



## The Corporation of the Town of Tecumseh

Public Works & Engineering Services

**To:** Mayor and Members of Council

**From:** Phil Bartnik, Director Public Works & Engineering Services

**Date to Council:** April 11, 2023

**Report Number:** PWES-2023-31

**Subject:** Municipal Class Environmental Assessment  
Notice of Amendment

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### Recommendations

It is recommended:

**That** Report PWES-2023-31 titled “Municipal Class Environmental Assessment – Notice of Amendment,” **be received.**

### Executive Summary

The provincial government is streamlining and modernizing its environmental assessment process that ensures strong environmental oversight and reduces delays on projects that matter most to Ontario communities. This process included considering input from stakeholders and Indigenous communities on the proposed amendments to the Municipal Class Environmental Assessment in 2020.

Various changes were made to the Municipal Class Environmental Assessment to update project schedules to better align the level of assessment with the environmental impact of the project and to ensure important public services and infrastructure projects can get off the ground faster without unnecessary costs and delays.

## Background

An Environmental Assessment (EA) is a formal process in which the Ontario Ministry of the Environment, Conservation and Parks (MECP) evaluates the environmental impact of a proposed project. The law ensures that the environmental impact of many large-scale activities is evaluated before the activities/undertakings are permitted. The EA process also informs the public about the project and gives interested parties the right to comment before the project is approved.

The Ontario MECP, under the [Environmental Assessment Act](#) (EAA), requires that an assessment be done for activities that are proposed by the province, a municipality or another public body. This includes activities such as building roads, hydro stations, and landfill sites.

Under the EAA, there are two processes for determining the impacts associated with projects:

1. Individual Environmental Assessments – prepared for large-scale, complex projects with the potential for significant environmental effects and require Ministry of the Environment, Conservation and Parks (MECP) approval.
2. Class Environmental Assessments – a document that sets out a standardized planning process for classes or groups of activities. It applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed. There are Class EA processes for **municipal infrastructure projects**, provincial parks and conservation areas, waterpower projects, to name a few.

The Municipal Class Environmental Assessment (Municipal Class EA) document prepared by the Municipal Engineers Association sets out the procedure to be followed to plan municipal infrastructure projects, including roads, water, wastewater and transit projects, in a way that protects the environment. It is an approved process that municipalities must follow under the EAA.

The Municipal Class EA had classified projects into four categories:

- Schedule A projects that generally include normal or emergency operational and maintenance activities (i.e., maintenance of traffic control devices).
- Schedule A+ projects are similar to Schedule A projects, but the public must be advised prior to implementing A+ projects (i.e., multi-use trail construction within the road right-of-way).
- Schedule B projects that generally include improvements and minor expansions to existing facilities (i.e., watermain extension).

- Schedule C projects that generally include the construction of new facilities and major expansions to existing facilities (i.e., new wastewater treatment plant).

In 2020 the provincial government began modernizing its almost 50-year old EA program by working with proponents of Class EAs to propose changes that would align assessment requirements with environmental impact and reduce duplication and increase efficiency of the Class EA process while ensuring strong environmental oversight.

The ministry consulted on the proposed amendments with Indigenous communities, members of the public, government agencies and stakeholders.

Ontario Bill 197, the [COVID-19 Economic Recovery Act, 2020](#) (Bill 197), made significant changes to the Class Environmental Assessment system. Bill 197 amended the Environmental Assessment Act (EAA) to enable the creation of new streamlined regulation with consistent and standardized processes.

## Comments

On March 3, 2023, the MECP advised that the [Municipal Class EA](#) has been amended as part of the ministry work on EA modernization. The list of changes to the Municipal Class EA is extensive; the most significant amendments are summarized below.

## Environmental Assessment Requirements

The Municipal Class EA has amended the environmental assessment requirements to better align with the potential environmental impacts of a project, reduce any duplication and improve clarity and consistency, including:

- making some projects eligible for exemption based on the results of an archaeological screening process (a more detailed discussion of this is provided later in the report).
- exempting projects that are needed because of an emergency.
- updating cost thresholds, consistent with provisions in the existing Municipal Class Environmental Assessment and the *Environmental Assessment Act*.
- exempting some transit projects that are already exempt through O. Reg. 231/08 (Transit Projects and Metrolinx Undertakings) to ensure consistency.

## Project Schedules

Various changes were made to the Municipal Class EA to update project schedules to better align the level of assessment with the environmental impact of the project.

In 2019, as part of the [\*More Homes, More Choice Act\*](#), the EAA was amended to exempt Class A and A+ projects from Municipal Class EA requirements, because they were considered to be low-impact projects with minimal environmental effects. Meanwhile, Schedule B and C projects continued to follow the Class EA process.

In 2020, the Municipal Class EA was amended to classify more projects as Schedule A and A+ projects, meaning those projects would be pre-approved and do not need to follow the Class EA process. This affects a broad range of project types. For example, the installation, construction or reconstruction of traffic control devices has shifted from a Schedule C to Schedule A+ project. This is a substantial change because such projects no longer have to undergo the full planning and documentation procedures associated with Schedule C projects, including preparing and filing an Environmental Study Report for review by the public and review agencies. The stated reasoning behind this change is that such projects are typically located within existing rights-of-way and the potential for adverse impacts on the natural environment from this type of project is low.

## Archaeological Screening Process

The amended Municipal Class EA now includes a provision for the protection of archaeological resources and burial sites. An archaeological screening process (ASP) is required for various projects to ensure archaeological resources are considered before a project proceeds.

The ASP consists of three questions with links to various tools and criteria under the *Ontario Heritage Act*. Proponents must carry out the specified research and consultation to accurately respond to each question. This includes, but is not limited to, consultation with Indigenous Communities, municipal governments, and the Ministry of Citizenship and Multiculturalism, and may require the assistance of a licensed archaeologist.

1. Does the project area include known or potential archaeological resources?
2. Based on the archaeological assessment(s), will the proposed project/undertaking have negative impacts (effects) to archaeological resources?
3. Based on the archaeological assessment(s), will any negative impacts (effects) be appropriately mitigated?

If a proponent does not fully and properly complete the archaeological screening process in accordance with the questions and the checklists/instructions referred to in

those questions or mischaracterizes their project or the impacts associated with the project, the proponent cannot proceed with their project and would be out of compliance with the EAA. A project is not exempt unless the archaeological screening process is completed as required, project documentation maintained and all mitigation measures that are identified through the screening process are implemented.

## Bump up Requests

A significant change to the Municipal Class EA is the availability of “bump up” requests. These requests can require a project that has been subject to a Class EA to undergo an individual EA (formerly referred to as a “Part II Order”). **Under the new amendments to the EAA, such requests are only available “on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada.”** Previously, the grounds for a bump up request were not limited in any way. Now, stakeholders who do not have concerns related to aboriginal and treaty rights can no longer make a bump up request.

## Going Forward

In a letter dated March 3, 2023 (Attachment 1), the MECP advised the Municipal Engineers Association that proponents authorized to proceed with projects through the Municipal Class EA are required to proceed in accordance with the transition provisions set out in the amended Municipal Class EA (2023). The amended Municipal Class EA (2023) is provided in Attachment 2.

Projects/undertakings approved to proceed pursuant to Municipal Class EA are set out in tables together with their classification and are provided in Appendix 1 to the amended Municipal Class EA document. The projects are broken into three tables based on the type of infrastructure: roads, water and wastewater and transit. Projects are now classified into one of the following schedules:

1. Exempt from Environmental Assessment Act (EAA) requirements,
2. is eligible for exemption based on the results of the screening process(es) in Appendix 1;
3. should proceed through Schedule B or C despite being eligible for screening;
4. Schedule B, and
5. Schedule C.

The province has moved to this project-list approach for projects that would require a comprehensive environmental assessment (currently referred to as an individual environmental assessment) under the EAA. The province is advocating a streamlined

process to reduce timelines for these projects while continuing to provide opportunities for consultation and environmental oversight.

## Consultations

Ministry of the Environment, Conservation and Parks

## Financial Implications

This report is provided for information purposes only and does not have any financial implications.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cheryl Curran, BES  
Project Technician

Reviewed by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Municipal Class Environmental Assessment Amendments – Stakeholder letter dated March 3, 2023
2	Municipal Class Environmental Assessment, Municipal Engineers Association, March 2023