



Memorandum to: Chair and Members of Development Services Committee

Date: May 30, 2023

SUBJECT: Changes to Municipal Class EA as a Result of a Recent Amendment and Proposed Modernization by The Ministry of the Environment, Conservation & Parks (MECP)

PREPARED BY: Salia Kalali, Manager, Infrastructure and Capital Projects
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RECOMMENDATION:

1. That the memorandum entitled “Changes to Municipal Class EA as a Result of a Recent Amendment and Proposed Modernization by The Ministry of the Environment, Conservation & Parks (MECP)” be received; and,
2. That Council support the recently approved amendment for the modernization of the Municipal Class EA (MCEA); and,
3. That staff continue to monitor any additional proposals and decisions related to the Environmental Assessment process and raise any concerns or potential negative impacts that may affect the City's capital project delivery.

PURPOSE:

The purpose of this memorandum is to update the Committee on the recent approved amendment and proposed further changes by the MECP to the MCEA process. Additionally, this memorandum provides information on the potential impacts of these changes on the City's capital project delivery protocol and practices.

BACKGROUND:

ERO # 019-5069:

The Minister of the Environment, Conservation and Parks recently approved an amendment to the MCEA on March 3, 2023. The purpose of the amendment is to better align assessment requirements with potential environmental impacts, including conditional exemptions for certain low-risk projects.

These amendments consider the feedback from Indigenous communities, proponents, stakeholders and other agencies. The changes that impact City of Markham's projects include:

- Changing the following environmental assessment requirements for some projects to better align requirements with the potential environmental impacts of the project and reduce any duplication and improve clarity and consistency, including:
 - making some projects eligible for exemption based on the results of an archaeological screening process;
 - 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*
- Modernizing consultation requirements by allowing municipalities to develop their own custom notification procedures without a notification by-law.
 - Historically, the MCEA required that a notice be published in a local newspaper having general circulation in the area of the project. However, proponents are now encouraged to establish their own custom policies for providing notice to the public.
 - Under the amendment proponents are encouraged to develop notice procedures that suit their individual municipalities and work with the Municipal Clerk to incorporate these notice procedures into their municipal notice bylaw.
 - Alternatively, a standardized procedure can be created specifically for the consultation/notification under the MCEA process, as long as it's been adopted by the municipality and made available to the public

ERO # 019-6693:

The MECP posted notice ERO-019-6693 (Evaluating MCEA Requirements for Infrastructure Projects) on March 10, 2023, for public consultation.

As part of the overall modernization of the environmental assessment (EA) process, MECP is proposing to evaluate the requirements for municipal road, water and wastewater projects that are currently subject to the MECA that may also include requirements under other legislation. These changes are proposed to improve timelines for completing low-risk infrastructure projects such as municipal roadways.

As a result of this proposed change, the Municipal Class EA could be revoked, and the Act and regulations would be amended as necessary. If the MCEA is revoked, municipalities would be required to adopt and maintain policies to implement their projects. The Province would not be involved in the approval or operation of those policies. If the EA is revoked, municipalities will need to develop their own procedure and policies to define our undertakings for an EA. One of the main concerns for the MEA was the possible inconsistencies of municipally developed processes.

DISCUSSION:

Based on the approved amendment (ERO#019-5069) and the proposed modernization (ERO#019-6693), municipalities can deliver infrastructure with fewer bureaucratic processes and minimized delays. This will generally lead to reduced project design costs and significantly improved schedules. Emergency works can proceed without unnecessary processes, and projects can be prioritized with fewer constraints.

The ERO#019-6693 was under public review until May 9th, 2023, and the Municipal Engineers Association (MEA) has submitted comments and suggestions in Attachment A. Upon reviewing their feedback, it appears that MEA is not fundamentally opposed to the proposal, but has suggested improvements in terms of consistency and standardization

in consultation practices and construction methods province-wide. Furthermore, they have recommended that the MECF hold workshops to discuss these ideas with municipalities and implement a transition period from the current MCEA to the proposed revocation date.

RECOMMENDED BY:

Frank Clarizio, P. Eng.
Director of Engineering

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

Attachment A: [MEA Response to ERO 019-6693 May 2023.pdf](#)
([municipalengineers.on.ca](#))