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Ontario should review Municipal Class Environmental Assessment criteria: Report

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A review of Ontario's Municipal Class Environmental Assessment (MCEA) concluded that the province should review certain criteria that will help determine projects likely to have fewer rather than larger environmental impacts.

The original purpose of the study, commissioned by the Residential and Civil Construction Alliance of Ontario (RCCAO), was to conduct a review of cost parameters and the potential use of indexing in selected jurisdictions. RCCAO executive director Andy Manahan said it was a surprise that Ontario was the only jurisdiction that used the capital costs of the construction project as a determining factor, with respect to the level or intensity of environmental assessment, for such projects.

The review, entitled "Municipal Class Environmental Assessments Categorization Review Study" was done by environmental lawyer Frank Zechner. It looked at Ontario's MCEA as it compared to 20 jurisdictions outside of Canada including Australia, Japan and the United Kingdom and various state governments within the United States.

The report's primary recommendation is "to discontinue the use of 'capital cost' of a municipal infrastructure project under the Municipal Class EA process. Instead, the use of physical parameters for Class EA projects will improve predictability and certainty with respect to the regulatory oversight embedded in the schedule scheme already in places for those projects."

The other jurisdictions reviewed use physical measurements, like length of road or quantity of wastewater, to decide if certain projects should receive less environmental scrutiny or an exemption.

"Rather than expend a great effort for the Municipal Engineers Association monitoring committee to take a look at various construction prices indices<0x2026> you can forget about doing all that and just say 'here's a type of class EA municipal project and let's just determine what schedule it is and should be classified under,' rather than worrying about whether it's \$2.2 million or \$10 million or some other number which could change from the beginning of the project to the end," said Manahan.

"I think it would just simplify the whole process and maybe even streamline it."

Ontario construction costs vary significantly based on the physical location of the project or the strength of the provincial economy, but that doesn't apply to other jurisdictions, the review indicated.

"Ontario should use objective and predictable criteria such as physical size of the structure or proximity to certain sensitive geographic features instead of capital cost for determining the intensity of environmental assessment under the Municipal Class EA process," according to the review.

Construction of new roads, realignments, or the construction of additional traffic lanes in Ontario will require either a Schedule B or a Schedule C review depending on capital costs. Other jurisdictions have minor and major environmental assessments this type of construction

In Japan, for example, there is a minor review if a right of way was previously designated as a national road, it is four lanes or more, but less than 7.5 kilometres in length.

In South Africa, there is a minor review if a road outside urban areas has a reserve less than 13.5 metres wide, or where no reserve exists, the roadway surface is less than eight metres wide or the routing was preapproved in prescribed planning notices. No review is required if the widening of a road is by less than six metres, or if the lengthening of a road is less than one kilometre.

Also, Ontario is the only jurisdiction reviewed that does not have a reduced level of environmental assessment for small wastewater treatment plans or sewer systems.

“Ontario also appears to be the only jurisdiction that did not have some form of environmental assessment exemption for small drinking water treatment plants or watermain systems,” reads the review.

“No other jurisdiction imposed an environmental assessment review for the installation of standby electrical power generating facilities within an existing water or wastewater treatment plant.”

The Municipal Class Environmental Assessment Committee typically conducts an annual review. The MEA puts forward recommendations each year and then in conjunction with the Ministry of Environment, they recommended certain changes.

“We’re hoping for the review this year, this could be one item that they consider would be a logical change,” said Manahan.