

Environmental Assessment Modernization

FOR DISCUSSION – Summary of Proposed Requirements Proposed Municipal Project Assessment Process Regulation

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Context/Overview

Under the *Environmental Assessment Act* (EA Act), the new Part II.4 (when in force) will apply to streamlined EA projects. Projects designated as Part II.4 projects will be required to undertake a streamlined EA process set out in regulation. The Ministry of the Environment, Conservation and Parks (the “ministry”) is proposing to revoke the Municipal Class Environmental Assessment (MCEA) and replace it with:

1. A regulation that would designate certain municipal infrastructure projects as Streamlined Environmental Assessment projects under Part II.4 of the EA Act.
2. A regulation setting out the streamlined Environmental Assessment process for these Part II.4 projects (Municipal Project Assessment Process).

The proposal would create a time-limited process for designated higher-risk municipal projects that proponents would be required to follow to meet the requirements under the EA Act.

The proposed municipal project assessment process (MPAP) is a proponent-driven, self-assessment process that allows for an assessment of the potential environmental impacts of these projects to be completed within six months. Provided that the steps required by the Regulation are fulfilled, municipal infrastructure projects following the MPAP would not need to be approved by the Minister of the Environment, Conservation and Parks (Minister) before proceeding.

The Private Sector Developers Regulation (O. Reg. 345/93) currently designates private sector projects of a type listed in Schedule C of the MCEA if it is a project provided for residents of a municipality for roads, water or wastewater. This regulation is proposed to be revoked, as the ministry is proposing to focus EA Act requirements only on infrastructure projects undertaken by a municipality.

This Summary of Proposed Requirements highlights the key features of the proposed regulations, including the projects that are proposed to be designated and the process that proponents must follow.

Proposed Project List

The projects that are proposed to be designated as Part II.4 projects under the EA Act when undertaken by a municipality, and therefore subject to the MPAP process, are set out in Table 1.

The proposed project list includes projects like new drinking water systems and supplies, new water treatment facilities, some new sewage treatment and stormwater facilities, as well as the construction of some types of new shoreline or in-water works.

Table 1: Proposed Part II.4 Project List

#	PROJECT TYPE
New Drinking Water Systems and Water Supply	
1	Construct a new drinking water system that includes a new well
2	Construct a new drinking water system that includes a new water distribution system
3	Establish a new surface water source
4	Artificially recharge an existing aquifer from a surface water source for purposes of water supply
Water Treatment Facilities	
5	Construct a new drinking water treatment plant or expand existing drinking water treatment plant beyond existing rated capacity
Sewage Systems	
6	Construct new sewage system with a rated capacity of greater than 50,000 litres per day, including outfall to receiving water body and/or a constructed wetland for treatment
Sewage Treatment Facilities	
7	Construct a new sewage treatment plant with a rated capacity of greater than 50,000 litres per day
8	Expand an existing sewage treatment plant by 25% or more of existing rated capacity
9	Establish new sewage lagoons with a rated capacity of greater than 50,000 litres per day, or expand existing lagoons by 25% or more of existing rated capacity or install new or additional sewage storage tanks which will increase by 25% or more of existing rated capacity
10	Establish a new biosolids landfill site or new biosolids incineration site for purposes of biosolids disposal
11	Establish a new transfer station or new sewage holding tank/storage lagoon not located at a sewage treatment plant, incinerator, landfill site, or organic soil conditioning site, for purposes of biosolids management
12	Construct new sanitary or combined sewage retention / detention facility at a new location
13	Provide sewage effluent for land application through spray irrigation system or overland flow
Stormwater Management Systems	
14	Construct new or modify, retrofit or improve existing retention/detention facility or infiltration system for the purpose of stormwater quality control where active

	chemical or biological treatment or disinfection is included, including outfall to receiving water body
Shoreline/In-water works	
15	Construction of a diversion channel or sewer for the purpose of diverting flows from one watercourse to another
16	Construct new shore line works, such as off-shore breakwaters, shore-connected breakwaters, groynes and sea walls
17	Construct a new dam or weir in a watercourse

Ancillary activities

Where an ancillary component and primary activity are subject to different EA processes, the proponent would not be required to follow two EA processes; rather the proponent would be required to complete the EA process applicable to the primary activity (project).

- If an ancillary component of an MPAP project is an activity that is otherwise subject to EA under a process other than the MPAP (e.g. a class EA), the MPAP process must be followed instead of the other EA process.
- If an MPAP project is an ancillary component to non-MPAP project that is subject to another EA process, the proponent will be required to complete the assessment of the ancillary component as part of the EA process applicable to the primary activity (project).

Projects that are subject to a Comprehensive EA may include an ancillary component that is a designated MPAP project. The proponent will be required to complete the assessment of the ancillary component as part of the Comprehensive EA rather than separately assessing it under the proposed MPAP process. Likewise, if an ancillary activity of an MPAP project is subject to Comprehensive EA, the proponent will be required to complete the assessment as part of the Comprehensive EA.

See the table below with respect to the proposed EA requirements for ancillary activities to a MPAP project.

Table 2: EA Requirements for ancillary activities

<i>If the Ancillary Activity is...</i>	<i>The EA requirement is...</i>	<i>Example, if building a new water treatment plant...</i>
<i>Not subject to EA</i>	Ancillary activity is assessed with the primary activity (project) as part of MPAP	requires a new access road, they would consider the access road as part of the MPAP

<i>Subject to a Class EA</i>	Ancillary activity is assessed with the primary activity (project) as part of MPAP and the Class EA would not apply	requires transmission lines, they would be assessed as part of MPAP
<i>Subject to a comprehensive EA</i>	A comprehensive EA would be required	required more than 1 km of shoreline work and more than 4 hectares of lakefill, a comprehensive EA would be required

Emergency Projects

We are proposing to exempt any project described in Table 1 if the project must be undertaken to address an emergency.

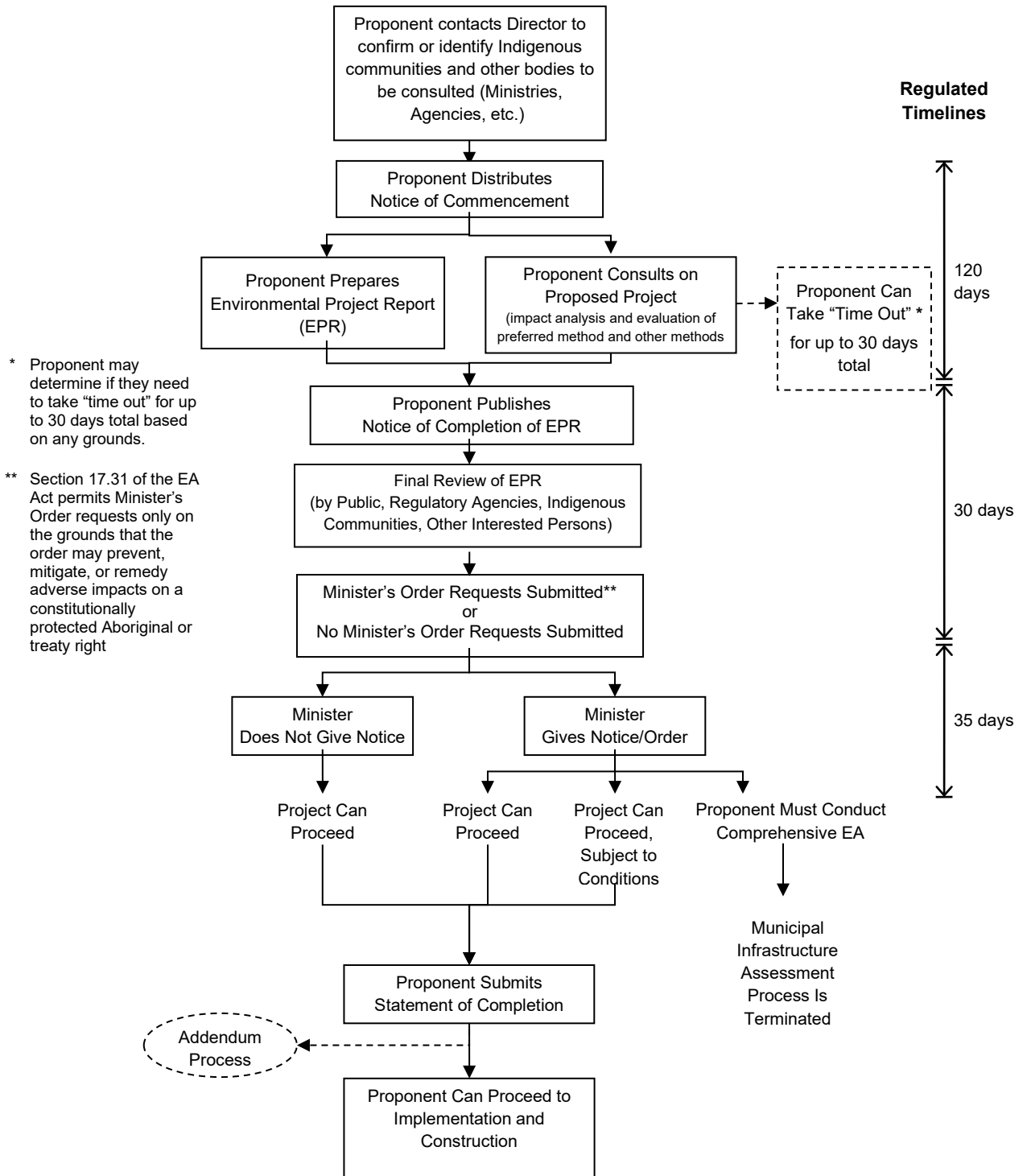
Proposed Regulatory Requirements of MPAP

The proposed MPAP Regulation includes the following requirements:

- Contact the Director of the ministry’s Environmental Assessment Branch (EAB) to confirm or identify a list of Indigenous communities and other interested persons to be consulted on the municipal infrastructure project.
- Distribute Notice of Commencement.
- Consult with interested persons, regulatory agencies and Indigenous communities and document the process over a 120-day period with the ability to use a “time out” provision to pause the process.
- Publish a Notice of Completion of the Environmental Project Report. The Notice must be published within 120 days of the Notice of Commencement.
- Provide 30 days for regulatory agencies, Indigenous communities, the public, and other interested persons to review the Environmental Project Report. Minister’s Order requests under section 17.31 (7) of the EA Act may be submitted to the Branch for the Minister.

In addition, the proposed regulation would include a provision that provides 35 days for Minister to give notice that the project can proceed, can proceed with conditions, or to make an order/give a notice subjecting the project to comprehensive EA requirements. If the Minister does not give notice in 35 days, the project may proceed.

Figure 1: Key steps in the municipal infrastructure project assessment process



1. Consultation Planning:

It will be the proponent's responsibility to design and implement an appropriate consultation program to seek input on the proposed municipal infrastructure project.

The proposed MPAP Regulation would specify that, before issuing the Notice of Commencement, a project proponent must develop a list of who may be interested or impacted by a project and will be consulted during the MPAP process.

As part of this, the proponent must contact the Director of EAB to:

- Obtain or confirm a list of Indigenous communities to be consulted with; and,
- Obtain a list of government organizations (e.g. ministries, agencies).

The proponent must also identify:

- Property owners adjacent to the location of the municipal infrastructure project.
- Any other interested person, including other potentially impacted municipalities, regulatory agencies, Indigenous communities, and members of the public that the proponent thinks may be interested in the municipal infrastructure project.

The proposed MPAP includes several specific requirements with respect to consulting with Indigenous communities. Proponents would be required to:

- Give each Indigenous community identified by the EAB director and any other Indigenous community that may be interested, a copy of the Notice of Commencement.
- When giving the Notice of Commencement, request the Indigenous community to advise the proponent in writing of the nature of any interest it may have in the municipal infrastructure project.
- Provide Indigenous communities the opportunity to participate in the consultation.
- Discuss potential negative impacts of the municipal infrastructure project on any constitutionally protected Aboriginal or treaty right that may be identified and the measures to mitigate these negative impacts.
- Respond to concerns expressed by the Indigenous community.
- Notify the Director at MECP of any concerns raised about potential impacts on Aboriginal or treaty rights.

Please note that Indigenous communities may be consulted as "interested persons" on the basis that they may be interested in a proposed project and may also need to be consulted where there is a duty to consult under s.35 of the Constitution Act, 1982.

Once the proponent has identified those who are to be consulted with, they must then engage those parties at each applicable stage of the MPAP process as outlined in the project consultation program and in accordance with any regulatory requirements.

2. Notice of Commencement

The proposed MPAP Regulation would require proponents to prepare and distribute a Notice of Commencement to indicate that the assessment of a municipal infrastructure project is proceeding under the MPAP. The proposed Regulation would require this notice to provide the following information:

- The proponent's name and address.
- The name and phone number, and e-mail address if any, of a person who may be contacted on behalf of the proponent.
- A description of the municipal infrastructure project.
- A statement that the environmental impact of the municipal infrastructure project is being assessed according to the municipal infrastructure project assessment process as prescribed in the MPAP Regulation.
- A map showing the site of the municipal infrastructure project.
- Information on how to obtain a description or summary of any preliminary work done by the proponent.

The proposed MPAP Regulation would require the proponent to distribute this notice to:

- The Director of EAB.
- Relevant regulatory agencies.
- Every assessed property owner adjacent to the site of the municipal infrastructure project.
- Every Indigenous community identified or confirmed by the Director of EAB, and any other Indigenous community the proponent thinks may be interested in the municipal infrastructure project.
- Any other person that the proponent considers may be interested in the municipal infrastructure project.

The proposed Regulation would also require the notice to be published in at least two widely available mediums (e.g., newspaper, website, social media, flyers/posters in public spaces, printed notices delivered door to door, press release, etc.) at multiple timelines (e.g., two weeks in a row, same notice in two different issues of the same newspaper). Municipalities may follow their own notification procedures provided that they meet the minimum notification requirements set out in the proposed Regulation.

While the proposed Regulation will not require the proponent to maintain a project-specific website, proponents will be encouraged to establish a website for the municipal infrastructure project if the proponent does not already have a general website. If a project-specific or general website exists, the proponent shall post the Notice of Commencement, and any other relevant municipal infrastructure project information on its website.

3. Time out process

The proposed Regulation includes the ability for a proponent to pause the 120-day process for up to a total of 30 days (i.e. to a maximum of a 150 days process).

This provision would allow the proponent time to address any significant concerns about a project. A pause may be taken more than once, but the total of all pauses cannot exceed 30 days over the course of the MPAP. If the concerns cannot be addressed in this time period, the proponent would need to consider terminating the process and re-starting the MPAP (see #11).

As proposed, the proposed Regulation would require that if a proponent proposes to take a “time out,” they must provide a notice describing the issue to the Director of EAB.

When the proponent is of the opinion that reasonable efforts have been made to deal with the issue, the proponent would then be able to resume the MPAP by providing notice to the Director. The proponent would also be required to update its documentation as a result of the time out including any required additional assessment work or updating its consultation record.

4. Documentation Requirements

It is proposed that proponents would be required to complete their assessment of the proposed project within 120 days of distributing the Notice of Commencement (subject to any time outs taken in accordance with the regulation). The document prepared by the proponent would be known as the Environmental Project Report (EPR).

Proponents would be required to document issues raised by any regulatory agency and how they were addressed and provide this documentation to the relevant agencies before releasing the Environmental Project Report for review (when the Notice of Completion is given). Doing so will help avoid fundamental concerns or disagreements being raised at a late stage in the MPAP process. Providing regulatory agencies with an opportunity to comment on draft reports may help proponents meet timelines specified in the proposed Regulation.

It is proposed that the Environmental Project Report would be required to contain the following information:

- A statement of the purpose of the municipal infrastructure project and a summary of any background information about the basis on which the municipal infrastructure project was selected. This is proposed to include:
 - The assessment and evaluation of the impacts of the municipal infrastructure project and other methods considered.
 - The criteria for the assessment and evaluation of those impacts.
 - Any studies completed with respect to those impacts.
 - Information about the proposed measures for mitigating any potential negative impacts of the municipal infrastructure project.
 - Information about the way the proponent intends to monitor and verify the effectiveness of the proposed mitigation measures.
- A final description of the municipal infrastructure project including a description of the preferred design method.
- A description of any other design methods that were considered once the project commenced the MPAP. (Note: This does not include any alternatives considered prior to initiating the MPAP process).
- A map showing the site of the municipal infrastructure project.
- A description of the local environmental conditions at the site of the municipal infrastructure project.
- A description of all studies carried out, including a summary of all data collected or reviewed and a summary of all results and conclusions.
- The assessments, evaluation and criteria for any impacts of the preferred design method and any other design method (described above) that were considered once the project's MPAP commenced (does not include pre-notification work).
- A description of any proposed measures for mitigating any negative impacts the municipal infrastructure project might have on the environment.
- If mitigation measures are proposed, a description of the proposal for monitoring or verifying the effectiveness of the mitigation measures.
- A description of any municipal, provincial, federal, or other approvals or permits that may be required.
- A consultation record, including:
 - A description of the consultations and follow up efforts carried out with interested persons and Indigenous communities;
 - A list of the interested persons and Indigenous communities who participated in the consultations;
 - Summaries of the comments submitted by interested persons and Indigenous communities;

- A description of what the proponent did to respond to concerns expressed by interested persons and Indigenous communities.
- If a “time out” was taken during the MPAP, a summary of each issue including:
 - A description of the issue;
 - A description of what the proponent did to respond to the issue and the results of those efforts;
 - The dates that notices for the “time out” were given to the Director of EAB.

Once the proponent has completed and finalized an Environmental Project Report, the proposed regulation would require publication of a Notice of Completion and a 30-day public comment period.

5. Notice of Completion

As proposed, the Regulation would require the Notice of Completion to be given within 120 days of the distribution of the Notice of Commencement (not including a “time out” that might have been taken).

The Notice of Completion would be required to include the following information:

- Information as to where and how members of the public may examine the Environmental Project Report and obtain copies.
- A description of the Minister’s Order request process, which is proposed to include:
 - A statement that there are circumstances in which the Minister has authority to require further consideration of the municipal infrastructure project, or impose conditions on it, if he or she is of the opinion that the municipal infrastructure project may have a negative impact on a constitutionally protected Aboriginal or treaty right.
 - A statement that, before exercising the authority referred to above, the Minister is required to consider any written Minister’s Order requests to the municipal infrastructure project that he or she receives within 35 days after the Notice of Completion of the Environmental Project Report is first published.

The proponent would be required to give the Notice of Completion to:

- Every person to whom a Notice of Commencement was given.
- The Director of EAB.
- Every Indigenous community identified by the Director of EAB, and any other Indigenous community the proponent thinks may be interested in the municipal infrastructure project.
- Every person who has made a written request for a copy of this notice.

- Any other person the proponent considers may be interested in receiving a copy of this notice, including those persons who participated or provided comments during the 120-day period.

It is proposed that the proponent would also be required to publish this notice on multiple timelines (e.g. two separate days) in accordance with the municipality's established procedure.

The Notice of Completion marks the beginning of a 30-day review period. The proponent would be required to make the Environmental Project Report available for review and comment by interested persons and the public. It is anticipated that any requests for Minister's Orders would be submitted during this time (see "6. Minister's Order requests" below). Any person who proceeds with a municipal infrastructure project will do so in accordance with the Environmental Project Report.

6. Minister's Order requests

The EA Act allows the Minister to require a Part II.4 project undertake a Comprehensive EA or impose additional requirements on the project. The Minister may make an order on their own initiative (see section 7 below) or on the request of a person.

A person may request an order be made by the Minister only 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 as recognized and affirmed in section 35 of the *Constitution Act, 1982*" (s. 17.31(7) of the EA Act). MECP expects that such requests would generally be made during the 30-day public review period which follows the issuance of a Notice of Completion.

If a request for a Minister's Order is submitted to the Minister, proponents would be given an opportunity to comment on the concerns raised in a request before the Minister makes a decision on the request.

If a Minister's Order request is made under s. 17.31(7) of the EA Act, the proponent cannot proceed with the project until the Minister has made a decision with respect to the request. The Minister may issue one of the following notices:

1. A notice to proceed with the municipal infrastructure project as planned in its Environmental Project Report;
2. An order under section 17.31 (3) of the EA Act imposing additional requirements for commencing or proceeding with the project (e.g. further study or consultation); or,

3. An order under section 17.31 (1) directing the proponent to conduct a Comprehensive EA under Part II.3 (when in force).

7. Minister's Initiative

After the 30-day review period has ended, the Minister would have 35 days within which to consider intervening on a project. A proponent would not be permitted to proceed with the municipal infrastructure project before the end of the 35-day period unless the Minister gives a notice allowing the proponent to proceed.

If the Minister acts within the 35-day period, one of three notices/orders may be issued to the proponent:

1. A notice to allow the municipal infrastructure project to proceed as planned in its Environmental Project Report;
2. An order under section 17.31 (3) of the EA Act imposing additional requirements for commencing or proceeding with the project (e.g. further study or consultation); or,
3. An order under section 17.31 (1) directing the proponent to conduct a Comprehensive EA under Part II.3 (when in force).

The proposed Regulation would provide a deadline for the Minister making an order on their own initiative (i.e. as opposed to in response to a request as described in #7 above) of 35-days following the end of the 30-day review period. After this deadline, the Minister would no longer be able to issue an order on their own initiative.

If the Minister does not act within the 35-day period and there are no outstanding Minister order requests under section 17.31 (7) of the EA Act, the municipal infrastructure project may proceed as planned in the proponent's Environmental Project Report.

8. Statement of Completion

The MPAP would be completed when a proponent submits a Statement of Completion to the Director of EAB. However, when there is a change to the municipal infrastructure project before it has commenced, the proponent would need to complete an addendum (see "9. Addendum process" below).

The proposed Regulation would identify the following circumstances in which a Statement of Completion may be submitted:

- The Minister gives a notice allowing the proponent to proceed with the project in accordance with the Environmental Project Report.

- The Minister issues an order under section 17.31 (3) of the EA Act imposing additional requirements for commencing or proceeding with the project.
- The Minister gives no notice or order within 65 days of the proponent giving the Notice of Completion and no Minister's Order decision is outstanding.

The Statement of Completion would be required to indicate that the proponent intends to proceed with the municipal infrastructure project in accordance with either:

- The Environmental Project Report; and/or
- The requirements ordered by the Minister;

The Regulation would also require the proponent to post the Statement of Completion on its website, if a website exists.

Construction or installation of a municipal infrastructure project subject to the MPAP would not be permitted to begin until the requirements of the MPAP have been met. Projects would also be required to be implemented in accordance with the Environmental Project Report, and/or any requirements ordered by the Minister. The projects would also have to comply with any other permits or approvals.

9. Addendum process

Due to unforeseen circumstances or changes in the environment, it may not be feasible to implement the project in the manner outlined in the Environmental Project Report. If a change to a municipal infrastructure project is needed after the Statement of Completion has been submitted, the proponent will be required to prepare an addendum to the Environmental Project Report and follow the process to be set out in the proposed Regulation.

The Addendum that is prepared for a change to the project would be required to describe:

- the circumstances necessitating the change,
- potential environmental impacts of the change,
- what, if anything, would be done to mitigate any negative environmental impacts,
- any feedback from Indigenous communities or stakeholders on the change, and
- whether the proponent is of the opinion that the change is significant (or not), and the basis for the opinion.

If a proponent is of the opinion that the proposed change is not significant, the proponent will be required to document the reasoning behind this opinion and keep a record of the addendum to the Environmental Project Report with its project file/documentation. It is proposed that there would be no public notice requirements for changes that the proponent is of the opinion are not significant.

For a change to a municipal infrastructure project that the proponent is of the opinion is significant, the proponent must publish a Notice of Addendum in accordance with the municipality's established procedure (e.g. policy adopted for providing notice under Section 270 of the *Municipal Act, 2001*). The notice and the Environmental Project Report must also be provided to the Director of EAB, property owners adjacent to the site of the change, Indigenous communities that may be impacted by the proposed change, and any other person and/or Indigenous communities who the proponent thinks may be interested in the change to the municipal infrastructure project. The Notice of Addendum must indicate that anyone may request a Minister's order if the significant change may have a negative impact on a constitutionally protected Aboriginal or treaty rights.

Before distributing the Notice of Addendum, the proponent shall contact the Director of EAB to:

- identify or confirm a list of Indigenous communities to be notified; and,
- obtain a list of government organizations (e.g. ministries, agencies) to be notified.

The process and timelines for making a request for a Minister's order and for the Minister to act with respect to the proposed change are proposed to be the same in the addendum process as in the process following the Statement of Completion.

A period of 30 calendar days following the issuance of the Notice of Addendum shall be allowed for review of the Addendum. During the 30-day review period and applicable 35-day waiting period, the change to which the addendum applies cannot proceed. 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 be stopped and shall not restart until the end of the 30-day comment period and 35-day waiting period.

10. Review of municipal infrastructure projects not commenced within 10 years

The proposed Regulation would require proponents to conduct a review of the proposed municipal infrastructure project if it has not commenced within ten years from when the proponent submitted a Statement of Completion. To proceed with the project, the proponent would be required to:

- review the planning and design process and the current environment to ensure that the project and the mitigation measures are still valid given the current planning context,
- document the review in an addendum to the Environmental Project Report to be placed on the public record,
- provide notification according to the municipality's notification procedures, including posting on a project website, if any, provided that they meet the minimum notification requirements set out in the proposed Regulation, and

- be of the opinion that it is still appropriate to proceed with the municipal infrastructure project.

If changes to the project are identified through the review, then the proponent would be required to follow the addendum process as specified in the proposed Regulation.

11. Termination and re-start of a project

It is proposed that at any point before submitting a Statement of Completion, a proponent can terminate the MPAP and start over by distributing a new Notice of Commencement for the same municipal infrastructure project. The proposed Regulation will require proponents to terminate the municipal infrastructure project assessment process by giving notice to that effect to the Director of EAB.

Some proponents may wish to terminate the MPAP in order to prepare a Comprehensive EA. In this scenario, the proponent would be able to terminate the MPAP by giving notice to the Director of EAB and proceed under Part II.3 of the EA Act. On and after the day the proponent applies for the Minister's approval of a proposed terms of reference, Part II.3 would apply to the project.

Terminating and re-starting should not be confused with the "time out" provision in the proposed Regulation that would allow proponents to stop the 120-day period to address potential negative impacts, and to resume when the matter has been addressed.

In choosing to terminate and start over with the MPAP, proponents would be required to start from the beginning with the distribution of a new Notice of Commencement and to complete the procedural steps that are required by the proposed Regulation, regardless of whether those steps were done before abandoning the initial process.

As described above, the Minister may also issue an order under s. 17.31(1) of the EA Act, requiring the proponent to complete a Comprehensive EA in respect of the project, thus terminating the municipal infrastructure project assessment process.

12. Project-specific monitoring

The proposed Regulation would also specify that, during implementation of the municipal project, the proponent must conduct any monitoring outlined in its Environmental Project Report or in subsequent modifications or commitments. If measures are proposed to mitigate potential negative impacts, proponents would be required to include a description of the means the proponent proposes to use to monitor or verify their effectiveness in its Environmental Project Report.

Additional changes required to ensure a smooth transition to the proposed new process

Should Part II.4 of the EAA be proclaimed and the proposed Regulation made, the MCEA and Private Sector Developers Regulation (O. Reg. 345/93) would be revoked, and other regulations would be amended as necessary. For example, references to the MCEA in regulations would be removed or updated to reflect that certain municipal projects may no longer require an EA.

The proposed MPAP Regulation would provide for a transition period for projects that are undergoing the MCEA process. Projects that are not on the Project List or that were being undertaken by a private sector developer (as per O. Reg. 345/93) may complete the MCEA process or withdraw from the process. Where the proponent opts to withdraw from the process (i.e., terminates the EA process for that project) they would need to provide direct notice. That notice would be required to include those who received the Notice of Commencement and/or any other person that the proponent considers may be interested. Where a section 16 Order request has been submitted and is under consideration by the Minister proponents would not be permitted to terminate the project under the EA Act until a decision is issued.

Projects that are of a type on the Part II.4 Project List would be able to complete the EA Act requirements either under the MCEA process or the MPAP.

GLOSSARY OF KEY TERMS USED IN PROPOSED PROJECT DESCRIPTIONS

EXISTING RATED CAPACITY

Means the flow or volume capacity of the overall sewage or water system, as stated on the Environmental Compliance Approval. In cases where this is not specified on the Environmental Compliance Approval, the existing rated capacity is as indicated in the plans and specifications that were submitted to obtain the approval. Where none of the above exists, then it is the current existing capacity as established by the documented records.

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 an Environmental Compliance Approval or a Drinking Water Works Permit or Municipal Drinking Water Licence, and includes those systems established prior to the legislative requirement to receive such approvals.

EXPANSION (Applies to Water and Wastewater Projects)

Means activities undertaken in an existing sewage, stormwater management or water system, which do not meet the definition of "Operation" and will physically enlarge that system or expand the hydraulic or treatment capacity of that system.

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.

ORGANIC SOIL CONDITIONING SITE

A site which has an Environmental Compliance Approval authorizing the incorporation of processed organic waste in the soil.

PROPONENT

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.

SEWAGE

Includes sanitary sewage, drainage, storm water, commercial wastes and industrial wastes.

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.

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 runoff, 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.

Within a stormwater management system:

- Passive biological treatment systems are unoperated systems that contain naturally occurring chemical/biological reactions.
- Active chemical or biological treatment or disinfection systems are operator-controlled or maintained systems that tend to have mechanical components included.

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.

WASTEWATER

Has the same meaning as sewage.

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.