

NO LONGER IN A CLASS BY ITSELF

Integrating the Municipal Class EA and Planning Processes

It can take two to three years to construct many major infrastructure projects. Not surprising given the enormous amount of effort that goes into building a new road or installing a major water line. But that can pale in comparison with the time it takes to get the project approved in the first place.

According to a study by the Residential and Civil Construction Alliance of Ontario, Ontario's Municipal Class Environmental Assessment system adds \$232 million in extra project costs and holds back 10,000 jobs through delays.

To help speed up the approval process and to eliminate some of the duplication between the Planning Act and the Class EA process, the Ministry of the Environment recently approved amendments to the Municipal Class Environmental Assessment process.

The changes, says the MOE, "will allow for a more expeditious review of municipal infrastructure projects while maintaining a detailed review of environmental effects and ensuring that a consistent provincial EA process is followed."

InSight

Amendments to the Municipal Class Environmental Assessment

Objective: to recognize work completed under planning processes and avoid potential duplications between the Planning Act and the Class EA process

Timing: Approved August 2011

Infrastructure projects included:

- Road widening, reconstructions or extensions;
- Bridge replacement or reconstruction work;
- Sewer works, either storm, sanitary or combined,
- Water distribution works including pumping stations and reservoirs
- Flood control works

Key Provisions:

- Meeting Planning Act and Municipal Class EA requirements when carrying out an integrated planning process.
- Who can use the integrated provisions
- Documenting the integrated planning process
- Notification of an integrated planning process
- Combining key steps in the MEA Class EA and Planning Act processes
- Off-site infrastructure considerations
- Dispute resolution
- Lapse of time limit provisions
- Monitoring requirements
- Phase in provisions

The new streetcar line along St. Clair Avenue in Toronto was one of the city's biggest transit projects in years. Toronto's Official Plan, passed by City Council in November 2002, identified St. Clair Avenue West as an avenue for future growth and that installing 6.8 kilometres of dedicated streetcar tracks along one of the city's busiest east-west routes was a major transit priority. In February 2003, city council approved an environmental assessment of the project. Two and a half years later, the Ministry of the Environment approved the project but work was halted almost immediately when some of the project's opponents filed appeals in the courts. The transit line finally opened in 2010 at a cost of more than \$100 million.

It was, says Andy Manahan, the executive director of the Residential and Civil Construction Alliance of Ontario, a prime example of how duplication between planning and environmental processes can delay projects and add to the cost.

Planning and Assessment

The Planning Act, administered by the Ministry of Municipal Affairs and Housing, requires municipalities to issue an Official Plan every 10 years and to review and update the plan at least every five years.

The Official Plan sets out the municipality's general planning goals and policies for future land use. It addresses issues such as where new housing, industry, offices and shops will go; what services like roads, water mains, sewers, parks and

schools will be needed; where growth is expected; and the measures needed to protect agricultural, mineral and environmental resources. Municipalities must hold at least one public hearing before the Official Plan is released.

The Municipal Class Environmental Assessment system, on the other hand, is a self-assessment process, produced and promoted by and Municipal Engineers Association with the approval of the Ontario Ministry of the Environment. The Class EA process ensures that municipal infrastructure projects comply with the provisions of the Environmental Assessment Act and proceed in an efficient and timely manner.

The process, which typically takes at least six months but can take several years to complete, is used to evaluate the environmental effects of a project and propose alternative methods of carrying out a project. Class EA projects include road and bridge construction, installation of sewers and watermains, and flood control and water quality control facility projects. Public consultation is mandatory.

Land use planning has become a much more sophisticated process in the last 20 years. Originally municipalities used the planning process to guide land use, determine infrastructure requirements, protect agricultural land and prevent development in flood prone areas.

By the 1980s, however, planning had started to embrace a much broader range of environmental and resource protection

issues. Watershed-based planning, conservation of environmentally sensitive lands, and planning for linked natural heritage systems became part of a much more comprehensive, much more detailed and much more expensive process.

Municipalities also became much more sophisticated and much more pro-active in engaging the community in the process. Since land use planning is generally well ahead of specific infrastructure projects, by the time an Environmental Assessment begins, many significant issues have already undergone a thorough and intensive review and resolved through discussion, engagement and consensus with other stakeholders. Nevertheless, regardless of the work that has preceded it, once a Class EA starts for a given project, the entire process starts anew.

“There is a lot of duplication between the Official Planning process and the environmental process,” observes Manahan. “Many major infrastructure projects have already gone through an extensive review process as part of a municipality’s Official Plan. The municipality has done its due diligence, looked at the impacts and considered the alternatives. Hiring consultants and holding public hearings for environmental hearings is just rehashing issues that have already been considered and resolved. All you are doing is delaying the project and adding to the cost.”

continued on next page

BRITESPAN Building Systems has you covered!



**BRITESPAN Building Systems are ideal for:
Salt/Sand Storage • Warehouse • Equipment Storage • Recycling**

BRITESPAN BUILDINGS PROVIDE:

- Extra high clearance for truck safety & unloading
- Naturally bright interiors create a safe working environment
- Over 16 years of fabric building experience
- Rapid installs by quality builders
- Buildings from 24' to 160' wide to any length required
- Hot dipped galvanized steel

SERVICES BRITESPAN PROVIDES

- Reactions for foundation design
- Bid specifications
- Recommendations based on 16 years experience and over 200 salt storage buildings constructed
- Capacity calculations

1.800.407.5846
www.britespanbuildings.com

BRITESPAN
BUILDING SYSTEMS

Asking For Change

In March 2010, the Residential and Civil Construction Alliance of Ontario issued a report called: "Are Ontario's Municipal Class Environmental Assessments Worth the Time and Costs?" According to the RCCAO study, which looked at 99 infrastructure construction projects with a combined value of \$1.1 billion, Ontario's Municipal Class EA system adds \$232 million in extra project costs and holds back 10,000 jobs through delays.

"The province is going to be in a deficit situation for a number of years and it recognizes the critical nature of infrastructure to economy," concludes Manahan. "It is going to be transferring significant dollars to municipalities for infrastructure projects. It needs the money to be spent wisely. It also needs the money to be spent fairly expeditiously. Anything to improve the efficiency of the approval process should be encouraged."

It is not just municipalities that have been concerned about the duplication inherent in the two processes. In 2009, the Building Industry and Land Development Association asked the Ministry of the Environment for a private sector exemption from the Environmental Assessment Act requirements for new collector and arterial roads that are part of an approved secondary plan.

Responding to BILD's concerns, the Ministries of the Environment and Municipal Affairs and Housing started working with the Municipal Engineers Association (the custodian of the Municipal Class EA process) to recognize work completed under planning processes and avoid potential duplications between the Planning Act and the Class EA process.

After an extensive consultation process that included municipalities, government agencies, industry representatives, and members of the public, the Municipal Engineers Association submitted a number of EA process amendments to the Ministry of the Environment.


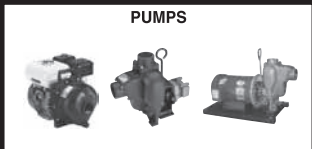






The amendments were approved on August 17, by the then Minister of Environment, John Wilkinson.

Bringing Clarity to the Process

According to Eugene Macchione, a supervisor with the Environmental Approvals Branch of the Ministry of the Environment, the approved amendments do not include any new requirements, new burdens or rescheduling of integrated projects.

The amendments to the Class EA process are intended to bring clarity to the integration provisions and show:

The Solution To All Your Fluid Handling Needs
Discover a complete range of Pipes, Valves, Fittings, Tubing, Sensors, Flowmeters, Tanks ... and more
... all you need for Corrosion Resistant and Ultra Pure fluid flow applications

VALVES 	PUMPS 
MANIFOLD SYSTEMS 	PIPE FITTINGS 
CAM LEVER COUPLINGS 	LINE STRAINERS 
FLOWMETERS 	TANKS & TUBING 

BANJO Largest Stocking Distributor of Banjo Products
243 Bering Ave., Toronto, Ontario
Tel. (416) 236-1884 Toll Free: 1-877-jjdowns
www.jjdownsplastics.com

JJ DOWNS
J.J. Downs Industrial Plastics Inc.
Quality Engineered Thermoplastic Products Since 1970



Underground Engineering Services

Division of Promark-Telecon

UES offers professional and efficient solutions for all your Underground Engineering needs with over 30 years of experience in the "underground" and utility industries.

Underground Information Services:

- ⊕ Pre-Engineering/Design Locates (SUE)
- ⊕ Private Property Locates
- ⊕ Locates Project Management
- ⊕ Construction Pick-line Services
- ⊕ Records Correction/Confirmation Services
- ⊕ Tracer Wire Certification
- ⊕ Sewer Lateral Locates
- ⊕ Pipe Camera Inspections
- ⊕ Confined Space Entry

Contacts:

Ophir Wainer, mobile: 416-605-4066
Jim Teehan P.Eng., mobile: 416-577-5134

861 Progress Ave, Scarborough, Ontario M1H2X6
Office: 416-439-2715 (ext 2) or 1-888-883-6273
Fax: 416-439-4123 or 1-888-883-6274
www.undergroundengineering.ca

- How proponents can meet their requirements under the Environmental Assessment Act when carrying out an integrated planning process.
- Who can use the integrated provisions (the private sector, the public sector, and public-private partnerships)
- How to document the integrated planning process
- How to give notification when carrying out an integrated planning process
- Opportunities to combine key steps in the MEA Class EA and Planning Act processes
- How to consider off-site infrastructure
- Dispute resolution (such as appeal mechanisms and higher levels of review)
- Lapse of time limit provisions
- Monitoring requirements
- Phase in (transition) provisions

In addition to the amendments to the integration provisions of the MEA Class EA, the Ministry of the Environment also approved some other minor amendments, which include:

- A rescheduling of minor municipal activities that have localized impacts and require other follow-up approvals.
- The MEA's monitoring committee will adjust cost thresholds, which are used to categorize road activity projects to be adjusted on an annual basis.
- A screening process will be used to determine the potential heritage value for bridge structures that are more than 40 years old.

With the approved amendments now in place, the Ministries of the Environment and Municipal Affairs and Housing are working with MEA to develop an education and outreach strategy to promote the revised MEA Class EA.

MEA will develop an on-line training module to provide environmental assessment practitioners with a broad overview of the integration provisions and how they can be used and it will provide the basis for training MOE's Regional EA Co-ordinators. MEA's consultant, Delcan Consulting, will be hosting a series of webinars, expected to start before the end of the year.

"MOE is encouraging the integrated process," concludes Andy Manahan. "It is an important initiative that will save municipalities time and money and help get projects off the ground quickly with out compromising environmental oversight."

Part II Orders – Still To Be Resolved

A few years ago Oakville issued a new Transportation Master Plan. The plan, developed after extensive consultation with the public and other stakeholders, addressed a number of complex issues such as protecting natural and cultural features and the impact of the proposed transportation network on community amenities and property. The city also completed a Class Environmental Assessment for an individual segment of road that was consistent with the previously developed

Transportation Master Plan.

Under the Environmental Assessment Act an interested person can ask for a higher level of assessment for a class environmental assessment project (known as a Part II Order) if they feel there is outstanding potential for significant environmental effects. When Oakville issued its Notice of Completion, one resident (who incidentally did not live near the project) demanded an individual environmental assessment, because the resident felt that the new road would adversely affect air quality in the region.

It is an example of how the entire process can be hijacked by a matter of broader public policy not necessarily related to the specific project, says Manahan.

RCCAO and BILD have asked the new Minister of Environment, Jim Bradley to clarify the Environmental Assessment Act so that any pre-approved activity under the Class EA would not be subject to a Part II Order, or alternatively delegate to MOE staff the authority to review and dispose of Part II Order applications.

"If a municipality does a master transportation plan, it meets the requirements of a class EA," says Manahan. "This final clarification would help close a loophole in the process and prevent unnecessary delays at the end of the EA process." **M**



Introducing LED solutions for every outdoor space!

New energy-saving LED offering sets benchmark for optical performance and versatility.

Featuring Cooper Lighting's patent pending modular LightBAR™ technology and patented AccuLED Optics™ offered in 17 unique optical distributions, the LED luminaires feature a unique application-specific design that allows lumen and energy output to be customized to fulfill the exact needs of the outdoor space—eliminating wasted energy, obtrusive spill light and over lighting of spaces. Producing even, uniform illumination, the new offering provides a benchmark warm white light of 4000K correlated color temperature (CCT) - standard across all products—with no sacrifice in lumen output. For more information visit our website www.cooperlighting.com