

Novae Res Urbis

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Call for EA reform: Stakeholders Seek Clarity

By Leah Wong

Municipalities and stakeholders alike would like to see a change to the way Ontario approaches municipal assessments in order to reduce costs and delays associated with a lengthy process.

The municipal class environmental assessment process was introduced in 1987 to protect the environment while simplifying the planning and decision making process for infrastructure projects. In recent years the process has slowed down—a 2014 report commissioned by the **Residential & Civil Construction Alliance of Ontario** found that on average the Class EA process takes 26 months to complete.

As a result of the increased time and money required to complete environmental assessments and an increased number of “bump-up” requests, municipal stakeholders, including the RCCAO would like to see the process clarified and reformed.

“We need to balance the amount of talking with action in building infrastructure,” Peel Region transportation division infrastructure programming & studies manager **Steve Ganesh** told attendees of the **Ontario Good Roads Association/Rural Ontario Municipal Association** conference Tuesday.

Ganesh was part of a panel that discussed the state of Ontario’s municipal class environmental assessment system, the opportunities for reform and best practices for saving time and money within the current process.

In spring 2011 a new direction from the Ministry of the Environment changed what type of project stakeholders could request a Part II Order from the minister to trigger an individual EA process. This gave stakeholders the ability to request a bump-up on Schedule A and Schedule A+ assessments for municipal operations such as resurfacing roads, sewer operations and snow and de-icing processes.

“We see that as being completely unworkable,” **Municipal Engineers Association** director and Carleton Place chief administrative officer **Paul Knowles** told attendees.

One of the issues currently associated with the bump-up process is the response time by the minister. While in the past wait-times for a minister response was around 66 days, now according to ministry data reviewed by the Municipal Engineers Association, responding to bump-up requests adds more than 10 months to project schedules on average.

Knowles said he would like to see environment minister **Glen Murray** delegate authority on bump-up requests to another ministry official. He said this could reduce the amount of time it takes for a request to be approved or denied.

In his recent RCCAO paper, Comparing Ontario's Municipal Class EA System to Other Jurisdictions, **Zechner Law** barrister and solicitor **Frank Zechner** says there should also be a higher threshold for bump-up requests. Other jurisdictions require a certain percentage of the affected population to sign a petition or a set number of separate requests to trigger a bump-up request.

Last year the Municipal Engineers Association submitted a proposed amendment to the MCEA, which is currently under review by the ministry. The amendment includes proposed changes to cycling and trail provisions. It brings cycling and trail projects into the Class EA system to make the process less onerous for individual municipalities. Currently multiuse trails are exempt from the *Environmental Assessment Act* if they come in under \$3.5-million. Larger trail projects that are more than \$3.5-million need an individual EA.

Zechner said Ontario is the only jurisdiction that uses the capital cost value as a threshold for environmental review. He suggests the length of a road or the number of lanes might be clearer for municipalities.

While municipalities await changes to the MCEA system, Peel Region is taking a proactive approach to prevent last minute bump-up requests. Rather than relying solely on mandatory public consultations, Ganesh said region staff has "taken the show on the road." It is reaching out to people through their places of worship or local schools to get feedback earlier and to reach a broader segment of the population.

"We've ramped up our engagement," said Ganesh. "The complaints [from residents] oft en come after the asphalt is already laid."