

VIA EMAIL

December 22, 2023

Honourable Andrea Khanjin
Minister of Environment, Conservation & Parks.
College Park, 5th Floor
777 Bay Street
Toronto ON M7A 2J3

Dear Minister Khanjin:

Subject: MECP Environmental Assessment Reform Efforts

The Municipal Engineers Association (MEA) is a non-profit Association representing the interests of over 1,200 professional engineers. The majority of our members are employed by over 100 Ontario municipalities. We also have members from provincial agencies, conservation authorities and also consulting engineers who are designated as the engineer-of-record for smaller Ontario municipalities.

The MEA thanks the provincial government for its continued leadership related to Environmental Assessment reform. MEA has been the proponent for the Municipal Class Environment Assessment for over 45 years and we recognize reform is a major effort and that the government is genuinely trying to reform EA processes in order to make it more efficient while continuing to protect the environment.

We also note of the goals the Ministry of Environment, Conservation & Parks (MECP) had initially established for EA reform:

1. Better alignment between the level of assessment and the level of environmental risk associated with a project.
2. Eliminating duplication between environmental assessment and other planning and approvals.
3. Find efficiencies in the environmental assessment process and related planning and approvals process to shorten the timelines from start to finish.
4. Go digital by permitting online submissions.

MEA is very supportive of these goals; however, some recent reform efforts by MECP are concerning to us as the actions are not well aligned with the above goals. We have noted the

MEA's concerns in the attachment to this letter. We would like to highlight one of our concerns.

Coordination Provisions between Municipal Class EA (MCEA) and MTO's Class EA

Both MEA and MECP agree there has been a longstanding need for clarity regarding coordination between the MCEA and the MTO's Class EA. When faced with a project that requires coordination between the MCEA and MTO's Class EA, some MCEA practitioners have determined that the best approach is to include all aspects of a project, including work on MTO infrastructure such as interchange ramps, in one MCEA process.

We highlight these projects within the Region of Durham as examples that have followed this approach.

- 1) Thicksen Road (Reg. Rd. 26) Widening from Victoria Street (Reg. Rd. 22) to Consumers Drive (Reg. Rd. 25). The Region completed an MCEA (Schedule B) to widen from 4 lanes to 6 lanes through the Highway 401 interchange. This included changing the ramp speed change lanes to through lanes. MTO does not view improvements like this as their responsibility even through their controlled access highway infrastructure, so the Region planned, designed, and built the widening at their cost.
- 2) Bloor Street (Reg. Rd. 22) Realignment from Harmony Road (Reg. Rd. 33) to Townline Road. The Region completed an MCEA (Schedule C) to realign and widen from 2 lanes to 4 lanes through land owned in part by MTO and the project included widening their bridge over a creek and connection/modification to an MTO intersection.
- 3) Hopkins Street Flyover Highway 401. The Region completed an MCEA (Schedule C) for a road extension/connection from Consumers Drive (Reg. Rd. 25) to Victoria Street (Reg. Rd. 22) including a new bridge over Highway 401.

These projects (and others) have been accepted by MECP – stakeholders were engaged, and environmental features were duly considered. However, MECP has recently advised that they question the legal authority for including all aspects of a project, including work on MTO infrastructure (e.g. interchange ramps), in one MCEA process. While MEA appreciates the MECP's concern, MEA disagrees with the coordination provisions proposed by MECP.

MECP is proposing provisions that would require proponents to complete all steps in two separate EA processes (MCEA and MTO's Class EA) for such projects. MEA's is disappointed that the provisions proposed by MECP **would require a more onerous EA process than what has been successfully used by Durham, (and by others) and a duplication of work that adds no environmental value – and is exactly opposite of MECP's goals.** MEA believes the coordination provisions should be rewritten to not only allow but to encourage the current practice of using a single EA process for all EA approvals.



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The MEA asks your office to intervene and postpone any further EA reforms until these coordination provisions can be rewritten with our assistance, as well as other changes are made so that EA reforms align with the goals to improve the EA process.

The document attached to this letter identifies all the MEA's concerns and examples/actions we believe do not align with the goals for EA reform. Although we have numerous concerns, MEA believes each of them can be easily addressed with simple amendments or directives for staff.

We would be pleased to meet to discuss our concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Miedema', is written over a horizontal line.

Matthew Miedema, P.Eng.
President
Municipal Engineers Association
(Project Engineer, City of Thunder Bay)

cc Philip Welford, Chief of Staff
Dan Cozzi, Executive Director – MEA
Paul Knowles, MCEA Advisor - MEA

Attachment

- MEA Comments to MECP EA Reform Efforts

MEA Comments to MECP EA Reform Efforts

1.0 Related to Comprehensive EA Project List

a) Coordination Provisions with MTO's Class EA:

MEA recommends the proposed coordination provisions between the MCEA and MTO's Class EA be modified and, instead of requiring the proponent to complete the MCEA process and the MTO Class EA processes, the provisions should authorize the proponent to complete the MCEA process or the MTO Class EA process – which ever process is deemed most appropriate by the proponent. Requiring proponents to complete two EA processes for the same project is opposite to the goals for EA reform.

b) Application of MTO's Class EA to all Municipal Expressways:

MEA has explained how the MCEA can be interpreted to include work on expressways and therefore provide proponents with a less onerous process to obtain EA approvals. MECP has accepted MEA's interpretation. However, MECP refuses to amend their wording in the amendment to the MCEA to include information so proponents would be aware of this less onerous process. Staying silent and not disclosing the ability to follow a less onerous EA process does not align with the goals for EA reform.

2.0 Other Issues

a) Improper Classifying Exempt MCEA Projects:

In 2019, the government amended the EA Act to exempt all MCEA Schedule A and A+ projects and, projects that are exempt from the Act, are not to use the MCEA process. This was an important change that aligns with the goals for EA reform and would allow proponents to follow a less onerous process. However, MECP has not been informing/educating proponents they are completing unnecessary EA work. Staying silent and not disclosing the ability to follow a less onerous EA process does not align with the goals for EA reform.

b) Water Supply for Rural Apartments:

MECP staff have interpreted the MCEA so that a developer in Haliburton that drilled a private well on private property to supply water to a privately owned and operated senior's retirement home to complete the same EA process that is required for a new municipal well and new municipal water system for an entire community. MEA, the proponent of the MCEA that wrote the MCEA, has a different interpretation and past practices follow MEA's interpretation. MECP's interpretation does not align with the above goals – it moves in the opposite direction.

c) Elevating EA requirements for Exempt Project to Upgrade Existing Road to Minimum Standards:

Recently, MEA learned that MECP had directed a small Ontario township to follow the MCEA Schedule C process for a project that would upgrade an existing township road to their minimum standards. The MCEA clearly classifies this type of project as an Exempt

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project. MECP's interpretation does not align with the above goals – it moves in the opposite direction.

d) Roundabouts:

Prior to 2023, the MCEA did not include Roundabouts and they were considered Exempt. Disappointingly, the 2023 MCEA identifies roundabouts and requires a Schedule B process for almost all roundabouts. This portion of the 2023 MCEA does not align with the above goals – it moves in the opposite direction.

e) Planning Act approval for Collector and Arterial Roads:

There have been long-standing concerns about the duplication of the effort required to satisfy both the Planning Act and the MCEA requirements. In an effort to address these concerns, MECP developed the Collector Road Screening Process (CRSP) and included this process in the 2023 MCEA. However, a detailed analysis of the CRSP shows that the CRSP is likely a more onerous process than the previous requirement to complete both the Planning Act and the MCEA process. At least the CRSP is not mandatory, and proponents are not forced to follow a more onerous process.

However, the original long-standing concerns remain. MEA encourages working to resolve this issue but, to be successful, there must be an acceptance that Planning Act decisions do not need to be reconsidered by the MCEA process.