



July 31, 2020

Hon. Jeff Yurek  
Minister of the Environment, Conservation and Parks  
5th Floor, 777 Bay St.  
Toronto ON M7A 2J3

Dear Minister:

**Subject: Support for MEA's letter of July 28, 2020 re. Ontario Regulation 345/93**

The Residential and Civil Construction Alliance of Ontario (RCCAO) supports the recommendations advocated by the Municipal Engineers Association (MEA) in the attached letter dated July 28, 2020 regarding the Municipal Class Environmental Assessment (MCEA) process and O. Reg. 345/93.

The MEA letter describes how a private 120-unit retirement residence, which has already obtained all of the building and zoning approvals for the project, must now undertake a multi-year Schedule C MCEA study, a process that is normally intended for municipalities, not private developers, who choose to build and operate new infrastructure projects such as major wastewater treatment plants.

Some of your Ministry's staff are interpreting O. Reg. 345/93 in a new manner, which both the MEA and RCCAO views as inconsistent with prior Ministry practices and the Ministry's 1994 guidance document. Water infrastructure for private development projects, such as the retirement residence, are already subject to Ministry oversight through the necessary approvals under the *Ontario Water Resources Act, 1990* to drill a private water well using Ministry-licensed contractors, obtain a water taking permit under section 34 and approvals under Part VI of the *Safe Drinking Water Act, 2002* to construct and operate a private drinking water system.

The Ministry's 1994 guidance document for O. Reg. 345/93, clearly explains that projects such as the above can utilize their *Planning Act* application to address EA Act requirements – no MCEA Schedule C process would be required according to this guidance document. Inexplicably, unintended changes were made to the MCEA that your staff now interprets as disallowing this option. The result would be that a lengthy and expensive MCEA Schedule C process would now be required.

MEA has been attempting to get resolution on this matter since March. Based on a June 19, 2020 call between senior MECP staff and RCCAO/MEA representatives, ADM Sarah Paul indicated that with the upcoming modernization of EA she would get an answer to us soon once there was a better 'understanding of how the landscape has changed'. The ADM added that a robust system is required to ensure that these private water systems are designed and operated safely.

MEA has pointed out to MECP staff that O. Reg. 345/93 was never intended to apply and has historically not been applied to private on-site water systems. In addition, the Ministry's current interpretation that developers can no longer utilize their *Planning Act* application to address their EA Act requirements was never publicized.

Fortunately, MEA has suggested that any concerns by MECP staff can be easily addressed with a



minor change to the current proposed amendments to the MCEA. RCCAO supports the MEA's recommendations regarding the interpretation of O. Reg. 345/93 and encourages your Ministry to rectify this situation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andy Manahan', is positioned below the 'Yours sincerely,' text.

Andy Manahan  
Executive Director

Copy to:

Isaac Apter Director of Policy, Minister Yurek's Office

Jonathan Ricci, Senior Policy Advisor Stakeholder Relations Manager, Minister Yurek's Office