



July 3, 2019

The Honourable Jeff Yurek  
Minister of the Environment, Conservation and Parks  
777 Bay Street  
College Park, 5<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Minister Yurek:

Congratulations on your recent appointment as Minister of the Environment, Conservation and Parks (MECP).

As you may know, the Residential and Civil Construction Alliance of Ontario (RCCAO) advocates on behalf of the tens of thousands of hard-working men and women who are employed in the construction industry, both as union members and as employers.

On behalf of our member organizations, RCCAO commissions independent research into the issues facing not only our sector, but also Ontario society. We have released 50 reports to date which seek solutions on topics ranging from increasing infrastructure investments to preparing for new mobility.

There are two key issues which we have been working closely with MECP:

(1) Municipal Class Environmental Assessment reform:

RCCAO has commissioned extensive research on the topic of [improving MCEA processes](#). In our 2010 [report](#), "Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Cost?", it was found that it took about 19 months to go through the Class EA process. An updated report in 2014 revealed that it was taking longer – almost 27 months on average for the same class of local projects. Part of this was attributed to the scope creep when more requirements were being added to the process. Both these reports provided information on municipal infrastructure projects on an anonymous basis but broken down by project type and by region.

Our next report, to be released later this month, will provide specific information on 12 projects across Ontario which experienced delay and appeals under the Part II Order process (aka the bump-up process). One of our long-standing recommendations has been to delegate the Minister's authority to the director for responding to appeals under the Part II Order process. In her 2016 value for money report, Auditor General Bonnie Lysyk found that the Minister typically received between 15 and 40 of these bump-up requests per year but that it would take the Minister between 265 and 347 days to respond, even though the Ministry had set a target response time of 66 days.

Lysyk further reported that of 116 projects reviewed by the Minister only three were decided upon within the target 66 days. To add insult, the auditor commented on a sample of bump up requests, finding that in all but one of 116 requests the Ministry director's initial decision on whether to accept or reject a bump up request "generally resulted in grammatical wording changes or merely restated existing commitments in the assessments."

Due to the frustration of promised efficiencies that were never acted upon by many environment ministers over the past decade, RCCAO and the Municipal Engineers Association submitted a joint [application](#) for review in early 2017. Then last year, the Ontario Good Roads Association initiated a campaign that resulted in 123 municipal councils across the province passing resolutions in support of Class EA reform. We are thus pleased that MECP has consulted on modernizing EA processes through its recent discussion paper and that Min. Clark included EA reform elements in the *More Homes, More Choice Act, 2019*.

## (2) Excess Construction Soil:

Research commissioned by RCCAO has found that almost 26 million m<sup>3</sup> of excess soil is being generated annually in Ontario from both public and private sector construction projects. This is equivalent to completely filling the Rogers Centre in Toronto 16 times. Close to 11 million m<sup>3</sup> of this 'clean' soil is generated from municipal and other infrastructure projects.

In January 2014 the Ministry, after a few years of stakeholder consultation, published a Guide for Best Management Practices (BMPs) for handling excess soils. Unfortunately, there was no implementation plan, timetable or outreach for the voluntary BMP approach. Consequently, there was no proper exposure or BMP program support to shift behaviour from the current "dig and dump" default procedure to encourage the environmentally responsible beneficial reuse of excess soils.

RCCAO was involved in the planning for an excess soil symposium held last November in Ajax where your parliamentary assistant, Andrea Khanjin, was a keynote speaker. We are again working with the Canadian Urban Institute to hold another symposium later this year.

To raise awareness, RCCAO and the Greater Toronto Sewer and Watermain Contractors Association released a [three-part video series](#) in 2018 on the financial and environmental benefits of implementing BMPs. Upfront planning for municipal infrastructure projects will increase the opportunities to find other uses for this clean soil. Preferably soil matching will occur close to source wherever possible and will help to reduce trucking and disposal costs. This in turn will have a positive impact on safety, road longevity and greenhouse gas emissions.

MECP is in the midst of a consultation process on an excess soil regulatory proposal. Although the formal submission period ended in mid-June, there is much work to do in terms of a coordinated implementation plan. We have recommended that members of the Ministry's Excess Soil Engagement Group be re-engaged as soon as possible to develop a credible action plan, with a checklist of deliverables.



We enjoyed a productive relationship with your predecessor and his staff, and we look forward to continuing the positive momentum with you and your team. Please let us know when a meeting can be set up so that we can discuss these issues in more detail.

Sincerely,

Andy Manahan  
Executive Director

**Copy to:**

Andrea Khanjin, Parliamentary Assistant  
Nicholas Stacey, Parliamentary Advisor  
David Donovan, Director of Policy  
Jonathan Ricci, Executive Assistant  
Greater Toronto Sewer and Watermain Contractors Association  
L.I.U.N.A. Local 183  
The Heavy Construction Association of Toronto  
Joint Residential Construction Council  
Toronto and Area Road Builders Association  
Carpenters' Union  
Ontario Formwork Association  
International Union of Operating Engineers, Local 793