes of the cooperative environmental assessment.

(3) The Party requesting a variance shall provide its rationale for suggesting a variance based on an evaluation of the following criteria:

- a. scale, scope and nature of the environmental assessment;
- b. capacity to administer the assessment including available resources;
- c. physical proximity of government's infrastructure;
- d. effectiveness and efficiency;
- e. access to scientific and technical expertise;
- f. ability to address proponent or local needs;
- g. inter-provincial, inter-territorial or international considerations; or
- h. existing regulatory regime including the legal requirements of quasi-judicial tribunals.

(4) If the Parties agree to vary the Lead Party, the proponent will be notified by the new Lead Party, through its designated office, as soon as possible.

Single Contacts

10. (1) For each cooperative environmental assessment, the Parties, through their designated offices, will identify a single contact and provide the name and contact information promptly to the other Party in writing.

(2) Canada's contact will be the assigned Agency officer who acts as the federal environmental assessment coordinator unless confirmed otherwise by the Agency office to the Ontario office.

(3) Ontario's contact will be the project officer to whom the project is assigned.

(4) Each Party's contact will:

- a. coordinate its Party's participation in the cooperative environmental assessment;
- b. confirm the environmental assessment responsibility(ies) or the interest that applies to the proposed project;
- c. contact relevant departments, ministries and agencies in their respective governments to confirm the Lead Party as determined by clause 9;
- d. work with the other Party's contact to resolve process and content issues that may arise during the cooperative environmental assessment;
- e. coordinate the Party's consultation with the other Party and the proponent on matters pertaining to the cooperative environmental assessment; and
- f. work to ensure that the timelines established for the cooperative environmental assessment are met.

Joint Assessment Committee

11. (1) For each cooperative environmental assessment other than a joint panel/tribunal, there will be a Joint Assessment Committee made up of one representative from the Agency and one from each of the federal responsible authorities for the environmental assessment, and a representative from the Ontario office and any additional representative(s) the Ontario office considers appropriate.

(2) The Joint Assessment Committee members are responsible for:

- a. establishing a mutually agreeable workplan for completion of each stage of assessment consistent with legislated timelines;
- b. identifying the information requirements needed by the Parties to satisfy their legal environmental assessment requirements through the review of the terms of reference; determining the completeness and adequacy of the environmental assessment information and report;
- c. analyzing and reporting on the findings of the environmental assessment document;
- d. coordinating, to the extent possible, the timing of environmental assessment decisions and the announcement of such decisions; and
- e. other related functions as determined by the Joint Assessment Committee.

(3) Members of the Joint Assessment Committee may seek input from federal expert authorities, provincial ministries and other advisors as required to meet their responsibilities. These experts and advisors may be invited to participate on the Joint Assessment Committee.

Establishment of a Workplan for the Assessment

12. (1) Where a cooperative environmental assessment is undertaken, the

deficiencies and/or additional information sought by each Party to meet each Party's specific requirements.

(5) The Parties will confirm to each other and the proponent when the terms of reference document meets their respective requirements. The Lead Party's designated office will notify the proponent when the terms of reference is approved.

(6) The Parties will provide guidance to the proponent, upon request, during the preparation of the environmental assessment document to ensure the document meets their legislative and policy requirements.

Determination of Completeness of the Environmental Assessment Document

15. (1) The Joint Assessment Committee and its advisors will review the environmental assessment document submitted by the proponent to determine the completeness and adequacy of the information.

(2) If deficiencies in the information provided are identified, or additional information is needed, a consolidated deficiency document will be prepared by the Joint Assessment Committee. The Lead Party's designated office will issue the agreed upon deficiency document to the proponent.

(3) The designated offices will confirm, in writing, to each other and the proponent when their Party's requirements for information, including those requirements outlined in the deficiency document referred to in clause 15(2), have been met in accordance with the terms of reference.

(4) Where a Party determines that the information it requires to fulfill its legal obligations will not be provided by the cooperative environmental assessment, that Party, while continuing to participate in the cooperative environmental assessment, will document its information needs in relation to its legal responsibilities, provide this to the Lead Party's designated office, and identify its intention to request information from the proponent so that implications for the workplan determined in clause 12(1) can be considered.

(5) If the Party conducting additional steps or seeking additional information completes its task prior to the conclusion of the cooperative environmental assessment, the additional information will be integrated into the cooperative environmental assessment in accordance with the workplan for the cooperative environmental assessment. Otherwise, the additional information will be used solely for the decision making required of the Party that conducted the additional steps or sought the additional information.

Coordination of Decisions and Announcements

16. (1) Each Party, having an environmental assessment responsibility, will use the information generated by the cooperative environmental assessment for the purposes of its respective decision making provided that each Party is of the opinion that the information generated in the process meets the requirements of its environmental assessment legislation.

(2) The Parties agree to coordinate the timing of decisions, to the extent possible, throughout the conduct of the cooperative environmental assessment.

(3) Upon completion of a cooperative environmental assessment, each Party will notify the other of project decisions, the proposed timing of public announcements concerning these decisions, and provide an opportunity to

coordinate the announcement of such decisions.

(4) To the extent possible, neither Party will communicate its decision directly to the proponent or the public without prior notification of the other Party.

(5) The designated offices of both Parties will provide assistance in achieving coordination.

Mitigation and Follow-up

17. Where a cooperative environmental assessment leads to the approval of a proposed project by Ontario and where Canada exercises a power, or performs a function, or a duty in relation to the proposed project, subject to identified mitigation measures, monitoring and follow-up requirements or any other terms and conditions, the Parties will communicate and may coordinate their respective requirements if any, where it is possible and mutually advantageous to do so. A project-specific agreement may be developed between the Parties to confirm the cooperative arrangements in this regard.

Joint Panel/Tribunal

18. (1) Where either Party intends to refer an environmental assessment matter to a review panel under the **Canadian Environmental Assessment Act** or the Environmental Review Tribunal for a hearing under the Ontario **Environmental Assessment Act**, and if applicable the **Consolidated Hearings Act**, the Party's designated office will provide immediate notice to the other Party's designated office and consult on the possibility of establishing a joint panel/tribunal for the project.

(2) If the Parties agree that a joint panel/tribunal can be established in a manner that satisfies the requirements of both the **Canadian Environmental Assessment Act** and the Ontario **Environmental Assessment Act** or the **Consolidated Hearings Act**, they will enter into a project-specific agreement respecting the establishment of a joint panel/tribunal, its membership, and the manner in which the cooperative environmental assessment is to be conducted including the scope of the assessment.

(3) The joint panel/tribunal shall have the powers and duties of a panel provided for in the **Canadian Environmental Assessment Act** and of the Environmental Review Tribunal under the Ontario **Environmental Assessment Act** or the **Consolidated Hearings Act**.

(4) The agreement referred to in 18(2) is to contain the provisions necessary to satisfy the requirements of the **Canadian Environmental Assessment Act** and the Ontario **Environmental Assessment Act** or the **Consolidated Hearings Act**, and may contain additional provisions respecting the operation of the joint panel/tribunal, the establishment of a panel secretariat to provide administrative and procedural support to the joint panel/tribunal, cost sharing, assistance provided to participants in the hearing process in accordance with the Parties' legislation and policies, the expected time frame for completion of the work by the joint panel/tribunal and any other matter that the Parties agree is necessary for the proper conduct of the work by the joint panel/tribunal.

(5) All documents produced by the joint panel/tribunal including its final report, will take account of and reflect the views of each member of the joint panel/tribunal.

(6) The joint panel/tribunal's final report shall be put forth as recommendations to Canada and as decisions to Ontario subject to Ministerial review. Prior to

making a decision on the proposed project, the Parties shall discuss the joint panel/tribunal findings and seek to issue their decisions within a time frame agreed to by the Parties.

Accommodating Interests

19. (1) Where one Party has an environmental assessment responsibility respecting a proposed project and the other Party has an interest, the Party with the environmental assessment responsibility will invite early in the environmental assessment the Party with an interest to review the environmental assessment information and provide comments related to its mandated responsibilities.

(2) Nothing in this Agreement is intended to limit the opportunities of either Party to access information or provide input to an environmental assessment of a proposed project afforded by the participatory nature of the processes administered under both the *Canadian Environmental Assessment Act* and the *Ontario Environmental Assessment Act*.

Mediation under the Ontario *Environmental Assessment Act*

20. (1) To help resolve disputes that may arise during the course of an environmental assessment in Ontario, the Ontario Minister of the Environment may under subsections 6(5), 8(1), and 16(6) of the *Ontario Environmental Assessment Act* refer a matter to mediation.

(2) Where a project is subject to a cooperative environmental assessment and Ontario is considering the referral of the project to mediation as described in clause 20(1), the Ontario office will notify the Agency office to determine whether Canada wishes to participate in the mediation.

Mediation under the *Canadian Environmental Assessment Act*

21. Where Canada is considering the referral of a project to a mediator pursuant to subsection 29(1) of the *Canadian Environmental Assessment Act*, the Agency office will notify the Ontario office to determine whether Ontario wishes to participate in the mediation.

Transboundary Considerations

22. (1) Where a proposed project in Ontario is subject to a cooperative environmental assessment, and has the potential to cause adverse environmental effects in another province or territory in Canada, the Lead Party's designated office will advise the proponent to inform the potentially affected province or territory and consult the potentially affected province or territory during the conduct of the cooperative environmental assessment.

(2) The Parties may invite any potentially affected province/territory to input into the cooperative environmental assessment.

(3) For a project outside Ontario subject to the *Canadian Environmental Assessment Act* and which has the potential to cause adverse environmental effects in Ontario, Ontario will be invited by Canada to input into the assessment of that project.

(4) The requirement in clause 22(3) does not apply where Ontario has been notified by another province or territory pursuant to an agreement and has

been given an opportunity to participate.

(5) Where Canada has obligations pursuant to an international agreement with respect to the environmental assessment of certain proposed projects that are subject to a cooperative environmental assessment, Canada will notify and discuss its obligations with Ontario to ensure compliance of the cooperative environmental assessment with the international commitments.

(6) Where Canada becomes aware of potential transboundary concerns relating to a project within the meaning of sections 46, 47 or 48 of the *Canadian Environmental Assessment Act*, whether the project is situated in Ontario or in another jurisdiction with potential transboundary effects in Ontario:

- a. the Agency office will promptly notify the Ontario office of the potential transboundary concerns;
- b. upon notification, as referred to in clause 22(6)(a), the Parties agree to exchange information relating to the project, the transboundary concerns, and any assessment of the environmental effects of the project; and
- c. for projects in Ontario, Canada will consider any available information generated by an assessment of the environmental effects of the project conducted under the Ontario *Environmental Assessment Act* required by Ontario before taking final action under sections 46, 47 or 48 of the *Canadian Environmental Assessment Act*.

Consideration of Aboriginal Interests

23. (1) Where a project subject to a cooperative environmental assessment has the potential to have environmental effects on an Aboriginal community, the Parties will ensure that the potentially affected Aboriginal community is notified so that it may participate in the cooperative environmental assessment. Notification and participation of a potentially affected Aboriginal community will be conducted in accordance with any requirements that may be set out in the *Canadian Environmental Assessment Act* and the Ontario *Environmental Assessment Act*, and any regulations or policies made pursuant to those Acts or any operational procedures developed under this Agreement.

(2) This Agreement does not apply to environmental assessment processes pursuant to a land claim or Aboriginal self-government agreement.

(3) This Agreement may be revised to reflect land claim agreements or Aboriginal self-government agreements that are given effect by legislation.

(4) The Parties agree to share the principles of the Accord, the Sub-agreement, and the provisions of this Agreement with Aboriginal communities when negotiating environmental assessment regimes pursuant to land claim or self-government agreements.

(5) Nothing in this Agreement affects or alters constitutionally-protected Aboriginal rights or Treaty rights.

Class Environmental Assessment, Class Screenings and Electricity Projects

Development or Review of a Federal Class Screening Report, a Provincial Class Environmental Assessment Document or Ontario

Regulation 116/01

24. (1) For the development or review of a federal class screening report or a provincial class environmental assessment document or Ontario Regulation 116/01, the following will apply:

- a. the Parties will notify and invite each other through their designated office as early as possible to participate;
- b. the Agency office will coordinate the input and involvement of federal departments and agencies in the development or review of provincial class environmental assessment documents and Ontario Regulation 116/01;
- c. the Ontario office will coordinate the input and involvement of provincial ministries and agencies into the development or review of federal class screening reports;
- d. the extent of this participation will be determined as early as possible on a case-by-case basis; and
- e. where Parties agree to participate, they will do so in a manner consistent with legislated timelines.

(2) At the time of development or review, the Parties agree to include provisions in federal class screening reports, provincial class environmental assessment documents, and Ontario Regulation 116/01, to facilitate cooperation for project environmental assessments prepared under these instruments.

Coordination Framework for Projects Subject to Provincial Class Environmental Assessments or Ontario Regulation 116/01 (Environmental Screening Process)

25. (1) For a proponent(s) seeking to concurrently satisfy the requirements of a provincial class environmental assessment document, or Ontario Regulation 116/01 (Environmental Screening Process), and the requirements under the *Canadian Environmental Assessment Act* for a project, the following coordination procedures apply:

- a. the proponent(s) is to notify and consult the Agency's office early in the planning process when the details of the project are known, and provide a project description in a timely manner;
- b. where it is determined based on the project description that an environmental assessment responsibility of the project is required, or is likely to be required, under the *Canadian Environmental Assessment Act*, the Agency office or the federal authority will convene a discussion with the proponent(s) and potential or actual responsible authorities to discuss the coordinated process, including its workplan;
- c. the Agency office or a federal authority will notify the proponent(s) of federal requirements and the commencement of the federal assessment; and
- d. the proponent(s) and the Agency office or the federal authority will work together to address federal concerns and information requirements.

(2) The proponent(s) of the project will follow the class environmental assessment process or Ontario Regulation 116/01 approved under the Ontario *Environmental Assessment Act*, and incorporate additional information necessary to satisfy the requirements of the *Canadian Environmental Assessment Act*.

(3) The proponent(s) will present its findings on the predicted environmental effects of the project in a single body of documentation.

(4) All Parties' participation will be consistent with and mindful of timelines set out in the class environmental assessment document or Ontario Regulation 116/01 and legislation.

Issues Management between the Parties

26. (1) The Parties will make every reasonable effort to agree on the interpretation and application of this Agreement, including but not limited to, the scope of the project and the scope of the assessment, the completeness and adequacy of the information submitted by the proponent, the significance of environmental effects, process related questions, or any issue that is related to a cooperative environmental assessment.

(2) Should a dispute on any of these issues arise, the Parties will, to the extent possible, seek to resolve the dispute at the operational level.

(3) Where all reasonable efforts to resolve a dispute at the operational level have been exhausted and where either Party believes a dispute requires resolution at a more senior level, the Party seeking to resolve the dispute will notify in writing the other Party through its designated office and provide a justification for raising the dispute at a more senior level.

(4) Where both designated offices agree to the consideration of the dispute at a more senior level, the following procedures will apply:

- a. The designated offices, in consultation, will convene a meeting of the Parties at a senior operational level within ten working days of the dispute being brought to the attention of the two offices to seek a resolution of the dispute or to agree on a process for resolving the dispute.
- b. The Agency office will facilitate the participation in the process of relevant senior regional officials, including the office of the senior regional officer of the department or agency or the representative of that office. The Ontario office will facilitate the participation of relevant senior provincial officials.
- c. If after a period of time agreed to by the senior officials at the onset of the dispute resolution procedures outlined in clause 26(4)(a), the dispute has not been resolved, and where the designated offices agree, the matter will be referred to the President of the Canadian Environmental Assessment Agency and the Deputy Minister for the Ontario Ministry of the Environment, to facilitate resolution of the issues by the Parties, including federal responsible authorities and specialist federal authorities, within a specified time frame.

(5) The Parties recognize that this dispute resolution process does not fetter the authority of a federal responsible authority under the *Canadian Environmental Assessment Act* or the authority of the Minister of the Environment under the Ontario *Environmental Assessment Act*.

Operational Procedures

27. The Parties, through their designated offices, agree to develop and maintain operational procedures that will facilitate the implementation of this Agreement. The operational procedures will be developed within one year of the execution of this Agreement and will be reviewed by the Parties on mutual consent to determine whether revisions are necessary.

Revision and Duration of Agreement

28. This Agreement comes into force upon its execution by both Parties.

29. (1) This Agreement may be revised at any time by mutual consent by the Parties.

(2) This Agreement shall be reviewed by the Parties through their designated offices three years following its coming into force. Through this review, the Parties will determine the timing of the next review of the Agreement.

30. (1) Where the environmental assessment of a project has been completed by a Party prior to the coming into force of this Agreement and upon coming into force of this Agreement the other Party has yet to complete its environmental assessment for the same project, the other Party will take into consideration the information generated by the completed environmental assessment.

(2) If an environmental assessment was initiated by one or both Parties prior to the coming into force of this Agreement and it is still under way upon the coming into force of this Agreement, the Parties may agree to apply this Agreement, or any portion thereof, to the environmental assessment.

31. Following consultations between the Parties, this Agreement may be terminated by either Party, forty-five days after written notice is provided to the other Party. In the event of termination, the Parties will provide transitional arrangements for proposed projects already involved in a cooperative environmental assessment.

Signatures

In witness thereof the Honourable Stephane Dion has hereunto set his hand and seal on behalf of Canada, and the Honourable Leona Dombrowsky has hereunto set her hand and seal on behalf of Ontario, to this Agreement, this day of , 2004.
(Original text signed on November 1, 2004.)

Signed on behalf of Canada by
the Honourable Stephane Dion,
Minister of the Environment.

Original text signed by _____
The Honourable Stephane Dion
Minister of the Environment

Signed on behalf of Ontario by
the Honourable Leona Dombrowsky,
Minister of the Environment.

Original text signed by _____

The Honourable Leona Dombrowsky
Minister of the Environment

Last Updated: 2004-11-01

A.

Important Notices

