



## **Residential & Civil Construction Alliance of Ontario**

Constructing Ontario's Future

### **New RCCAO Study: Approval Process for Municipal Infrastructure Projects is Taking too Long and Costing too Much – Municipal Class Environmental Assessment process to blame**

TORONTO, March 11, 2014 - A new study released today by the Residential and Civil Construction Alliance of Ontario shows that not only are core municipal infrastructure projects in Ontario facing long delays by the Municipal Class Environmental Assessment (MCEA) process, those delays are increasing. The new study, an update to a similar one released in 2010, concludes that it now takes an average of more than 26 months to go through the MCEA process compared to 19 months before and the costs of background studies and reports have more than doubled over the past four years.

These findings are part of an independent study commissioned by the RCCAO, and prepared by Frank Zechner, an environmental lawyer based in Toronto. Initial expectations were that the delays would have improved slightly but observers were surprised by the degree by which the delays have actually increased.

"I am very disappointed that the process is actually getting worse. The Ministry of the Environment supports streamlining the approval process for basic or low-risk projects, but no substantive improvements have been made," said RCCAO Executive Director, Andy Manahan.

Among the study findings besides the increased time lines and costs are:

Infrastructure is increasingly inadequate due to age and climate change. The Greater Toronto Area ice storm in December 2013 and flooding in July 2013 are prime examples. Projects, such as cycling paths and lanes - vital for safety - face months or years of delay to assess environmental impacts.

Delays in road reconstructions, bridge rehabilitation, flood control projects and upgrades to sewer and water works can increase public risk. Approvals for aging infrastructure need to be made faster so that our systems are more resilient to withstand both regular use and extreme events such as flooding and ice storms.

Ontario's Environmental Assessment laws have been in force since 1976 and the current Municipal Class EA process came into existence in 1987 through the Municipal Engineers Association. While other Canadian jurisdictions do not have the same

requirements when it comes to basic municipal infrastructure, these jurisdictions are able to complete reviews faster with better economic and environmental outcomes.

"Ontario municipalities have limited resources and every effort should be made to reduce delays and costs for assessing the environmental impacts of basic Municipal infrastructure. While analyzing these projects, it became clear it is taking longer to complete an EA because of the complexity of environmental study reports. This results in higher costs not only for producing the myriad studies but also for municipal staff time," said Zechner.

Among the recommendations:

- Fast-track schedule B and C Municipal Class projects in the same way that many transit EAs are fast-tracked
- Reduce the scope and complexity of EA reports and background studies
- Municipalities should combine *Environmental Assessment Act* and *Planning Act* requirements into joint public consultations instead of being done separately, wherever possible
- Establish greater transparency by posting completed EA reports on the Ministry of the Environment website
- Reduce potential abuses of the right to request a more detailed EA review through a Part II Order request (referred to as a "bump-up.")

RCCAO is an alliance composed of management and labour groups that represent all facets of the construction industry. Its goal is to work in cooperation with governments and related stakeholders to offer realistic solutions to a variety of challenges facing the construction industry. This is the fourth report that the RCCAO has commissioned on environmental assessments since 2009.

Frank J. E. Zechner is a sole legal practitioner in Toronto who has a construction engineering background from Western Canada and established his own law practice focusing on environmental and construction law in 1999. His clients include a variety of national and Ontario-based businesses as well as non-profit organizations.

For more information, a copy of the report and the Executive Summary, or to arrange interviews with Zechner and/or Manahan please contact:

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