

## Efficiency of environmental assessment system to be reviewed

By Brian Platt March 3, 2015

As complaints mount that Ontario's environmental assessment process for municipal infrastructure is more costly and cumbersome than other jurisdictions, the environment minister is promising a review of the system - although any changes are at least a year away.

"I find our system is very time-consuming, it really puts projects off," Environment Minister **Glen Murray** told *QP Briefing* on Tuesday. He said a review that covers "the entire EA permitting system" will start later this year, likely in the fall.

"I'd expect that in 2016 we'll have amendments and revisions to the system," he said.

This will be welcome news to groups with a stake in building municipal infrastructure, who have watched in frustration as the time required for completing an EA has grown in recent years. **The Residential and Civil Construction Alliance of Ontario (RCCAO)** in particular has been calling for EA reform, and commissioned several reports that examine problems in Ontario's system.

The most recent study, which found that the average municipal-class EA was taking 26 months (up from 19 months in 2010) was presented last week at the joint conference of the Ontario Good Roads Association and the Rural Ontario Municipal Association.

"Some of the projects were going as long as 84 months [to complete the EA]," said **Frank Zechner**, a lawyer specializing in environmental and construction law who wrote the studies for the RCCAO.

A key issue for construction groups is what's known as a "Part II Order Request," which triggers a full EA on a municipal project. The number of projects subject to these requests was expanded by the ministry in 2011, and Zechner said the current system is open to abuse by anyone who wants to slow down a project.

For example, he said, someone who doesn't live near a project can initiate a Part II Order Request. His report outlines various ways for the threshold to be reasonably raised.

Murray didn't want to preempt what kinds of recommendations the review might come up with, but he said there are considerations on both sides of the EA issue.

"One, I find them enormously long and involved on things that should take a lot less time, like

electrification of rail," he said. "If you're taking diesel trains off and electric trains on, that shouldn't require as extensive an EA as we have.

"On the other hand, there are other areas where we're seeing real environment impacts, so we need a more thorough process."

(The province [has already moved](#) to streamline the EA process for rail electrification projects.)

Murray did suggest one item the review may examine: reducing overlap between land use plans and environmental assessments.

"It would be the idea that if you have a stronger planning process - you know, municipal plans, transportation plans - you can frontload a lot of the process," he said. "A lot of the stuff that waits for approval in an EA process could actually be prequalified in a planning process. That's a model used in other parts of the world that significantly reduces the EA process without compromising the integrity or the rigour of the process."

Zechner said he hoped the review will also cover another item that Murray often brings up: the need to quickly replace infrastructure that gets wiped out by the kind of extreme weather events triggered by climate change.

"One thing that's missing in our EA process is a mechanism to deal with emergency infrastructure replacement," he said. In the current system, if the replacement changes any detail - the elevation of a bridge or the capacity of a road, for example - it has to go through the full EA process all over again.

At the very least, Zechner said, the stakeholders he works with are hoping to see steady progress made in how the province approves infrastructure projects. "We appreciate that dramatic change is not likely in the immediate future, but there should be a long-term plan."