

## **MOECC announces short-term measures to improve EA process**

**Angela Gismondi** April 10, 2018

The Ministry of the Environment and Climate Change (MOECC) has developed a plan with short-term measures to improve the environmental assessment (EA) process in Ontario while it undertakes a consultation process for a full review of the EA Act and the Municipal Class Environmental Assessment (MCEA) process.

Key players say these actions were determined without consultation from stakeholders.

The Municipal Engineers Association (MEA) and the **Residential and Civil Construction Alliance of Ontario (RCCAO)** learned of the actions contained in the plan during a conference call Feb. 22 and subsequently wrote a letter to the minister.

“We were certainly pleased there was an announcement. It demonstrates there is an acknowledgement that there is a problem, but we’re disappointed that it was announced to us,” stated Paul Knowles of the MEA.

“We had been assured we would have some meaningful engagement in the development of solutions and instead we did get a phone call to advise us in advance, but we really weren’t part of the discussion about how they came up with these actions.”

In February 2017 a joint application by the RCCAO and MEA was delivered to the Environmental Commissioner of Ontario calling for a review and changes to the EA Act.

The application was forwarded to the MOECC, which on April 13, 2017 confirmed it would proceed with a full review of the EA Act and the MCEA process and that it would be complete by the end of 2018. However, the MOECC only recently started its public consultation program on the review.

According to a letter issued by MOECC Minister Chris Ballard, short-term actions aim to improve the Part II order request (PIIOR) process, also known as bump-ups, which is a request to the ministry to put the project through a full, comprehensive EA and often adds more time.

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— **Paul Knowles**

**Municipal Engineers Association**

Actions include introducing “triage meetings” with proponents shortly after a PIIOR is received by the ministry to discuss the request and identify potential issues early in the review process; providing greater clarity on information requirements through a list of the information the ministry requires from proponents to conduct its PIIOR review; developing guidance for the public on what information the ministry looks for when evaluating a PIIOR; and developing a standard smart form for PIIOR to facilitate a more efficient applicant submission process

“We were hoping the form would be published instead of just announced because we knew about it last June and we have been waiting since then,” Knowles stated.

“We are hoping they actually produce it and follow through and get it done.”

**Andy Manahan, executive director of the RCCAO, said the ministry appears to be making steps in the right direction.**

“What the ministry is telling us is we have heard you loud and clear. This is a good thing to do because sometimes the public will request a bump-up willy nilly without knowing what are the legitimate reasons for doing so,” he explained, adding the MOECC has posted a proposed guidance document for PIIOR on the EBR Registry.

“There will be better forms for the public to fill out and for the ministry to look at to help determine whether this is a project that demands a more independent review and being bumped up to potentially an individual EA.”

Knowles added he is looking forward to participating in the consultation process to develop longer-term solutions to reform and modernize the MCEA system.

The ministry will be rolling out additional initiatives specifically for the MCEA process as well, including implementing an internal service standard for all PIIORs received after Oct. 1, 2018 for MCEA projects as follows: 30 days for Schedule A/A+ projects; 90 days for Schedule B projects; and 180 days for Schedule C projects.

“We suggested 90 calendar days should be the deadline not 180 business days, there is quite a difference,” said Knowles.

“There should be the wording and if you don’t reply the proponent is free to proceed because otherwise it doesn’t mean anything. There should be something that happens at the end of those days that makes it a hard deadline.”

In addition, the minister will be delegating PIIOR decision-making authority for MCEA projects that fall under Schedule A and A+ to the director.

“The most concerning part for us is that they will be accepted at all,” Knowles explained.

“They have announced they will be directed to the director instead of the minister so that’s an improvement and they will be dealt within 30 days so again that’s an improvement, but the fact

is that it has been the practice for the last 25 years that you cannot pile them on pre-approved projects so this is a pretty radical change to the entire EA system that has existed for 25 years.”