

# DAILY COMMERCIAL NEWS

## AND CONSTRUCTION RECORD

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Ontario takes first steps to amend municipal environmental assessments

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Recently unveiled potential improvements to Ontario's municipal class environmental assessments are positive, but more work can still be done to strengthen the process, says an industry stakeholder.

"We are pleased that the Ministry of the Environment has moved this initiative forward," said Andy Manahan, executive director of the Residential and Civil Construction Alliance of Ontario (RCCAO).

"We believe there remains scope for further advancement and will be tabling some suggestions to improve the application."

The Municipal Engineers Association (MEA) has submitted changes to Ontario's Municipal Class Environmental Assessment (MCEA) which aim to enhance and clarify the integration of environmental assessment and land-use planning requirements into a single process.

Ontario's environment ministry has posted a public notice on the proposed amendments and is accepting comments until Feb. 25.

Among the proposed changes are modifications on how 40-year-old structures are treated and classified, local project redefinition as Schedule A and minor projects with follow up approvals redefined as Schedule A+. Among the proposed schedule reclassifications are items such as the replacement and reconstruction of bridges, culverts, roadside parks and intersection improvements projects.

"There may be circumstances where a proponent (including private developers) may have a Planning Act application and Class EA (environmental assessment) requirements at the same time," stated MEA's amendment submission.

"For example, an application for a plan of subdivision may trigger the need for a new collector road.

"When this occurs, it may be desirable to integrate the Planning Act and Class EA process in order to avoid duplication and ensure improved environmental protection."

The report *Are Ontario's Municipal Class Environmental Class Assessments Worth the Time and Money?* commissioned by RCCAO and authored by environmental lawyer Frank Zechner, concluded that Ontario municipalities endure delays of up to 20 months compared with other Canadian municipalities because of the province's MCEA process.

The report evaluated 99 projects over the past five years which included road extensions and widening, bridge replacements and alterations or expansions of sewer and water infrastructure.

The MCEA delays on these projects created an estimated \$232 million in extra project costs and held back 10,000 jobs, the report estimated.

As it concerns the integration of the planning and EA processes, the RCCAO still recommends there be wording specifying that if various requirements are met under the Planning Act, that the Class EA obligations are fulfilled.

Manahan noted the current proposed amendments do not address potential confusion over the Ontario Municipal Board's (OMB) jurisdiction in the event of an appeal.

The RCCAO recommends that there be clarification that the OMB has jurisdiction and the authority to dismiss frivolous appeals.

RCCAO also continues to recommend that project threshold dollar values be indexed on an annual basis to an "objective" construction cost index applicable in Ontario.

It recommends that Ontario's Ministry of Transportation's (MTO) Construction Price Index be used.

"They have not accommodated for future construction cost increases and that would shift some projects to a more stringent EA class schedule," explained Manahan.

"By looking at the MTO price index every year increases can be based on those inflationary values."