

1. INTRODUCTION

The following stakeholders are submitting their joint comments and recommendations on the proposals contained in the Discussion Paper posted by the Ministry of the Environment, Conservation and Parks ('MECP' or the 'Ministry') regarding the *Environmental Assessment Act* (the "Act"):

- Residential and Civil Construction Alliance of Ontario ('RCCAO')
- Municipal Engineers Association (Ontario) ('MEA')
- Ontario Good Roads Association ('OGRA')

RCCAO, MEA and OGRA are collectively referred to herein as the "Stakeholders".

2. ABOUT THE STAKEHOLDERS

RCCAO is a not-for-profit industry association that represents both labour and management in the residential and civil sectors of Ontario's construction industry. RCCAO and its members strive to provide real solutions to complex issues by commissioning independent research on issues such as the Municipal Class Environmental Assessment (MCEA) process which provide recommended courses of action.

OGRA is a not-for-profit association representing public works interests of Ontario municipalities through advocacy, consultation, training and the delivery of identified services. OGRA advocates the collective interests of municipal departments, including public works and transportation, through policy analysis, assessment of legislation and consultation with partners and stakeholders such as RCCAO and MEA.

MEA is a not-for-profit association representing public sector Professional Engineers in the full-time employment of municipalities performing the various functions that comprise the field of municipal engineering. MEA is the proponent and maintainer of the MCEA process manual for the planning, design, construction and operation of municipal public works.

In early 2017, RCCAO and MEA jointly submitted a section 61 EBR application and were successful in having the Ministry initiate a review. Other stakeholders, including OGRA, supported the application and participated in a short-lived consultation process in the spring of 2018 to discuss implementing improvements to the MCEA process.

3. KEY ISSUES

The comments and recommendations of the Stakeholders are limited to the proposed exemption as it impacts the MCEA process and specifically MCEA Schedule A and Schedule A+ projects.

1. **FOCUS ON HIGHER-RISK PROJECTS** – From the 1980s until 2011, Schedule A and A+ projects were considered to be "pre-approved" due to the low risk and standardized nature of these local projects or activities (e.g., snow plowing and de-icing operations). The Stakeholders support MECPs intention to return to the pre-2011 model where Schedule A and Schedule A+ projects are exempted from any Part II Order under the Act, commonly referred to as bump-up requests.

There is also support for clearer definitions, which will clearly identify which MCEA projects and other matters are subject to Part II Order requests. In this regard, preliminary conversations have taken place with MECP on a process described as schedule shifting which is an exercise in ensuring that projects are placed in the appropriate risk category (e.g., certain Schedule B projects would be moved to A or A+).

The Stakeholders also support regulatory guidance on prescribing limits on when the Minister must make decisions on requests, and deadlines for requesting a bump-up. The Stakeholders submit that deadlines for Part II Order requests for MCEA projects should be 60 days from the Ministry's receipt of the request, and the deadline should be formalized through a new regulation. Further, bump-up requests for MCEA projects should be limited to those persons who reside within the municipality where the project or activity is to be done and limit the issues to be considered to those issues listed in the Ministry's current Table B, namely:

- Consultation/Class EA Process
- Source Water Protection
- Climate Change/Cumulative Effects
- Species at Risk; and
- Archaeological/Heritage Assessments.

The Stakeholders ask that the Ministry continue to support the MEA's efforts to amend the MCEA manual, including the project descriptions in all of the Schedules in the current version of Appendix 1 of the MCEA manual, to simplify the project descriptions and reclassify various project types where appropriate.

- 2. ONTARIO BILL 108** – The Minister of Municipal Affairs and Housing introduced Bill 108 in the Ontario Legislature on May 2, 2019. Schedule 6 of Bill 108 includes several amendments to the Act, including the exemption of MCEA Schedule A and A+ projects from the Act. The Stakeholders support and encourage MECP and the Ministry of Municipal Affairs and Housing to exempt MCEA Schedule A and A+ projects from the Act in the manner set out in Schedule 6 of Bill 108.

Although several other measures listed in Schedule 6 of Bill 108 are not within the scope of ERO instrument #013-5102, subject to the comments and recommendations by the Stakeholders set out above in section 1, the Stakeholders endorse and support the enactment of all of the amendments to the Act as set out in the full text of Schedule 6 to Bill 108.

The Stakeholders appreciate that ERO instrument #013-5102 has acknowledged several key deficiencies with the MCEA process and the Stakeholders support and encourage the MECP to proceed with the changes in the manner proposed.

End of Submission