

RCCAO supports proposed municipal EA changes

by RICHARD GILBERT Nov 4, 2014

The Residential and Civil Construction Alliance of Ontario (RCCAO) is supporting proposed changes to the Municipal Class Environmental Assessment (EA) to streamline the process, due to the current trend for increasing cost and time of approval.

"It's an important issue because the provincial government says we need to do business more effectively," said Andy Manahan, RCCAO executive director.

"And, if the approval process is taking too long and is inefficient, then it is costing everyone money. From the contractors who do the work and can't get workers on-site in a timely fashion, to the municipality and their legal staff everyone else who is spending an inordinate amount of time to get basic infrastructure projects approved that are already part of their official plan."

Manahan and the RCCAO are advocating for changes to the Municipal Class EA with Glen Murray Ontario's minister of the environment and climate change. He is concerned the EA process is increasing costs and delaying the construction of municipal infrastructure.

For example, Manahan wants the role of the Ontario Municipal Board (OMB) clarified in relation to Part II Order Requests. The latter occurs when a member of the public believes a significant issue has not been addressed in a Class EA process.

Currently, there is the potential for a project to go through the consultation process and have a member of the public make an appeal to the OMB. The public is also entitled to make a second appeal for the same project to the Ministry of the Environment and Climate Change.

In response, Manahan recommends that a project be appealed either through the OMB or the Part II Order Request, but not both.

In addition, projects are being delayed simply because an individual does not want it, without regard to the public interest. Projects have also been delayed because current legislation places very few limits on the matters that merit a request for appeal.

To resolve this situation, Manahan supports several recommendations made recently to the provincial government by the Region of Peel.

The report recommends that the criteria for a Part II Order should be limited to recognize Master Plans, provincial policy, and Aboriginal rights. The recommendation is outlined in a paper

entitled "Advancing Growth Management Through Environmental Assessment." The report was endorsed by regional council.

Another report recommendation supported by Manahan is that the Minister of the Environment delegate authority to the director level to dismiss a Part II Order Request. This delegation would be triggered when the request fails to address any public interest, or when it seeks to discourage the implementation of a project that has had extensive public consultation.

A request for Part II Order is made in writing to the environment and climate change minister and also sent to the environmental approvals branch director. The final decision is made by the minister.

Another major concern for Manahan and the Region of Peel is the lack of coordination between the EA process and land use planning processes, which usually precede infrastructure development by about five to 10 years.

As a result, when the EA process begins, a lot of significant decisions have been made by stakeholders and finalized. Despite this consultation process in the land use planning phase, the EA process often starts from a blank slate.

For this reason, Region of Peel staff recommend that master plans are recognized as the principal mechanism to address issues and alternative solutions for its projects subject to the Municipal Class EA.

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