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March 23, 2022

The Honourable David Piccini
Minister of Environment, Conservation & Parks
College Park, 5th Floor
777 Bay Street
Toronto ON
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Subject: Defer Amendment Approval - Municipal Class Environmental Assessment

Despite our recent request to you of January 17, 2022, to expedite the approval the Municipal Class Environmental Assessment (MCEA) amendment, the Municipal Engineers Association (MEA) is writing to advise that we cannot support the proposed amendment the Ministry of the Environment, Conservation and Parks (MECP) has prepared.

The MCEA revisions put forward by MECP simply do not adequately address the concerns outlined in the original amendment request submitted by the MEA when this process was initiated, three years ago. **We are now in a position where our only choice is to ask that your office postpone approval and direct MECP staff to make this a priority and continue working with the MEA to fully resolve the outstanding amendment issues with a target completion date prior to the end of 2022. It is important we get this right.**

MEA brought forward the proposed amendment to update the almost 50-year-old document to support the "Made in Ontario Plan". The review was described by the Government as "getting construction projects built faster by modernizing review processes and reducing red tape, while ensuring that strong environmental oversight is maintained."

The MECP clearly outlined the goals of the amendment at the onset of this process, in spring 2019, to:

1. Better align the level of assessment and the level of environmental risk associated with projects.
2. Eliminate duplication between environmental assessment and other planning and approval processes.
3. Find efficiencies in the environmental assessment process and related planning and approvals process to shorten the timelines from start to finish.

These goals met the MEA's request for reforms within the MCEA. They were intended to bring important infrastructure projects to fruition without unnecessary delays and aligned with the provincial government's call to reduce red tape and move forward with the business of building Ontario communities.

Unfortunately, the MEA has seen the above goals erode away through the amendment process, particularly within the last two months. It is evident that the amendments no longer go far enough to assist – and in some cases, will further hinder – Ontario municipalities to reach their infrastructure and growth goals.

Since 2019, MEA has worked diligently to prepare an amendment to the MCEA which implemented the stated goals; MEA submitted this amendment in September 2019.

Over the following year and a half, MEA participated in consultation efforts and worked with MECP staff to adjust and fine tune the amendment toward, what we believed would be, better outcomes for municipal infrastructure projects. With the understanding that the MEA's entire MCEA Manual would not be rewritten, the MEA adjusted or addressed the amendment based on all submitted comments through the public process (with the exception of ongoing Indigenous consultation) and MECP staff undertook two separate rounds of detailed review.

In May 2021, MEA submitted, what we understood to be, the final amendment version to staff so they could undertake a final review that included addressing Indigenous issues and ensuring AODA compliance. **Up to this point in time, MEA was in full support of the process.**

Between May of 2021 and December 2021, MECP dealt with Indigenous issues and MEA anxiously awaited MECP's final comments on our May submission.

In January 2022, MECP revealed that they intended to make over 1,200 'administrative' changes to Part A of the MEA's MCEA manual. This was contrary to what was discussed in May of 2021 and these changes did not contribute anything to the 2019 goals. However, in the spirit of cooperation, the MEA did not object to these changes. The MEA requested MECP staff focus their efforts on the critical portions of the amendment (i.e., the tables in Appendix 1) and provide this section to MEA for review.

MEA was advised by MECP staff in February 2022 that there was a planned announcement from the Minister's office to approve the amendment in March of 2022. MEA was pleased to hear this news and was looking forward to concluding the amendment work.

However, since this time, **MECP staff have advised of additional changes to our amendment which include modifications to sections that were never originally contemplated.** One example is section A.2.9 *Integration with the Planning Act*. MEA did not propose amendments to this section, there was no consultation on this section, and yet MECP staff included this amendment, which MEA does not support.

During the week of March 8, 2022, just days before an expected announcement from your office on the amendment, MECP revealed even more changes that were made to our amendment that do not align with the 2019 goals. Examples include:

1. Approval of Arterial/Collector Roads by Planning Act

MECP's version of the amendment replaces our clause 14b with a screening process. While MEA has no concerns with the use of a screening process, the amendment, as written by MECP, does not include arterial roads, does not include bridges associated with the roads and would require proponents to basically complete further studies through the MCEA process for these facilities. This revision does not align with MECP's goals and will not fully satisfy the needs of the development industry.

2. Transition/Phase-In Provisions

In 2019, MEA worked with MECP staff to develop an acceptable transition section that described how projects that were currently underway could take advantage of the efficiencies included in the amendment. However, under the new transition section, projects included in a Master Plan will not be eligible to take advantage of the efficiencies included in the amendment. There is little value of an amendment that shifts certain projects to become exempt but, if the project is identified in the municipality's Master Plan, the project cannot be shifted. It is critical that this issue be resolved before the amendment to the MCEA is finalized.

3. Expansions to Wastewater/Water Treatment Facilities

In our May 2021 submitted amendment, the MEA had crafted these sections to specifically align with the 2019 goal #2, to eliminate duplication with other processes. This would allow municipalities to expand treatment facilities without undergoing a Schedule C EA process. MECP has advised that they have deleted the sections of our amendment that deal with minor expansions to these facilities and explained that there may be an opportunity to reduce Class EA requirements, but that more consultation is required. MEA does not understand why the MECP waited until the week of March 7, 2022, to advise more consultation was required. MEA cannot support this missed opportunity to eliminate duplication and achieve significant efficiencies.

Further complicating all this, MEA was limited to piecemeal exposure of MECP's proposed changes to our amendment over the last two months. **Our team only received a full, final version of the proposed amendment, as written by MECP on March 15, 2022.** This late notice lacked appropriate consultation timelines to review and comment on the significant changes the MECP made to our amendment. Quite frankly, we see this as rushed and disrespectful to the MEA, as the proponent of the MCEA process.

It is crucial that the role MEA has played throughout the history of the MCEA is recognized. It was the MEA that led the initial development of MCEA process in the mid-1980's. The MEA has been the proponent of the MCEA process and has authored several amendments over the years. We have worked well with MECP in developing previous MCEA amendments.

This amendment has been modified significantly by MECP staff at this extremely late stage in the process; to the point where the MEA cannot support many of the sections, without further adjustment.



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A fully developed MCEA amendment is critical to the continued growth of Ontario municipalities. We would be pleased to meet with your office as soon as possible to discuss this matter directly.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "J. Cole", is written over a horizontal line.

Jason Cole, P. Eng.,
MEA President 2021 - 2022