

## **A. Introduction**

In March 2010 the Residential and Civil Construction Alliance of Ontario released a report entitled *Are Ontario Municipal Class Environmental Assessments Worth the Added Time and Costs?*, based on a review of 99 actual Municipal Class Environmental Assessment projects over the past five years. A primary finding is that while various reform measures have been implemented over a number of years, many opportunities still exist to make the EA process more efficient. The study concluded that the environmental assessment process in Ontario delays municipal infrastructure projects by an average of almost 20 months and that the delays cost taxpayers an additional \$232 million per year.

Key recommendations in the study include:

- Reduce the timeframe related to Part II ‘bump-up’ requests.
- Create a Municipal Class EA Regulation to fast track basic infrastructure projects in the same manner as the Transit EA has streamlined approvals for transit projects.
- Eliminate the requirement to undertake a further study and review of alternatives for basic infrastructure, especially where there has already been public scrutiny through the *Planning Act* processes, the *Places to Grow* and *Greenbelt* legislation, and public debate over municipal capital budgets.
- Expand the recognition of prior *Planning Act* consultations for certain short distance road extensions so that they would be characterized as a Schedule A+ project.
- Automatic adjustments, based on the MTO’s ‘Construction Price Index’ of the financial values that are used in the Municipal Class EA process to distinguish separate classes of projects.

RCCAO acknowledges that both the Ontario Ministry of the Environment and the Municipal Engineers Association have expressed interest and support for a number of recommendations in the report. [for a complete list of recommendations the report can be accessed at [www.rccao.com](http://www.rccao.com) under Research & Reports].

Submission by the

**Residential and Civil Construction Alliance of Ontario**

On Proposed Revisions to

Municipal Class Environmental Assessment Schedule Criteria

**B. Specific Changes to the Municipal Class Environmental Assessment System Proposed by the MEA**

RCCAO was asked by the Municipal Engineers Association to provide specific comments on its Municipal Class Environmental Assessment proposal for amendments as detailed in a conference call/webinar among various industry stakeholders on September 1, 2010. RCCAO is pleased to provide its comments and recommendations as noted below:

**1. Integrated Process for New Growth Areas**

RCCAO supports the use of an integrated public consultation process for new growth areas for Plans of Subdivision, Secondary Plans, Block Plans and Municipal Class Environmental Assessments for which combined meetings satisfy the specific notice and content requirements under both the Environmental Assessment Act and the Planning Act. It is noted that some issues discussed during combined meetings may be capable of appeal rights under Part II of the Environmental Protection Act whereas other issues may not have a statutory right of appeal pursuant to the Planning Act.

**2. Integrating Secondary Plan Approvals, Zoning Changes and Municipal Class Environmental Assessments**

In addition to holding a single meeting to satisfy public consultation requirements for Secondary Plan Approvals and Municipal Class Environmental Assessments, RCCAO would also support the use of combined public consultation meetings to include municipal zoning changes. It is acknowledged that such a combination may result in some issues having statutory rights of appeal while others would not be subject to stakeholder appeals.

**3. Site Plan and Subdivision Study Area Boundaries**

There was some discussion about broadening the study area boundaries to include any municipal infrastructure addition or improvements associated with the specific site plan or subdivision proposal. RCCAO would support such a measure as it would facilitate joint notices and joint public stakeholder consultation meetings for both Municipal Class Environmental Assessments under the Environmental Assessment Act as well as Site Plan Approvals and/or subdivision approvals pursuant to the Planning Act.

In addition, this approach is consistent with the principle of broadening EA study areas to a sufficient size to consider the environmental implications of a project, something that has been contemplated for many years in terms of EA reform.

**4. Reconstruction or Replacement of 40 year old Bridges and Adjacent Grading**

RCCAO supports the restriction of these projects that would be subject to a Municipal Class Environmental Assessment from all structures over 40 years of age to only those structures over 40 years of age that are also historically significant.

Submission by the

**Residential and Civil Construction Alliance of Ontario**

On Proposed Revisions to  
Municipal Class Environmental Assessment Schedule Criteria

Consideration should also be given to addressing such bridges under the Heritage Act rather than the EA Act. In such cases, heritage bridges could be classified as Schedule A+ with mandatory public notification.

**5. Streetscaping Improvements**

RCCAO supports the change of these projects costing more than \$2.7 million from Schedule B to Schedule A+.

**6. Operational Road Intersection Improvements and Guide Rails**

RCCAO supports the change of these projects costing more than \$2.7 million from Schedule B to Schedule A+.

**7. Roadside Parks and Picnic Areas**

RCCAO supports the change of these projects from Schedule B to Schedule A.

**8. New or Larger Drainage Culverts**

RCCAO supports the proposed change of these projects (whether related to road systems or transit systems) from Schedule B to Schedule A+. RCCAO notes that stormwater management systems are also regulated by the Ministry of the Environment pursuant to the Ontario Water Resources Act as such systems require a Certificate of Approval for construction and operation.

**9. Construction of Collector or Arterial Roads**

RCCAO supports the proposed expansion of the Schedule A list of projects to include collector or arterials roads that are identified in a Master Plan, an Official Plan or a Secondary Plan, as the facility has already been subject to public scrutiny and commentary.

**10. Expansions, Improvements and Modifications to Existing Patrol Yard and Maintenance Facilities**

RCCAO supports the proposed change of these projects (whether related to roads, wastewater management systems or water treatment systems) from Schedule B and C to Schedule A where land acquisition is required and the proposed changes conform with local Planning Act requirements. To the extent that broader notice is required, RCCAO would support a change of these projects to Schedule A+.

**11. New Patrol Yard and Maintenance Facilities**

RCCAO supports the proposed change of these projects (whether related to roads, wastewater management systems or water treatment systems) from Schedule B and C to Schedule A where the new yard or facilities comply with local Planning Act requirements. To the extent that broader notice is required, RCCAO would support a change of these projects to Schedule A+.

Submission by the

**Residential and Civil Construction Alliance of Ontario**

On Proposed Revisions to  
Municipal Class Environmental Assessment Schedule Criteria

**12. Retirement of Patrol Yard and Maintenance Facilities**

RCCAO supports the proposed change of these projects from Schedule B to Schedule A.

**13. Installation or Replacement of Standby Power Equipment in a New Building**

RCCAO supports the proposed change of these projects from Schedule B to Schedule A. Certain facilities, such as water and wastewater treatment plants require standby power equipment. The environmental impact of such facilities is already addressed under separate provisions of the Environmental Protection Act and should not require a broad Environmental Assessment Act public consultation.

**14. Retirement of Water Treatment or Distribution Facilities**

RCCAO supports the proposed change of these projects from Schedule B to Schedule A.

**15. New Service Facilities for Water Treatment and Distributions Systems**

RCCAO supports the proposed change of these projects from Schedule B to Schedule A.

**16. Construction of Certain Intersection Improvements**

RCCAO supports the proposed change of these projects (such as stopping lanes, access lanes, turning lanes, queue jump lanes and roadway access ramps) from Schedule B to Schedule A.

**C. Additional Changes to the Municipal Class Environmental Assessment System**

In addition to the proposed changes to the Municipal Class Environmental Assessment Systems recommended by the MEA, there will still be projects that are characterized as a specific Schedule C, B, A+ or A project based on the capital cost of the project. RCCAO continues to recommend that these threshold dollar values be indexed on an annual basis to an objective construction cost index applicable to the Province of Ontario. The specific index recommended by the RCCAO is the Ontario Ministry of Transportation's Construction Price Index that it uses in relation to MTO highway construction projects and tenders.

We continue to believe that the Director of the Environmental Assessment and Approvals Branch should be delegated the power to refuse a Part II Order Request that is being used to frustrate the implementation of a project that has already had extensive public consultation (this recommendation was made in RCCAO's commissioned report *Environmental Assessment Reform – a Tool for Economic Recovery*, February 2009).

Submission by the

**Residential and Civil Construction Alliance of Ontario**

On Proposed Revisions to  
Municipal Class Environmental Assessment Schedule Criteria

**D. Additional Comments and Information**

RCCAO would be pleased to provide any additional comments and information related to the Municipal Class Environmental Assessment System as may be requested by the Municipal Engineers Association, the Ontario Ministry of the Environment or any other stakeholder in Ontario's Municipal Class Environmental Assessment System.