

Major Amendment of Municipal Class Environmental Assessment By the Municipal Engineers Association

MECP Reference Number 9899

August 2020

1. INTRODUCTION

The Residential and Civil Construction Alliance of Ontario ('**RCCAO**') appreciates the opportunity to provide comments and recommendations regarding the proposed amendments to the Municipal Class EA process posted [online](#).

2. ABOUT RCCAO

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 and has often commissioned independent research on issues such as the Municipal Class Environmental Assessment (MCEA) process which provide recommended courses of action. In recent years, the MCEA process has often resulted in delays of more than 26 months for municipal infrastructure projects including new bicycle lanes, expansion of sanitary sewer systems, widening of roads, replacement of bridges or the establishment of new water treatment plants. Studies and reports associated with such environmental assessments can add up to 10% or more to the capital cost of the proposed project.

3. COMMENTS ON MEA'S PROPOSED CHANGES

A. PROPOSED EXEMPTION OF 28 PROJECT TYPES THAT ARE CONSIDERED TO BE LOW IMPACT

RCCAO supports the Municipal Engineer Association's ('**MEA**') recommendation to exempt all Schedule A project types (there are currently 28 separate descriptions for Schedule A projects). Examples of the types of projects that would be exempted include: shaping and cleaning of existing roadside ditches; construction or removal of sidewalks; plowing and sanding of roads; snow and de-icing operations that comply with the Ministry's guidelines; culvert repairs; new fence installations; and establishing new municipal patrol yards or maintenance facilities. The listed examples and other Schedule A projects are considered by both the MEA and the Ministry to be low impact.

B. UPGRADING OR DOWNGRADING PROJECTS FROM ONE SCHEDULE TO ANOTHER

RCCAO has reviewed the eight proposed MCEA Schedule changes for municipal roads projects, the nineteen proposed MCEA Schedule changes for municipal water and/or wastewater projects and the eight proposed MCEA Schedule changes for municipal transit projects and RCCAO respectfully recommends that the Ministry approve all of MEA's proposed changes. MEA's proposed changes represent a better matching of level of scrutiny and evaluation to the potential risk associated with the various types of municipal projects.

C. REMOVING COST THRESHOLDS FOR ROAD PROJECTS

In 2012, RCCAO commissioned and published [a report](#) entitled 'Municipal Class Environmental Assessments – Categorization Review Study' to determine if Ontario's use of project capital costs was a suitable categorization feature to determine which projects were more likely to pose a greater environmental risk than other projects. The report involved the review of 13 countries, including the USA, and 16 separate US states. Overall, the subject jurisdictions used quantitative measures other than capital cost to differentiate potential environmental risk. No

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other jurisdictions based its degree of environmental review on the capital cost of the project. Alternative criteria for roads included length of route, the number of lanes being added or constructed and whether the project was a brand-new route or an upgrade of an older road along the same right of way. Water treatment plants and sewage systems were differentiated based on daily volume of water capacities or the size of population served.

Based on that report, RCCAO has consistently recommended that capital cost should not be used as the threshold for determining the required level of environmental assessment. Consequently, RCCAO supports MEA's proposed replacement of capital cost thresholds with other measurement criteria for the level of environmental review for roads and related municipal projects.

D. CLARIFYING AND MODERNIZING PROCESS REQUIREMENTS

Many of the current EA process requirements, such as publishing Notices of Project Commencement and Notice of Project Completion have been entrenched in the MCEA Manual since its inception in the 1980's. Over the past 40 years, there are far fewer printed daily newspapers and a much greater reliance on internet services and electronic media sites. RCCAO supports and endorses all of the MEA's proposed process changes related to the MCEA class.

E. UPDATING REQUIREMENTS FOR TRANSIT PROJECTS

Ontario Regulation 231/08 was passed at a time when municipal transit projects were experiencing significant delays and high costs to bring rail and certain other municipal transit projects from the drawing board to operational services. Prior to 2008, most municipal rail transit projects followed the procedures set out in the GO Transit Class Environmental Assessment. There was also a separate series of projects and procedures for municipal transit projects within the MCEA process. The object of the new regulation was to shorten the time required to complete environmental assessments for subway and certain other projects to a maximum of six months. To shorten the time frame, Ontario Regulation 231/08 introduced certain new simpler and less onerous procedures and processes, to replace the high level of environmental assessment that would otherwise apply. Although Ontario Regulation 231/08 had merit, there were no changes to the Transit sections in the MCEA Manual.

MEA has now completed a detailed review of the Transit sections in the MCEA Manual and has recommended changes for all eight categories of municipal transit projects to make their requirements more consistent with the counterparts in the Roads section of the MCEA Manual. RCCAO supports and endorses all the MEA's proposed changes to the Transit sections of the MCEA Manual. As soon as the MEA's proposed changes to the Transit sections are implemented, RCCAO expects that the relevant municipal transit projects can complete the EA process in a timelier and less expensive manner.

4 CONCLUSIONS AND RECOMMENDATIONS

RCCAO has been consistently advocating for improvements to the MCEA processes over the past decade and has worked closely the MEA and other stakeholders to identify potential improvements.

RCCAO Comments re

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The MEA established the MCEA process in the 1980's and has administered the MCEA Manual and recommended various changes that have been implemented over the past 30 years. RCCAO has carefully reviewed MEA's proposed changes to the MCEA Manual and recommends that your Ministry approve all of the proposed changes.

RCCAO remains willing and able to continue to work with the MECP and other stakeholders to improve all EA processes that might impact municipal infrastructure projects.

End of Submission