

## Changes could be coming for municipal class EAs

by Angela Gismondi May 2, 2017

The Ministry of the Environment and Climate Change (MOECC) will be undertaking a review of the Environmental Assessment (EA) Act and industry stakeholders are hoping it will result in significant improvements to the Municipal Class Environmental Assessment (MCEA) process.

Last year, the **Residential and Civil Construction Alliance of Ontario (RCCAO)** and the Municipal Engineers Association (MEA) submitted an application to the MOECC requesting a review of the act to identify issues and implement reforms needed to allow municipal proponents to complete MCEAs in a more timely and effective manner.

"What we would like to see is measures being put in place over the next 18 months that will tend to reduce the timelines and simplify the MCEA process so that it's less expensive, more manageable and quicker," said Frank Zechner, legal counsel representing the RCCAO and MEA on the matter.

The parties received a letter in mid-April notifying them the ministry will undertake a review of the MCEA as part of the overall review of the EA program.

One of the biggest issues is the EA process often takes two years to complete, which results in significant time delays and increasing costs. Appeals and Part II Order requests, also known as bump-up requests that ask the ministry to put the project through a full EA, add more time.

"Why can't this be done in less than a year as opposed to two years plus?" asked Zechner. "We don't see any reason why not. In fact, there is a regulation in place for transit projects that mandates that those reviews be completed in six months. So for something relatively simplistic, such as an additional lane that has already been approved by municipal council and has already been pre-planned through the engineering studies, it should not take more than a year to do an EA."

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RCCAO**

The application was prompted by Ontario Auditor General Bonnie Lysyk's Value for Money audit, released last November, which stated the province's EA process "has not kept up with the times."

"If it hadn't been for the auditor general's report, quite frankly, we might not have had the same level of success. But because that was such a detailed report that came out late last year...I think the ministry really did take our request through this application pretty seriously," stated Andy Manahan, executive director of the RCCAO.

He added he wants to hit the ground running. Right now, only the minister is able to respond to bump-up requests. However, delegating authority to the director of the environmental assessment and approvals branch could help speed up the process and would not require a legislative amendment.

"We are looking ahead to the provincial election next year and one of the most important issues for us is trying to prevent a backlog of these Part II Order requests," explained Manahan. "We think it's something we should push right now in terms of this whole delegation of authority to the director of the EA approvals branch, that they would be responsible for signing off on standard bump-up requests."

Manahan said he will be following up with ministry officials to let them know the RCCAO wants to be involved in the process.

"In the letter, it does say there has been some ongoing consultation with the MEA but they're going to have to reach out to everybody if they're going to open up the whole act," said Manahan.

"We want to be involved every step of the way in this one because it's not just municipal infrastructure projects, there are also projects that are done by developers, for example residential subdivisions that have master transportation plans and those sorts of things. These are issues that affect our members directly as well as our members who are doing work on behalf of the municipal sector so we need to be at the table basically from day one."

Completion of the review is expected by December 2018.

"We would like to work with the ministry to make sure progress is actually made and if there is a proposal or measures they are going to take, make sure it doesn't go in the wrong direction and doesn't make things worse," Zechner commented. "They've agreed to a review and we are hopeful that we will have a role to play."

Zechner said the review may also help alleviate current pressures on the housing market.

"Perhaps one of the reasons why they can't bring more housing units online more quickly is because the infrastructure that you need in order to build subdivisions and developments is lacking and it's being held up by the MCEA process," Zechner stated. "The Ontario government seems to be committed to taking measures to bring more housing units online to meet demand and soften the pricing difficulties."