

APPLICATION FOR REVIEW
Filed pursuant to
Section 61 of the Environmental Bill of Rights Act

RE: MUNICIPAL CLASS
ENVIRONMENTAL ASSESSMENTS

APPLICANT NUMBER ONE

RESIDENTIAL AND CIVIL CONSTRUCTION ALLIANCE OF ONTARIO (“RCCAO”)

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DECLARATION OF INCORPORATION IN ONTARIO:

The RESIDENTIAL AND CIVIL CONSTRUCTION ALLIANCE OF ONTARIO is an Ontario Not-for-Profit Corporation, having its head office in Ontario, established by Letters Patent dated May 28, 2005.

January 31, 2017

Andy Manahan, Executive Director



1658702

Ontario Corporation Number

Authorized Officer's Signature

APPLICANT NUMBER TWO

MUNICIPAL ENGINEERS ASSOCIATION (ONTARIO) (“MEA”)

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DECLARATION OF INCORPORATION IN ONTARIO:

The MUNICIPAL ENGINEERS ASSOCIATION is an Ontario Not-for-Profit Corporation, having its head office in Ontario, established by Letters Patent dated January 15, 2007.

January 31, 2017

Paul Knowles, President



1720963

Ontario Corporation Number

Authorized Officer's Signature

1. SUBJECT MATTER OF REQUESTED REVIEW

Pursuant to section 61 of the *Environmental Bill of Rights, 1993*, S.O. 1993 c.28, the Applicants hereby request a review of the following:

- the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended;
- Ontario Regulation 334, RRO 1990;
- Ontario Regulation 681/94; and
- all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change (“MOECC”) related to the Municipal Class Environmental Assessment (“MCEA”) process

in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

2. PURPOSE OF THIS APPLICATION FOR REVIEW

The Municipal Class Environmental Assessment (“MCEA”) process is a provincially approved procedure through which prescribed municipal projects, can be planned, designed, constructed, operated, maintained, rehabilitated and retired without having to obtain project-specific approval under the *Environmental Assessment Act* (“EA Act”). The primary document that prescribes the relevant processes and procedures under which MCEA projects can comply with section 14 of the EA Act is the MCEA Manual. The MCEA Manual also establishes various schedules of municipal infrastructure projects, the processes and procedures that are followed for each of the four MCEA schedules (Schedules ‘A’, ‘A+’, ‘B’ and ‘C’). The first MCEA Manual was prepared by the MEA and submitted to the Ministry for approval in the 1980’s¹. The MEA continuously monitors and reviews the MCEA Manual and regularly proposes amendments for MOECC approval.

For the reasons contained within this Application for Review, the Applicants submit that it is in the public interest to review and revise the EA Act, Ontario Regulation 73/94, Ontario Regulation 681/94 and all MOECC policies and guidance documents associated with the MCEA process.

¹ The first MCEA Manual was adopted with the approval of the Ontario Ministry of Environment and the Ontario Ministry of Municipal Affairs and Housing in 1987 and the MCEA procedures are referenced in *Ontario Regulation 334*.

3. BACKGROUND TO THE APPLICATION FOR REVIEW

A. The Nature and Importance of Municipal Infrastructure

Municipal infrastructure projects in Ontario which are subject to the EA Act and are subject to the MCEA process include, but are not limited to:

- i) **Road Infrastructure**, namely
 - arterial roads other than provincial highways;
 - local access roads and lanes including cycling lanes and paths;
 - bridges, underpasses, viaducts and culverts.

- ii) **Water Infrastructure**, namely
 - wastewater treatment plants;
 - combined sewer storage and overflow systems;
 - storm and sanitary sewer systems;
 - water treatment plants;
 - pumping stations;
 - water storage facilities including water towers; and
 - drinking water distributions systems.

A more detailed description of municipal Road Infrastructure projects is attached as Appendix 'II' and a more detailed description of municipal Water Infrastructure projects is attached as Appendix 'III'.

i. Road Infrastructure

Road infrastructure networks, and in particular local roads, are among the most important public assets in Ontario. Without an adequate and efficient road network, access to hospitals, schools, homes, agricultural resources, businesses and markets is diminished, inefficiencies increase and transportation costs rise. For example, in 2010 Peel Region contributed 21 billion dollars to the Canadian economy and that goods movement industries in Peel represent 40% of Peel Region's GDP and 4% of Ontario's overall GDP.² Approximately 44% of Peel's workforce are employed in goods movement related industries (Transportation/Warehousing, Construction, Manufacturing, Wholesale Trade and Agriculture). Available and reliable transportation is a fundamental need of society, without which current populations and businesses could not exist and municipal road infrastructure is a large and vital part of the transportation network.

MCEA processes in the past have delayed replacements of key bridges that in some cases represent the only route for emergency services. Maintenance, alterations and improvements to road infrastructure are critical to adapt to growing populations, new industries, new technologies and environmental changes.

² Peel Region's Goods Movement Strategic Plan 2012 – 2016 – Outreach and Education, a copy of which is accessible at <http://conf.tac-atc.ca/english/annualconference/tac2015/s27/peel.pdf>

ii. Water Infrastructure

There is nothing more fundamental to human society than access to water and safe disposal of human waste and wastewater. In the January 2007 edition of the *British Medical Journal*, readers of that publication considered the introduction of clean water and sewage disposal piping systems as the greatest medical advance since 1840.³ In most urban areas, these fundamental services are provided by municipalities through sewer and water pipes, some older than 130 years.

Water infrastructure has a finite life expectancy and must be renewed, upgraded or replaced from time to time. Given the need for sewer systems to maximize gravitational flow, the energy demands on pumping systems to not only move water and sewage but to maintain operational pressures for fire hydrants and household water systems and the inevitable pipe leakages, the physical location of water infrastructure must ordinarily be reasonably close to the population centres and businesses being served. The replacement cost of water and wastewater infrastructure in Ontario is in the hundreds of billion dollars, but municipal water infrastructure is often taken for granted and only becomes a top tier political or social issue when there are disruptions in service or quality.

The design, construction and operation of water infrastructure is already intensely regulated to provide for the conservation, protection and management of Ontario's waters and for their efficient and sustainable use, in order to promote Ontario's long term environmental, social and economic well being⁴ through statutes such as the *Ontario Water Resources Act*, the *Conservation Authorities Act*, the *Environmental Protection Act* and the *Safe Drinking Water Act, 2002*. Ontario's existing regulatory framework requires the prior review and approval of government experts on the impacts of construction and operation of drinking water systems as well as storm and sanitary sewer systems and waste water treatment facilities. The MCEA process is meant to recognize and complement the control and oversight of municipal proponents by the relevant provincial ministries.

iii. Needs and Priorities

Protection of the natural environment and the efficient use of resources are core values that need to be considered in any short and long term development and growth planning. In this regard, water and road infrastructure are vital to our health and our current standard of living.

³ More than 11,300 readers of the *British Medical Journal* chose the introduction of clean water and sewage disposal—"the sanitary revolution"—as the most important **medical milestone since 1840**, when the *BMJ* was first published. Readers were given 10 days to vote on a shortlist of 15 **milestones**, and sanitation topped the poll, followed closely by the discovery of antibiotics and the development of anaesthesia. The work of the 19th century lawyer Edwin Chadwick, who pioneered the introduction of piped water to people's homes and sewers rinsed by water, attracted 15.8% of the votes, while antibiotics took 15%, and anaesthesia took 14%.

⁴ See section 1 of the Ontario Water Resources Act, R.S.O. 1990, c.O-40

Municipal governments in Ontario date back to the late 1600's⁵ and have provided its local residents with road and water infrastructure in response to local needs and in consultation with local citizens. There are 444 municipalities in Ontario, each one of which makes numerous decisions each year on road and water infrastructure projects that are based on official plans developed under the *Planning Act* and other legislation such as the *Places to Grow Act, 2005*. Ontario's MCEA projects have an estimated cumulative value of four billion dollars⁶, excluding all operating costs.

The MCEA process needs to be designed and managed in such a manner as to reduce the long delays and increasing costs that have been experienced over the past 10 years or more.

B. The Applicants

The applicant, Residential and Civil Construction Alliance of Ontario (“**RCCAO**”), is an Ontario not-for-profit corporation incorporated through letters patent dated May 2005. RCCAO consults with governments, the private sector and the broader construction industry to devise solutions to issues affecting Ontario's civil and residential construction sectors. RCCAO provides research and reports, and make recommendations for pragmatic solutions to realistically solve issues such as more efficient regulatory approval processes. Membership of RCCAO consists of construction trade unions and contractor industry associations.

The applicant, Municipal Engineers Association (“**MEA**”), represents more than 700 public sector Professional Engineers in the full time employment of municipalities performing the various functions that comprise the field of municipal engineering. MEA's purpose and mission since 1972 is to provide unity and focus for licensed engineers employed by Ontario's municipalities and advocate for sustainable municipal infrastructure practices. The coming into force of Ontario's *Environmental Assessment Act* brought new procedures and requirements to the planning and construction of municipal infrastructure. The MEA took on the task of preparing, reviewing and recommending continuous improvements to the Municipal Class Environmental Assessment Manual, the document approved by the Provincial government to establish standardized procedures to enable municipalities to comply with their new legal obligations.

While there are only two listed applicants formally submitting this Application for Review, the Applicants do so with the encouragement and support of a broad number of stakeholder organizations, each of which represents dozens, if not hundreds of organizations, which in turn represents thousands upon thousands of individual stakeholders. Each of the organizations listed has provided a duly executed Statement of Endorsement confirming that they are in agreement with both this Application for Review and the grounds therefore as listed in this Application for Review and referenced resource materials.

⁵ City of Kingston, Ontario was formally established in 1673.

⁶ Based on GTA water and road capital budgets and extrapolating on a province wide basis.

The list of stakeholder organizations endorsing this Application for Review includes, but is not limited to, the following:

- Association of Registered Interior Designers of Ontario (**ARIDO**)
- Building Industry and Land Development Association (**BILD**)
- Ontario Home Builders Association (**OHBA**)
- Ontario Construction Secretariat (**OCS**)
- Ontario Electric League (**OEL**)
- Ontario General Contractors Association (**OGCA**)
- Ontario Good Roads Association (**OGRA**)
- Ontario Road Builders Association (**ORBA**)
- Ontario Sewer and Watermain Construction Association (**OSWCA**)
- Ontario Society of Professional Engineers (**OSPE**)
- Regional Municipality of Peel
- Residential Construction Council of Ontario (**RESCON**) and
- Surety Association of Canada (**SAC**)

Please also see the attached Statements of Endorsement in Appendix ‘IV’ which provides an overview of the nature, size, objects, purposes and representation of each of the above noted stakeholders.

C. Select Elements of the Municipal Class Environmental Assessment Process Requiring a Review

i) Part II Order Requests

a) Availability of Part II Order Requests

With respect to any MCEA Schedule ‘B’ or Schedule ‘C’ project, a notice of completion must be posted by the proponent for a 30-day public comment period. During that period, any interested person may, pursuant to section 16 of the EA Act, make a request to the Minister for an order under Part II of the EA Act to hold an environmental assessment hearing for the proposed project. The project is effectively frozen and cannot proceed with construction until the Minister responds to each and every Part II Order request.

Since the formal adoption of the MCEA process, it has been the understanding of the MEA (the organization that the MOECC formally approved for preparing and updating manuals and guides for the Municipal Class Environmental Assessment (“MCEA”) process) that MCEA Schedule ‘A’ and Schedule ‘A+’ projects were “pre-approved and can proceed to implementation without following the full Class EA process.”⁷ It was not until 2011 during a consultation meeting among MEA and MOECC representatives that the Ministry suggested that Schedule ‘A’ and ‘A+’ projects would now be subject to Part II Order requests. These low-risk

⁷ As stated in section A.1.2.2 of the current MCEA manual as approved by the MOECC, a copy of which can be viewed at <http://www.municipalclassea.ca>.

projects had been exempt for approximately 25 years. When MEA representatives asked the Ministry why its position had changed, Ministry representatives verbally responded that they had a recent legal opinion to that effect but the Ministry refused to provide a copy of the legal opinion or any other information on why the Ministry's position had changed.

Correspondence⁸ from the MOECC dating back to January 2015 acknowledges that there is some confusion and suggested that the MOECC is working to clarify the applicability of Part II Orders to various projects and activities. As the issue remains unresolved after more than 5 years, the MOECC should either confirm in writing that MCEA Schedule 'A' and 'A+' projects are not subject to Part II Order requests or pass a regulation or other instrument to exempt MCEA Schedule 'A' and "A+" projects from the Part II Order request process.

b) Delegation of Authority to Respond to Part II Order Requests

Section 16 of the EA Act requires the Minister to consider a request for a Part II Order by any person, or to make an order upon his or her own initiative. The Minister does not have formal authority to delegate any of his or her powers under section 16 to a Director⁹. The Minister typically receives between 15 and 40 Part II Order requests per year in relation to MCEA projects. Typical response times over the past five years, as noted in recent MCEA annual reports by the MEA¹⁰, range between 265 and 347 days. This time frame is much longer than the target response time of not more than 66 days specified in previous editions of the MCEA manual. As the time required for the Minister to respond to a Part II Order request brings a complete halt to the implementation of the respective municipal infrastructure, it is recommended that the MOECC and/or the Legislature expressly provide the Minister with the authority to delegate responsibility for Part II Order requests to a Director.

c) Mandatory Part II Order Request Form

The MEA's November 2015 Position Paper on Reform of the Municipal Class EA, provided five specific recommendations to improve the Part II Order request process, the first of which was mandating the use of a standard form. The MEA's recommendation appears to be consistent with the Province's Expert Panel recommendation to establish a credible mechanism for evaluating public requests

⁸ See Schedules 'O', 'P', 'R' and 'S' to this Application.

⁹ There are a number of regulations under the *Planning Act* which authorize the relevant Minister to delegate certain decision making authorities, such as O.Reg. 152/95 for Plans of Subdivision and O.Reg 178/97 for Consents under Section 53 of the *Planning Act*.

¹⁰ See MEA's annual MCEA reports at www.municipalclassea.ca

for Part II Orders¹¹. Given the long processing times for Part II Order requests over the past five years, an improvement to require applicants to provide specific information in a consistent manner might significantly reduce the time needed to complete the review process for Part II Order requests.

d) Ensuring that Part II Order Requests are Bona Fide

Given the impact of a Part II Order request of suspending any further implementation of a municipal infrastructure project pending the Minister's decision, and the lengthy time frame for obtaining the Minister's decision, the Applicants are concerned that any Part II Order requests are bona fide and represent a legitimate perceived deficiency in the assessment of environmental impacts of a proposed project.

Prior studies on behalf of the RCCAO have identified that some Part II Order requests may be for purposes other than purely environmental concerns¹². Examples of other reasons may include disagreement with development consistent with the Growth Plan for the Greater Golden Horseshoe, 2006¹³; or simply that one or more persons are opposed to change for change sake, e.g. they don't want a single lane bridge replaced with a modern structure or they don't want their kitchen window view infringed in any way. Other triggers for a non-bona fide Part II Order request might include one or more persons who unsuccessfully opposed an Ontario Municipal Board ("OMB") decision on the *Planning Act* instrument associated with the proposed municipal infrastructure project, or failed to challenge an Official Plan amendment or zoning bylaw in a timely manner.

In some circumstances individuals may be seeking leverage for a better expropriation price, e.g. a small portion of their frontage must be expropriated to widen a road or construct a new intersection.

The OMB chooses to impose a nominal fee of \$300.00 on persons seeking to appeal a Planning Act instrument¹⁴. The amount of the fee is not perceived to be an impediment to a bona fide appeal, but might be effective in reducing the number of appeals that lack merit.

¹¹ Report Volumes I and II for EBR Registry for Instrument #XA04E0015 - "Improving Environmental Assessment in Ontario: A Framework for Reform" however the site no longer provides an active link to the report.

¹² See pages 7, 11 and 12 of RCCAO's 2009 report at <http://www.rccao.com/news/files/RCCAO-EA-Reform-Report-02-2009.pdf>; pages 16 and 17 of RCCAO's 2010 report at http://www.rccao.com/news/files/RCCAO_March2010ReportsLoRes.pdf and pages 20 and 21 of RCCAO's 2014 report at <http://www.rccao.com/news/files/RCCAO-Municipal-Class-EA-Report-Feb2014-WEB.pdf>.

¹³ See https://www.placestogrow.ca/index.php?option=com_content&task=view&id=9

¹⁴ The fee was increased from \$125 to \$300 effective as of July 1, 2016.

e) **Posting of Part II Order Requests and Part II Orders on the EBR Registry**
Several recent RCCAO reports on improvements to the MCEA process¹⁵ have recommended the Environmental Bill of Rights Registry could be used to provide broader public access to relevant information associated with Part II Order requests. The Expert Panel Report¹⁶ also recommended improvements to facilitate a more efficient structure for evaluating public requests for Part II Orders. At the present time local residents are not often advised that a Part II Order request has been submitted or what the Minister's decision was. The EBR registry would not only provide a means to determine if or when any requests for Part II Orders were made for a specific MCEA project, but also provide a repository for the actual application and response documents from the Minister.

ii) **MCEA Process Transparency and Stakeholder Access**

Several recent RCCAO reports on improvements to the MCEA process¹⁷ have recommended the Environmental Bill of Rights Registry could be used to provide broader public access to relevant information associated with specific MCEA projects, including Notices of Commencement, Notices of Completion and the relevant assessment reports and appendices. Given the time spans between commencement of the MCEA process and commencement of actual construction, many residents will not be aware of the nature of the proposed project, what commitments were made by the project proponent or whether the Minister had imposed any additional conditions or restrictions. While some municipalities will post this information on municipal websites, it is not a universal practice and there are many inconsistencies involving whether summaries are only available or full reports and their respective appendices. Once the timeframe for applying for a Part II Order request has lapsed, some municipalities will remove the relevant information from the website. Use of the EBR Registry for the posting of Notices of Commencement, Notices of Completion and copies of relevant reports and amendments is consistent with the overall purpose of the MCEA process of providing residents with timely and relevant information on proposed MCEA projects.

Furthermore, the EBR Registry is an established and reliable information tool that is known to a large part of the population of Ontario. The EBR registry would not only provide a means to determine if or when MCEA projects are being proposed, but also provide a repository for the actual notices, reports and appendices.

¹⁵ See the 2010 and 2014 RCCAO reports 'Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Costs?' at <http://www.rccao.com/research/municipalAssessments.asp>

¹⁶ EBR Registry for Instrument #XA04E0015 – Expert Advisory Panel Report "Improving Environmental Assessment in Ontario: A Framework for Reform" dated March 15, 2005. Please note that the EBR Registry no longer provides an active link to this report.

¹⁷ See the 2010 and 2014 RCCAO reports 'Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Costs?' at <http://www.rccao.com/research/municipalAssessments.asp>

iii) **Harmonization and Integration of the MCEA and *Planning Act* Processes**

Both the *Planning Act* and the EA Act require public consultation on proposed plans and projects. The statutes governing such public consultations and proponent decisions are administered and enforced by separate and distinct Ministries. The scope of both sets of public consultations has generally expanded over the years. In many instances the MCEA process addresses social issues such as cultural heritage associated with certain structures as well as some economic issues. The municipal planning and consultation process has been broadened to address a spectrum of environmental issues including energy conservation, clean air and water, protection of wetlands, endangered and threatened species. Given that the municipal planning process in Ontario now has evolved to incorporate environmental considerations for municipal infrastructure projects, there is a higher likelihood of duplication of efforts and the possibility of inconsistent conclusions on the same issues.

It is vital that the MCEA process recognize the existence and results of prior public consultations, including official plan development and amendments, subdivision approvals and other consultation activities by municipalities regarding specific infrastructure needs and pragmatic and affordable alternatives. Where there has already been significant public consultation about specific infrastructure, the MCEA process should not require duplication.

In 2010, Richard D. Lindgren and Burgandy Dunn published an article entitled ‘Environmental Assessment in Ontario: Rhetoric vs. Reality’, and raised concerns that recent amendments in 2006 and 2007, including Ontario Regulation 231/08, to fast track transit projects were ineffective and generally challenged the perception that a faster decision was a better decision. The article also highlights numerous difficulties in attempting to integrate EA Act requirements with those under the *Planning Act* and quoted a portion of the Environmental Commissioner of Ontario’s 2008 report: “Municipalities are expected to consult with the public on Master Plans, but Master Plans do not require approval under the *Environmental Assessment Act* – only specific projects within the Master Plan are subject to environmental assessment.”

Part of the 2011 amendments by the MEA to the MCEA Manual includes Section A.29, “Integration with the Planning Act”; however there are still issues that may require additional time and/or study which cannot be ‘integrated’. An example would be if the implementation of a Master Plan triggers a need for additional municipal infrastructure outside of the *Planning Act* application boundaries, such as changes to an arterial road or connections to water or wastewater facilities. The additional off-site infrastructure may still require an independent Municipal Class EA notwithstanding the integrated project approach.

a) Recognition of Public Participation and Decisions made under *Planning Act* Instruments

There are two distinct scenarios which may merit different approaches. The first scenario is where a proposed municipal infrastructure project might already comply with existing Official Plans and zoning bylaws. Often, a zoning bylaw or official plan amendment may have been the subject of significant and recent public consultation. There are hundreds of such¹⁸ instruments that could be used to trigger an appeal to the OMB, which results in either a hearing or mediation among the stakeholders. The MCEA process has in the past, and can in the future, provide an opportunity for an unsuccessful appellant to the OMB to oppose the proposed infrastructure project on issues and factors that the municipality had previously resolved in passing the Official Plan or local zoning bylaw. In some circumstances opponents of a municipal decision may not have filed their appeals to the OMB within the statutory time frames and might look to section 16 of the EA Act as a further opportunity to oppose proposed municipal developments and infrastructure. Clearly municipal development and infrastructure plans should be subject to public input on a full spectrum of environmental, social and other issues, however the MCEA process should not be a ‘second chance’ and repeat prior challenges of lawful municipal decisions. It is in the public interest to avoid a duplication of public debates through the MCEA process. Unfortunately, there is no remedy available to project proponents on how to avoid such duplication.

b) Integration of Future MCEA and Planning Act Instruments

The second scenario is where a proposed municipal infrastructure project requires both an MCEA process and an amendment of an existing municipal instrument such as an Official Plan or local zoning bylaw. In such circumstances the proponent must initiate parallel consultations and an integrated approach might be particularly effective. In this scenario the proponent faces the possibility that appeals of the decision under separate statutes could generate conflicting results.

The Expert Panel Report¹⁹ also recommended improvements to integrate the municipal planning processes with environmental assessment processes.

iv) Focused Scope of Reports and Studies

To the extent that the projects involve authorization or certification by regulated professionals, such as engineers, hydrologists and architects, the public consultation and related EA reports and studies should presume that the relevant regulated professionals will comply with their professional standards and that their design or other professional

¹⁸ See OMB Annual Report for 2014-15 at <http://elto.gov.on.ca/about-elto/annual-reports/>

¹⁹ EBR Registry for Instrument #XA04E0015 – Expert Advisory Panel Report "Improving Environmental Assessment in Ontario: A Framework for Reform." Note that the site no longer provides an active link to the report.

services are in accordance with the relevant standards and regulations.

To the extent that the project involves a certificate of approval, license or certificate issued by the MOECC, another provincial ministry, the Technical Standards and Safety Authority or other governmental or quasi-governmental regulatory agency, the scope of MCEA review should recognize the jurisdiction of such authority to approve specific design and capacity elements of the proposed project, rely on those authorities to exercise their decision making authority and avoid duplicating the evaluation process undertaken by such authorities.

a) Scope Creep of Reports

As noted elsewhere in this Application, the scope and costs of completing Schedule B and Schedule C reports have increased dramatically. In many instances study costs have tripled over the last 10 years, despite the fact that there have been no significant changes in the EA Act or regulations.

Given the lengthy delays and significant costs often associated with Part II Order requests, some proponents might be expanding the scope of Schedule 'B' and 'C' reports to reduce the likelihood of such requests.

The preferred solution of the Applicants is that the MOECC participate in the development of an MCEA Companion Guide that will provide useful tips for proponents and illustrate minimum requirements with examples. The Applicants also recommend that the MOECC should actively encourage adherence to such a Companion Guide.

b) Climate Change

With respect to climate change impacts on the design of the project, the Applicants agree that sustained changes in temperature and/or precipitation can have adverse impacts on municipal infrastructure such as roads and storm sewer systems, and that Ontario residents depend upon the resiliency of such infrastructure. There may need to be Ministry assistance in developing additional guidance and tools available for proponents to address the concerns of local residents about the resiliency and capacity of proposed infrastructure without unduly increasing the scope of the assessment report as well as the costs and time to complete it. The Applicants note that the Ministry posted a proposed policy, instrument #012-5806, on the EBR Registry on September 12, 2016 for public comment. Separate submissions to that proposed policy were submitted by each of the Applicants prior to the October 27, 2016 deadline.

v) **More Timely MOECC Responses to Proposed MCEA Process Changes**

The MCEA Manual and related documentation for the MCEA process needs to be amended from time to time to reflect evolving issues, new technologies and alternative procedures to reduce delays and costs. The MEA continues to actively work with municipalities to ensure that proposed MCEA process amendments are submitted to the MOECC on a timely basis to allow for consultation and approval. The fact that many of the amendments to the MCEA Manual made in October of 2015 took more than four years to receive the Minister's approval is a clear indication that there is a serious flaw in the process or prioritization that the Ministry places on improving the MCEA processes.

4. **WHY THE REQUESTED REVIEW IS WARRANTED**

A. **Growing Delays and Costs to Complete the MCEA Process**

RCCAO commissioned two independent studies and reviews of public data regarding the MCEA process (one in March, 2010 and the other in March, 2014)²⁰ which confirm the MEA's concerns that costs and delays are continuing to grow for the completion of reports through the MCEA process. Specifically, the aforementioned research showed that in 2010, MCEA Schedule 'B' and Schedule 'C' projects required an average of 19 months to complete reports and that the average time had increased to more than 26 months by 2014.

The costs of consulting services to prepare reports on MCEA Schedule 'B' and Schedule 'C' projects had over the same period of time increased from an average of about \$113,000 per project to almost \$400,000 per project, excluding municipal staff time, legal fees and any costs associated with responding to Part II Order requests.

The Region of Peel organized a workshop on February 19, 2014 on a need for a fresh perspective on the MCEA process and Environmental Study Report documentation. The workshop was attended by more than 90 EA practitioners in the private and public sectors and the key messages from the workshop identified a need to shorten timelines, reduce costs and avoid overlaps and duplications. The workshop also signalled a need for more rigour by the Ministry in addressing Part II Order requests.

Anecdotal evidence since 2014 suggests that the delays associated with the MCEA process have not improved. A Schedule 'C' road widening project in the GTA was completed in May 2015, 67 months after the Notice of Commencement was published and a similar project, also in the GTA was completed in June 2016 and required 32 months to complete the final report. Such delays exclude any time needed to process a Part II Order request. Similarly report and study costs appear to be increasing dramatically. The same two Schedule 'C' road widening projects had consultant study costs of an estimated \$500,000 to \$700,000 each. Another Schedule 'C' road widening project in southwestern Ontario budgeted \$800,000 for the cost of the report.

²⁰ See reports at <http://www.rccao.com/research/municipalAssessments.asp>

B. Statements in Prior ECO Annual Reports related to the MCEA Process

The Environmental Commissioner of Ontario's ("ECO") **Annual Report 2007/08**²¹ provided a number of comments and observations about Ontario's EA process. To many stakeholders, Ontario's EA process is broken. Class EAs were intended to apply a template of common planning rules to groups of similar public sector projects as well as upgrades on projects such as municipal water and sewer infrastructure. In 2004 the Minister created an expert advisory panel (the "Panel") to recommend improvements to Ontario's EA process. In 2005, the Panel made more than 40 recommendations, some of which were acted upon in 2006 and 2007. The Ministry appears to have decided against a number of Panel recommendations such as a provincial EA advisory body²², a green project facilitator, new procedures to deal with bump-up requests or a mechanism that allows for public comments through the EBR Registry on EA related permits and approvals. In addition, the Ministry has not yet detailed how it plans to better integrate EA with other provincial processes, such as the *Planning Act*. There still remain a significant number of Panel recommendations that have neither been adopted nor formally rejected more than eleven years after the recommendations were initially tabled.

The ECO's **Annual Report Supplement 2013/14** provided an outline of the December 27, 2013 Application for Review #R2013010²³. That report also outlined the MOECC's response and the Commissioner's comments on the Ministry's response.

Application for Review #R2013010 sought a review of the EAA, six regulations to the EAA and the extensive use of Class EAs rather than individual EAs. The Ministry denied the request for review on the basis of the following:

- the EA Act and the regulations were publicly consulted on as recently as 2005;
- the Ministry's resources were then focused on continuing improvements to the EA program within the existing legislative framework; and
- the Ministry is already pursuing opportunities to improve the EA program.

The Commissioner disagreed with the Ministry's decision for a number of reasons²⁴. Those applicants had raised valid concerns about the existing EA process and industry has complained for years about the costs and delays associated with EAs. The ECO has previously commented at length on the numerous EA issues raised by the applicants such as the poor integration between EA and land use planning processes. The Province's EA Advisory Panel made 41 separate EA recommendations in 2005 on how to improve Ontario's EA process, many of which have never been implemented. Given the unaddressed concerns and unfulfilled recommendations of the EA Advisory Panel, the

²¹ Commencing on page 28 of the Environmental Commissioner of Ontario's Annual Report 2007/08 which can be found at <http://docs.assets.eco.on.ca/reports/environmental-protection/2007-2008/2007-08-AR.pdf>

²² Note that the Ministry still hosts regular meetings of a Class EA proponents Working Group

²³ Commencing on page 121 of the Environmental Commissioner of Ontario's Annual Report 2013/14 Supplement which can be found at <http://docs.assets.eco.on.ca/reports/environmental-protection/2013-2014/2013-14-AR-Supp.pdf>

²⁴ See pages 126 to 128 of the 2013/14 Annual Report Supplement at <http://docs.assets.eco.on.ca/reports/environmental-protection/2013-2014/2013-14-AR-Supp.pdf>

ECO and many observers and stakeholders, the ECO clearly recognizes that conducting a comprehensive and public review of the EAA is long overdue.

C. Unfulfilled Commitments by MOECC Representatives

In August 2014 both the MEA and RCCAO submitted letters to Minister Glen Murray about growing delays for Part II Order request processing and the MOECC interpretation that all municipal infrastructure maintenance and construction activities are subject to Part II Order requests. In January 2015 the Minister responded stating it looks forward to meaningful discussions and a review of the EA Permitting Process to find efficiencies and support the government's commitment to eliminating road blocks that delay important infrastructure projects. Ministry spokespersons stated that the MOECC would be undertaking a review of the Environmental Assessment Program in 2016, but refused to provide a more precise timeframe for the review.

In November 2015 the MEA published a report on the MCEA process and requested that the Ministry address a number of shortcomings. RCCAO made similar requests to the Ministry in December 2015.

In June 2016, the Minister replied by separate letters to RCCAO and MEA thanking them for their letters from December and November 2015, but not formally acknowledging that the ministry is proceeding with a review of Ontario's Environmental Assessment legislation. The RCCAO letter invited RCCAO to a meeting with the Ministry's Environmental Approvals Access and Service Integration Branch later in the summer.

At a July 26, 2016 meeting with RCCAO representatives, Ministry representatives were still unable to state when a review of the EA processes would commence or whether that would address the Applicants' concerns with the MCEA process. As of the date of this Application for Review the Ministry still has not confirmed a target commencement date for an EA process review.

The Canadian Environmental Law Association made an additional request to the Minister by letter dated December 10, 2015. The letter was a follow up to comments by the Minister at the Ontario Association for Impact Assessment conference in October 2015 during which the Minister stated that the Ministry is planning to review Ontario's environmental assessment regime in 2016. The letter also referenced the prior EBR section 61 application by the Canadian Environmental Law Association of December 27, 2013, and requested that the Minister "provide details on how your Ministry proposes to conduct this initiative, which must include meaningful opportunities for public participation in the review process." The Minister has still not yet responded to the December 10, 2015 letter.

D. Auditor General’s Findings and Recommendations

i. The Auditor General’s Investigations and 2016 Value for Money Audit Report

In late 2015 the Auditor General of Ontario commenced a review of Ontario’s environmental and assessment approvals processes as part of its Value-For-Money series of investigations and reports.

In April 2016 the Auditor General for Ontario launched an online survey to the more than 400 Ontario municipalities asking them to submit their responses related to experiences, issues, deficiencies and other concerns about Ontario’s Municipal Class Environmental Assessment program. According to the Auditor General, about 100 responses had been sent by municipalities²⁵ prior to the submission deadline of April 29, 2016.

On November 30, 2016 the Auditor General’s annual report²⁶ (the “**AG Report**”) included a 48 page chapter on environmental assessments which reviewed both comprehensive (full EA) and streamlined (MCEA) processes. The AG Report provides 12 separate recommendations consisting of 20 specific actions, to address the audit findings. The major conclusion is that “overall, Ontario’s environmental assessment process needs to be modernized and aligned with best practices in Canada and internationally.”²⁷

ii. Specific Comments and Recommendations in the Auditor General’s Value for Money Audit Report

a) Recommendation 7

“The Ministry of the Environment and Climate Change should improve the timeliness of its process for reviewing bump-up requests to ensure that its review does not cause unnecessary delays to projects.”²⁸

The Auditor General referenced the 2005 Environmental Assessment Advisory Panel’s recommendation that the Ministry create new procedures that would support a more efficient process for reviewing bump-up requests and noted that in the ten years that have since passed that the Ministry has not acted on that recommendation.

The AG Report accepted the MEA’s statement that the lengthy Ministry reviews “are unnecessarily holding up key infrastructure projects, increasing costs and slowing growth and economic development”. The following statement in the AG

²⁵ Page 347 of the 2016 Auditor General’s Report at

http://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1_306en16.pdf

²⁶ At http://www.auditor.on.ca/en/content/annualreports/arreports/en16/v1_306en16.pdf

²⁷ See section 3.06, page 338 of the report at

<http://www.auditor.on.ca/en/content/annualreports/arbyyear/ar2016.html>

²⁸ at page 361 of the 2016 Annual Report of the Office of the Auditor General of Ontario.

Report²⁹ is worth noting:

“Each bump-up request for class EA projects is reviewed by at least half a dozen Ministry staff. This includes four levels of sign-off by the Director, Assistant Deputy Minister, Deputy Minister and, finally, the Minister formal approval — after the reviewer makes the initial recommendation to approve or deny the request.

Based on the Ministry’s analysis of time taken to review all requests received in the last five and a half years, the median time for Director sign-off was 80 days, and subsequent sign-offs added an additional 110 days. We reviewed a sample of bump-up requests and found that in all but one of the requests we reviewed, the post-Director review did not substantively change the outcome of the review. We found these reviews generally resulted in grammatical wording changes or merely restated existing commitments in the assessments.”

The Auditor General’s own spring 2016 survey of municipalities confirmed the MEA’s findings. The survey also indicated that the delays increase costs in the form of consultant fees paid by municipal proponents to deal with the bump up request. In one specific instance, a municipal proponent stated that the ongoing Ministry delay of more than two years is forcing the municipality to implement a short term measure costing more than \$1 million that will ultimately be considered redundant.

The Ministry’s response states that it will review its bump-up request process to determine where opportunities exist to improve the timeliness of this process. The Ministry however did not provide an explanation as to why it had not acted earlier upon the 2005 Environmental Assessment Advisory Panel’s recommendation. Its only commitment on this matter is the preparation of a guidance document to the general public to complement existing guidance on submitting bump-up requests. The Applicants submit that the Ministry’s response is inadequate, that there must be an admission by the Ministry that there is a problem and should commit to improvements which could include: i) implementing a standardized Part II Order request form as recommended by the MEA several years ago; ii) requiring a nominal application Part II Order request fee, similar to the amounts charged by the Ontario Municipal Board for appealing by-laws; and iii) considering some screening mechanism to ensure that the person requesting the Part II Order has a bona fide local interest in the infrastructure project.

²⁹ see page 360 of Volume 1 of the 2016 Annual Report of the Office of the Auditor General.

b) Recommendation 9

“To ensure that decisions regarding environmental assessments are appropriate and transparent, the Ministry of the Environment and Climate Change should:

- clarify the criteria for ministerial decision making regarding public requests for a comprehensive assessment or a public hearing; and
- assess whether to appoint an independent body to provide objective advice on project specific and systemic issues as needed, especially for projects considered to significantly impact the environment”.³⁰

The Auditor General cited a number of best practices from other jurisdictions about the need for consistent, timely and independent decisions on escalation requests. Again, this appears to be covering some of the same concerns identified by the 2005 Environmental Assessment Advisory Panel’s recommendations as the Panel had raised concerns about the need for an objective and impartial advisory committee and an independent and impartial process for responding to bump-up requests.

The Ministry’s response is in general agreement with the Auditor General’s recommendation, without any comments on why so little progress has been made following the 2005 Environmental Assessment Advisory Panel’s recommendations.

The Applicants have repeatedly requested the Ministry to bring forward measures to deal with the number of Part II Order requests and the extensive time it takes the Ministry to respond to such requests. It is still not clear to the Applicants what the reason or basis is for the Ministry’s policy that routine Schedule ‘A’ and Schedule ‘A+’ maintenance and construction projects can be the subject of a Part II Order request (as these projects were exempt prior to 2011).

c) Recommendation 10

“To enable the public to fully participate in the environmental assessment process, the Ministry of the Environment and Climate Change should update its website so that the public has access to all relevant information, including the status, for all environmental assessments”.

The Auditor General received comments from environmental groups that it is often difficult for the public to find out about Class EA projects given the lack of centralized, online records of such projects. The Auditor General’s report noted that detailed information about specific projects is maintained in paper files at the Ministry’s head office in Toronto and is made available only if the Ministry receives a Part II Order request. RCCAO’s independent consultants who were attempting to source objective data for typical time and costs for the completion of the MCEA process for various types of municipal infrastructure projects were

³⁰ at page 367 of the 2016 Annual Report of the Office of the Auditor General of Ontario.

told that the Ministry required a detailed description about the specific infrastructure project before making a decision on whether or not the Ministry would permit access to such records and, furthermore, that there was no centralized database of MCEA project notices or submissions.

Not surprisingly, this issue and deficiency was also flagged by the the 2005 Environmental Assessment Advisory Panel's recommendations that the Ministry create a website to enable proponents and stakeholders to electronically track the status of an assessment matter. The Auditor General lauded the governments in the provinces of British Columbia and Alberta for establishing and maintaining online databases of projects that have been approved and those that are undergoing environmental assessments. The Provinces of Saskatchewan and British Columbia even have interactive online maps of the projects.

The Applicants submit that the Province of Ontario already has an established platform that could function as a portal for such information and records through the Environmental Bill of Rights Registry.

The Ministry's response to this recommendation is that they will examine ways to be more transparent and work with project owners/proponents through the Class Environmental Assessment Proponents Working Group and five year review anniversaries of their streamlined assessment documents. Notwithstanding repeated requests by the Applicants to the Ministry for a timeframe for a broader review of the MCEA process, the Ministry has not yet provided an update or outline for a commencement of the MCEA process review. Changes to provide an interactive portal may require regulatory and/or statutory changes, particularly if the portal is to be built into the EBR Registry.

5. THE NEED FOR IMPROVED MCEA PURPOSES AND POLICIES

The EA Act was first enacted in 1975 for the purpose of the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. The EA Act process requires proponents to carefully examine the environmental consequences of their proposal. Given the complexity of the EA process and associated costs and timeframes to establish terms of reference and complete hearings for each project, municipal infrastructure projects, such as Road Infrastructure and Water Infrastructure were authorized to proceed to implementation by following the MCEA process. Part of the reasoning for allowing municipal proponents to follow the MCEA process was in recognition that many, but not all, municipal infrastructure projects are of a routine nature and pose minimal environmental risk.

During the past few decades, the stated purpose has remained the same, but other public consultation processes, such as those under the *Planning Act*, have become much more robust and comprehensive and now address environmental and other issues as mandated by the

Provincial Policy Statement³¹. The Growth Plan for the Greater Golden Horseshoe, 2006 (Places to Grow)³² is another planning tool by the Province intended to provide a long-term plan to intensify urban areas, create complete communities and support housing choices. A complementary piece of legislation, the *Greenbelt Act, 2005*, is designed to protect farmlands and green spaces.

As municipal proponents must ensure that their *Planning Act* instruments such as zoning bylaws and Official Plans comply with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, 2006, such policies and consultations should be recognized within the MCEA process, particularly in relation to the consideration of alternative locations and types of municipal infrastructure³³.

The Expert Advisory Panel³⁴ recommended that the Minister establish 'policy guidelines' that should be taken into account under the EA Act, however the authority under section 27.1 of the EA Act has not been used to establish policies for the MCEA process nor respond to the growing costs and delays in completing public consultations and environmental reports or establishing a more efficient framework for receiving, considering and responding to Part II Order requests.

6. EVIDENCE SUPPORTING THE REQUESTED REVIEW

The documentary evidence supporting the requested review is attached hereto in the following schedules:

- A. MEA Position Paper, November 2015 'Reform of the Municipal Class EA';
- B. MEA's 2016 Annual Monitoring Report on the MCEA process;
- C. MEA's 2015 Annual Monitoring Report on the MCEA process;
- D. MEA's 2014 Annual Monitoring Report on the MCEA process;
- E. MEA's Municipal Class EA 5 Year Review dated 1, November 2012;
- F. Excerpts from the Environmental Commissioner of Ontario's 2007/08 Annual Report;
- G. Excerpts from the Environmental Commissioner of Ontario's 2013/14 Annual Report Supplement;
- H. Region of Peel's Aligning Needs February 19, 2014 Workshop Outcomes Report attended by more than 90 private and public EA practitioners for a fresh perspective on the MCEA process and Environmental Study Report documentation;
- I. Two letters by the MEA dated August 1, 2014 to the Minister of the Environment related to the Part II Order request process;
- J. Letter dated January 28, 2015 by Minister Glen Murray to the MEA;

³¹ The Ministry of Municipal Affairs and Housing has published comments regarding the content and purpose of the Provincial Policy Statement at <http://www.mah.gov.on.ca/Page14991.aspx#Purpose>

³² See https://www.placestogrow.ca/index.php?option=com_content&task=view&id=9

³³ In 2011, the Ministry of Infrastructure released its long-term infrastructure plan, 'Building Together', to address the importance of strategic investments in public transit, local roads, bridges and other capital assets that are an integral component of municipal infrastructure.

³⁴ EBR Registry for Instrument #XA04E0015 – Expert Advisory Panel Report "Improving Environmental Assessment in Ontario: A Framework for Reform" however the site no longer provides an active link to the report.

- K. Letter dated January 28, 2015 by Minister Glen Murray to the RCCAO;
- L. EBR Application for Review #2013010 by the Canadian Environmental Law Association for a review of the EA Act and several existing regulations;
- M. RCCAO's 2009 report entitled 'Environmental Assessment Reform – A Tool for Economic Recovery';
- N. RCCAO's 2010 report entitled 'Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Costs?';
- O. RCCAO's 2014 report entitled 'The 2014 Edition - Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Costs?';
- P. RCCAO's 2015 report entitled 'Comparing Ontario's Municipal Class EA System to Other Jurisdictions: Public Intervention in Local Infrastructure Projects'
- Q. RCCAO's December 1, 2015 Letter to the Minister on the MEA's November 2015 Position Paper, 'Reform of the Municipal Class EA';
- R. Joint letter dated December 10, 2015 by Wildlands League, Mining Watch Canada, Wildlife Conservation Society Canada and the Canadian Environmental Law Association to the Honourable Glen Murray, Minister of the Environment and Climate Change;
- S. Letter dated June 2, 2016 by the Minister of the Environment and Climate Change to the RCCAO re the ministry's position on a review of the Municipal Class Environmental Assessment process;
- T. Excerpts from the Auditor General's Value for Money Audit report dated November 30, 2016; and
- U. Excerpts from Minister's Environmental Assessment Advisory Panel Report 2005.

APPENDIX I

THE APPLICANTS

MUNICIPAL ENGINEERS ASSOCIATION

The Ontario Municipal Engineers Association (**MEA**) is an association of public sector Professional Engineers in the full time employment of municipalities performing the various functions that comprise the field of municipal engineering. The MEA's predecessor organizations date back to 1946 and the founding of the City Engineers' Association. MEA members plan, design, construct, operate and maintain Ontario's civil municipal infrastructure.

The MEA's mission is to provide unity and focus for licensed engineers employed by Ontario municipalities to address issues of common concern and facilitate the sharing of knowledge and information, including best practices.

The MEA not only prepares and reviews the MCEA Manual for Municipal Class Environmental Assessments, it provides continuous training on a variety of effective and efficient engineering practices, procedures and technologies.

RESIDENTIAL AND CIVIL CONSTRUCTION ALLIANCE OF ONTARIO

The Residential and Civil Construction Alliance of Ontario (**RCCAO**) was established in 2005 as an alliance of labour and management to advocate for and represent various stakeholder groups in the residential and civil sectors of Ontario's construction industry. It represents the interests of builders of municipal infrastructure ranging from roads and bridges to water distribution systems and sewers, as well as low-rise and high-rise building groups and their respective construction industry unions. RCCAO strives to provide real solutions to difficult issues affecting the industry by providing a unified forum for employer and employee groups/stakeholders to discuss common issues and solutions. RCCAO, through independent experts, researches these issues and develops reports that outline recommended courses of action and consults with government agencies on implementing solutions.

RCCAO members include the following organizations:

- Joint Residential Construction Association
- Heavy Construction Association of Toronto
- Greater Toronto Sewer and Watermain Contractors Association
- LIUNA Local 183
- Carpenters' Union
- Toronto and Area Road Builders Association
- International Union of Operating Engineers, Local 793
- International Union of Painters and Allied Trades, District Council 46
- Ontario Formwork Association

APPENDIX II

MUNICIPAL ROAD INFRASTRUCTURE PROJECTS

Municipal Road Infrastructure includes the following types of projects:

New Roads - New road projects will involve the acquisition of a new right-of-way and the construction of an improved surface for vehicular traffic on a new road allowance which is separate from an existing right-of-way, or will be a road or an existing road allowance where no road surface previously existed and would also include cycling lanes as roads are for all vehicles, not just motor vehicles.

Road Widening, Adjustments and Operational Improvements involve one or more of:

- widening of driving surfaces;
- changes to grade and cross-section;
- provision of additional traffic lanes;
- addition / replacement of equipment or facilities;
- changes in management practices to achieve improved system performance.

This would also include change of use, e.g. HOV lanes, cycling lanes as well as taxi and bus lanes.

Interchanges - may be an existing at-grade intersection or an existing grade separated interchange, e.g. cloverleaf.

Grade Separations – essentially crossings such as road/rail or road/road where there is no access to the crossing artery.

Water Crossings – generally a culvert or a bridge but in some circumstances may be a tunnel or a ferry and may also include pedestrian, **cycling**, recreational, and agricultural water crossings.

Road Service Facilities – includes patrol yards, road maintenance facilities, salt and de-icing material storage silos and weigh scales.

APPENDIX III

MUNICIPAL WATER INFRASTRUCTURE PROJECTS

Municipal Water Infrastructure includes the following types of projects:

New Water Systems – a project which may include a new drinking water source, such as surface water bodies or groundwater, treatment plant and/or distribution system

Expansion of an existing Water System – addition of new equipment or facilities or through improvements to operations and management activities to increase system capacity

Upgrading of an existing Water System – additions or replacements to existing equipment or facilities or changes in management practices which are intended to achieve a higher level of performance or improved quality without increasing system capacity.

Water Storage Facilities – connected to the drinking water distribution system to ensure volumes and/ pressures during peak demand periods sufficient not only for drinking water demand, but also potential use of fire hydrants and other fire suppression systems.

New Sanitary Sewage Systems – including sanitary sewage collection systems, flow equalization facilities, treatment plants and storage facilities

Expansion to existing Sanitary Sewage Systems – the addition of new equipment and improvements to operations and maintenance to increase system capacity

Upgrading of existing Sanitary Sewage Systems – the addition or replacement of equipment or facilities or changes in operation and management practices to achieve an improved quality of performance without increase system capacity

New Stormwater Sewage Systems – including storm water collection systems, flow equalization facilities, treatment plants and storage facilities

Expansion to existing Storm Sewage Systems – the addition of new equipment and improvements to operations and maintenance to increase system capacity

Upgrading of existing Storm Sewage Systems – the addition or replacement of equipment or facilities or changes in operation and management practices to achieve an improved quality of performance without increase system capacity

Watercourse Management Projects – structures and works intended to minimize the impacts of flooding and erosion of shoreline areas and protection of aquatic and wildlife.

Stability Projects – cut and fill works in floodplains and works required to stabilize water body banks and valley walls where instability is not caused by watercourse flow.

APPENDIX IV

Endorsements



BILD

BUILDING A GREATER GTA

Building Industry and Land
Development Association

January 13, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, ON
M5S 2B1

Dear Commissioner:

The Building Industry and Land Development Association hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“MCEA”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The Building Industry and Land Development Association (BILD) is the voice of the home building, land development and professional renovation industry in the Greater Toronto Area. Our industry designs, sells and builds quality complete communities where people live, work, play and shop. We are city builders.

Our more than 1,450 member companies come from all corners of the industry. In addition to home builders, land developers, and professional RenoMark™ renovators, BILD members include financial and professional service organizations, trade contractors, and manufacturers and suppliers of all types of home-oriented products.

We are a non-profit, industry funded organization that works to improve the communication between our industry and government, provide enhanced opportunities for our members, promote the welfare of the industry, and protect the interests of consumers.

Our mission is to enhance the health, vitality and reputation of the home building, residential and non-residential land development, and professional renovation industry.

BILD is largest home builders’ association in Canada, and we are affiliated with the Ontario Home Builders’ Association and the Canadian Home Builders’ Association.

Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely,

Bryan Tuckey
President and CEO

20 Upjohn Rd, Suite 100
North York, ON M3B 2V9

Tel: 416.391.3445
Fax: 416.391.2118

www.bildgta.ca



Ontario
Home Builders'
Association

20 Upjohn Rd., Suite 101 (416) 443-1545
North York, Ontario Toll Free 1-800-387-0109
M3B 2V9 Fax: (416) 443-9982
www.ohba.ca info@ohba.ca

January 30, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Ontario Home Builders' Association (OHBA) is supportive of the joint application of the Residential and Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments ("MCEA") in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

OHBA is the voice of the land development, new housing and professional renovation industries in Ontario. OHBA represents over 4,000 member companies, organized through a network of 29 local associations across the province. Our membership is made up of all disciplines involved in land development and residential construction including: builders, professional renovators, trade contractors, manufacturers, consultants and suppliers. The residential construction industry employed over 330,000 people and contributed over \$451 billion to the province's economy in 2015.

OHBA is concerned that the current MCEA process is contributing to uncertainties, delays and escalating costs in the delivery of critical infrastructure in communities across Ontario. Many of these critical infrastructure projects, which are not currently being delivered in a reasonably timely, efficient or effective manner are contributing to strains of the delivery of housing supply from our members to meet to demands of a growing population and to meet the targets outlined in the Provincial Growth Plan. OHBA is concerned that housing supply constraints (of all housing types) are a major contributing factor to rapidly escalating housing prices in many Ontario communities. Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely,

Joe Vaccaro
Chief Executive Officer
Ontario Home Builders' Association



December 2016

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Ontario Construction Secretariat (“OCS”) hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“MCEA”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The OCS was formed in 1993 to represent the collective interests of the unionized construction industry in Ontario’s industrial, commercial and institutional (ICI) construction sector. As a joint labour-management organization, OCS is dedicated to enhancing Ontario’s unionized ICI construction industry by developing relationships, facilitating dialogue and providing value-added research. OCS stakeholders include the twenty-five unionized construction trades and their contractor partners, many of which represent the builders of the type of municipal infrastructure that is subject to the MCEA process. OCS is also pleased to have provincial government appointees to its Board of Directors from the Ministry of Labour, Ministry of Training, Colleges and Universities, Ministry of Economic Development, Employment and Infrastructure and Infrastructure Ontario.

The OCS believes that effective and modern municipal infrastructure is absolutely vital to the well being of the Province of Ontario and regulatory processes associated with the approval of municipal infrastructure projects should be as efficient as possible and avoid adding undue administrative costs or delays. Consequently the OCS endorses the application for review, by the MEA and RCCAO, of the MCEA process.

Sincerely,

A handwritten signature in black ink, appearing to read "SWS", with a long, sweeping horizontal line extending to the right.

Sean W. Strickland
Chief Executive Officer



To Promote, Strengthen and Represent the Electrical Industry in Ontario

January 26, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Ontario Electrical League hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The Ontario Electrical League is an Ontario Not For Profit which has represented the interests of the electrical industry since 1922.

Our members, who work in all sectors of the industry (contractors, manufacturers, distributors, utilities generators and regulators), are well aware of the importance of building and maintaining the electrical infrastructure required to keep Ontario’s electrical system operating. Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Yours truly,

A handwritten signature in black ink that reads 'Stephen Sell'.

Stephen Sell
President

January 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

Dear Commissioner:

The Ontario General Contractors Association (OGCA) hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“MCEA”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The OGCA is an Ontario not for profit corporation which has represented the interests of general contractors in the Industrial, Commercial and Institutional sector of the construction industry since 1939.

Our members play a large role in the construction of municipal infrastructure. Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely,

ONTARIO GENERAL CONTRACTORS ASSOCIATION



Clive Thurston
President



ONTARIO GOOD ROADS ASSOCIATION

1525 Cornwall Road, Unit 22
Oakville, ON L6J 0B2
T: 289-291-6472
E: info@ogra.org
www.ogra.org

January, 2017

Dr. Dianne Saxe
Environmental Commissioner of Ontario
1075 Bay Street
Suite 605
Toronto, Ontario
M5S 2B1

Dear Commissioner:

The Ontario Good Roads Association (OGRA) supports and endorses the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association of Ontario dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments ("MCEA") in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

OGRA was founded in 1894 and represents the transportation and public works interests of 432 of Ontario's 444 municipalities through advocacy, consultation, training and the delivery of identified services.

Investments in modern and reliable municipal infrastructure are vital to the future prosperity of Ontario. The infrastructure that will power the 21st century knowledge economy, combat congestion and improve the performance of Ontario's economy demands a process that does not cause undue delay or unnecessary additional costs.

I trust that you will see it in the interest of all Ontarians to undertake this review.

Sincerely,

J.W. Tiernay
Executive Director

January 25, 2017



The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Ontario Road Builders' Association hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments ("MCEA") in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The Ontario Road Builders' Association (ORBA) is the voice of the transportation infrastructure sector in Ontario. Our members build the majority of provincial and municipal roads, bridges and transportation infrastructure across the province, and employ in excess of 30,000 workers at peak season.

ORBA main objectives are to promote infrastructure investments, influence changing legislation/regulation that will have a negative impact on the businesses of member companies, and promote fair, open, transparent and equitable procurement practices.

The Association meets regularly with provincial cabinet ministers, political staff and senior government officials to promote both the importance of maintaining a strong highways capital program and greater provincial commitment to municipal infrastructure.

Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Geoff Wilkinson", is written over a light blue horizontal line.

Geoff Wilkinson
Chief Operating Officer



January 18, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Ontario Sewer and Watermain Construction Association (OSWCA) hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The OSWCA is an Ontario not for profit construction association and represents over 750 companies across Ontario including contractors, manufacturers, distributors, and consulting engineers who build, supply, and service the sewer and watermain construction sector in the province since 1971. Collectively, our members perform billions of dollars in capital works projects each year to ensure the delivery of clean, safe drinking water and environmentally responsible wastewater treatment and disposal.

As you know, sewer, watermain and stormwater infrastructure is of critical importance to all municipalities. Our members manufacture, supply, install and maintain this critical infrastructure for all residents and businesses within all municipalities.

Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely



Giovanni Cautillo
OSWCA Executive Director



January 25, 2017

Ms. Dianne Saxe
The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Ms. Saxe:

On behalf of the Ontario Society of Professional Engineers (OSPE), I would like to signal our support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

As you know, the Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession in Ontario. We represent the entire engineering community, including professional engineers, engineering graduates and students who work or will work in several of the most strategic sectors of Ontario’s economy.

Engineers know that well-designed infrastructure is vital to strengthening the economy, creating jobs, and building strong communities in which residents enjoy a high quality of life. Ontario’s infrastructure, the backbone of our provincial economy, has long been suffering. The reasons are systemic. They include funding deficits, non-informed infrastructure policy, and uncoordinated systems planning. Extreme events due to climate change compound these issues. Meanwhile, public expectation on infrastructure has also evolved from being safe and mobile to being intelligent and sustainable.

Properly conducted and thorough assessments need not be a cause for delay to funded (or earmarked) shovel-ready transit and infrastructure projects. The proposed reforms will ensure that these assessments, conducted by qualified professionals will both protect the environment and all affected entities, as well as expedite the building of the key infrastructure that Ontarians rely on.

Sincerely,

A handwritten signature in black ink that reads "Sandro Perruzza". The signature is written in a cursive, flowing style.

Sandro Perruzza
Chief Executive Officer

January 12, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Regional Municipality of Peel hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“MCEA”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The Regional Municipality of Peel is a Regional Municipality consisting of three municipalities, the cities of Brampton and Mississauga, and the town of Caledon, representing the interests of more than 1.3 million residences, and approximately 88,000 businesses. The Regional Municipality of Peel is comprised of five departments that work together to deliver programs and services to Peel citizens, including ambulance services, health care, long-term care, child care, garbage collection and recycling, water and water treatment, road maintenance and servicing public housing since 1974.

Rapid population and employment development continues to place a significant demand on municipal infrastructure. Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely,


Janette Smith
Commissioner, Public Works

Public Works

10 Peel Centre Dr., Suite B, Brampton, ON L6T 4B9
Tel: 905-791-7800 www.peelregion.ca



December 2016

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The *Residential Construction Council of Ontario (RESCON)* hereby confirms its support and endorsement of the joint application of the *Residential Civil Construction Alliance of Ontario (RCCAO)* and the *Municipal Engineers Association (Ontario)* dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The *Residential Construction Council of Ontario (RESCON)* is an Ontario Not For Profit corporation which has represented the interests of residential builders who are engaged in the construction of residential homes across Ontario.

Our member builders and new homeowners rely on timely investments to municipal infrastructure. Our member builders also directly contribute to investment in municipal infrastructure through their payment of Development Charges, taxes and other fees administered by municipal governments.

For more information, please contact my colleague Mr. Anthony Fernando for more information. He can be reached by email: fernando@rescon.com and by telephone: [905-760-7777 \(x 112\)](tel:905-760-7777).

Thank you for your consideration.

Sincerely,

Richard Lyall,
President of RESCON



Association
of Registered
Interior Designers
of Ontario

January 26, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

Dear Commissioner:

The Association of Registered Interior Designers of Ontario (ARIDO) hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

ARIDO is the professional body for interior designers in Ontario, is committed to the betterment of the interior design profession to protect the health, safety and welfare of the public.

Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely

A handwritten signature in black ink, appearing to read "S. Portelli", written in a cursive style.

Sharon Portelli, CAE
Executive Director and Registrar

**Steven D. Ness,
President**

January 31, 2017

The Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario M5S 2B1

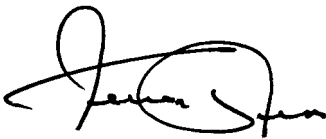
Dear Commissioner:

The Surety Association of Canada hereby confirms its support and endorsement of the joint application of the Residential Civil Construction Alliance of Ontario and the Municipal Engineers Association (Ontario) dated December 2016 pursuant to section 61 of the *Environmental Bill of Rights*, for a review of the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended, various regulations thereto and all policies and guidance documents, published or in use by the Ministry of the Environment and Climate Change related to Municipal Class Environmental Assessments (“**MCEA**”) in order to identify and implement reforms that are urgently needed and allow municipal proponents to complete MCEAs in a reasonably timely, efficient and effective manner.

The Surety Association of Canada formed in June 1992 to represent the surety industry in from coast to coast. Surety bonds provide a vital and unique service to the construction industry by protecting parties to the construction contract from financial losses resulting from contractor failure. Our membership consists of major bonding companies along with members from the insurance brokerage community, legal fraternity and other industry related entities. The combined business of SAC member surety companies comprises 97% of all surety premiums written in Canada.

Modern and reliable municipal infrastructure is a vital investment for the needs of Ontario families and businesses and must be delivered without undue delays or unnecessary additional costs.

Sincerely



Steven D. Ness
President
Surety Association of Canada