

RCCAO Submission re

Proposed Comprehensive Environmental Assessment Project List – (Projects Subject to Part II.3 of the *Environmental Assessment Act*)

ERO number 019-2377

November 9, 2020

1. INTRODUCTION

The Residential and Civil Construction Alliance of Ontario (RCCAO) appreciates the opportunity to provide comments and recommendations regarding the proposed list of projects that would become subject to a Comprehensive Environmental Assessment pursuant to Part II.3 of the *Environmental Assessment Act* (the “Act”). One of RCCAO’s primary areas of focus has been on reform of the Municipal Class EA (MCEA) system, including specific changes to reduce the delays and costs often associated with the delivery of local infrastructure projects. It has also been RCCAO’s position that various stakeholders and local residents should have a reasonable opportunity to review and comment on projects which might have environmental, social and economic impacts, provided that the consultation does not trigger disproportional delays or costs.

MCEA projects such as: road widenings, culverts, bridge replacements, as well as separation of storm and sanitary sewers, are and should continue to be subject to streamlined environmental assessment processes, because across Ontario, such projects are similar in scope and known to have comparable impacts and benefits.

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 MCEA process. RCCAO’s reports on the MCEA process as well as other issues such as bridge safety, transit projects, infrastructure funding and utility locates can be viewed and downloaded [on our website](#). Along with improving the MCEA process, RCCAO members also have a strong interest in related transportation infrastructure, including various Ministry of Transportation (MTO) projects, which provide vital links within and between regional centres.

3. COMMENTS ON PROPOSED PROJECT LISTS

A. ELECTRICITY PROJECTS

RCCAO will not provide any comments on items 1, 2, 3 or 4 of the proposed threshold for electric energy projects that would require an individual comprehensive environmental assessment.

With respect to item 5 of the proposed threshold for electrical energy projects, it is unclear whether an extension of a further 15 km on an existing 190-km-long transmission line would trigger a comprehensive environmental assessment because the total length of the transmission line exceeds 200 km. RCCAO submits that any expansion or change in item 5 be more clearly defined to exclude extension or changes that are less than a defined percent of the original facility capacity.

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B. WASTE MANAGEMENT PROJECTS

RCCAO is unable to provide any comments on the proposed threshold for waste management projects that would require a comprehensive environmental assessment.

C. TRANSPORTATION PROJECTS

Transportation is a vital class of infrastructure in Ontario, and represents a large expenditure quantum by both provincial and municipal governments and related agencies. RCCAO fully supports any decision that would minimize the number of comprehensive environmental assessments for transportation projects which are urgently needed.

The proposed inclusion of provincial highways longer than 75 km would apply to projects such as an extension of Hwy. 410 to Collingwood. RCCAO submits that it is unnecessary to designate municipal expressways or transit ways longer than 75 km, as none currently exist nor is RCCAO aware of any municipality contemplating infrastructure projects of that magnitude.

It is not clear to RCCAO and other stakeholders whether the threshold of 75 km applies only to new routes on new right of ways, or whether the addition of an extra lane to an expressway or transit way would also be subject to a comprehensive environmental assessment. It is RCCAO's understanding that the addition of an extra lane to a highway within an existing right of way is less likely to have an adverse environmental impact as compared to a brand new facility and new right of way. Additional details are required to allow proponents to determine whether or not a specific project would require a comprehensive environmental assessment

D. RAILWAY LINE PROJECTS

RCCAO agrees that the efficient movement of goods and services is an essential requirement to maintain and grow Ontario's economy. Railways also represent an important opportunity to reduce greenhouse gas emissions and reduce energy consumption. RCCAO supports the Ministry's recommendation to use the length of a new right of way as a threshold for environmental review. RCCAO recommends, however, that there should be a distinction between acquiring a new right of way to extend a line to new areas, versus widening an existing rail line with additional track. Similar to the comments on Transportation Projects, it is RCCAO's understanding that widening an existing rail corridor is likely to have a lower overall environmental impact than building a new route.

E. CONSERVATION PROJECTS

RCCAO submits that the use of terms such as 'significant' and 'major' do not provide the clarity needed for proponents to determine which projects are subject to a comprehensive environmental assessment, and which projects do not. The proposed threshold also indicates that conservation projects on previously developed lands would not be subject to comprehensive EAs. RCCAO believes that the term 'developed' could have different interpretations, so this requires further description.

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F. MINING PROJECTS

RCCAO will not provide any comments on the proposed threshold for mining projects that would require a comprehensive EA.

F. WATER AND WASTEWATER PROJECTS

RCCAO notes that the MECP has not proposed any water or wastewater projects as being subject to a comprehensive EA process under Part III.2 of the Act. Under the current regulatory framework, not all water or wastewater projects were included in the MCEA classes. The Upper York Sewage Solutions project (UYSS), for example, was not permitted to follow the expedited MCEA process and therefore had to proceed with an individual environmental assessment. Unfortunately, this EA process has been slow and expensive. Initiated in 2009, the Terms of Reference for the UYSS were approved by the Minister in March 2010 with an additional condition that the Region consider an advanced new treatment technology water reclamation centre, instead of building a new trunk sewer that would transfer sewage to Durham Region's Duffin Creek facility. Following in-depth studies and a pilot demonstration of leading-edge microfiltration and reverse-osmosis wastewater treatment technology, a Final EA report was submitted to the Ministry in July 2014. As of late October 2020, the UYSS has still not received Ministry approval to proceed.

RCCAO recommends that all water and wastewater municipal infrastructure projects be eligible to proceed through an expedited process, such as the MCEA process, even if the project is linked with facilities in a neighbouring municipality.

4. POTENTIAL REGULATORY GAPS

A. SCOPE OF EXPEDITED ASSESSMENT PROCESSES

Under the current regulatory framework, all municipal government infrastructure projects which are not covered by the MCEA process or an existing regulation, such as O. Reg. 231/08, must undertake a comprehensive EA process. The UYSS project referenced in item 3.F above, was not an eligible project for the MCEA process. While RCCAO acknowledges that the Ministry's proposed use of a Project List is intended to clarify which types of projects pose sufficient environmental risk to merit a comprehensive environmental assessment process, RCCAO is concerned that there may be regulatory gaps if a project is not on the proposed Project List and not included in one of the streamlined Class EA processes. RCCAO encourages the Ministry to broaden the coverage of the various streamlined Class EAs to ensure clarity and to avoid any regulatory gaps.

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5. CONCLUSIONS AND RECOMMENDATIONS

RCCAO has been actively advocating for improvements to various Ontario EA processes for more than a decade and has worked closely with the Province and other stakeholders to identify potential improvements. RCCAO also supports the proposal to use a list of project descriptions as the threshold for the level of environmental assessment, provided that the existing streamlined classes, such as MCEA projects, are sufficiently broad to avoid any regulatory gaps.

Overall, RCCAO recommends that the proposed Project List contain additional details to allow proponents to determine whether the addition of capacity, such as a road or cycle lane to an existing roadway or an additional track to a railway or transit line would have the same distance threshold as de novo projects.

RCCAO looks forward to continuing to work with the MECP and other stakeholders to improve all EA processes that might impact infrastructure projects. In particular, RCCAO would welcome the opportunity to comment on proposed changes to the current set of streamlined classes of projects, most notably those projects current falling within the MCEA process.

End of Submission