



Staff Report for Committee of the Whole Meeting

Date of Meeting: March 19, 2018

Report Number: SRPRS.18.077

Department: Planning and Regulatory Services
Division: Development Engineering & Transportation

Subject: **SRPRS.18.077 – Municipal Class Environmental Assessment Process Improvements Resolution**

Purpose:

To seek Council adoption on the resolution by the Ontario Good Roads Association and Municipal Engineers Association that calls on the Minister of Environment and Climate Change to accelerate the application for review to improve on the Municipal Class Environmental Assessment process.

Recommendation(s):

- a) That Staff Report SRPRS.18.077 Municipal Class Environmental Assessment Process Improvements Resolution be received by Council;
- b) That Council adopt the following resolution, as requested by Ontario Good Roads Association and the Municipal Engineers Association:

Whereas a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario have successfully applied to have a review of the Municipal Class Environmental Assessment (MCEA) process conducted under Part IV (Section 61) of the Environmental Bill of Rights Act, 1993 (EBR Act);

And whereas impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;

And whereas the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;

And whereas analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an Environmental Assessment rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;

And whereas the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;

And whereas in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;

And whereas local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;

Therefore be it resolved that the Town of Richmond Hill requests that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs;

And further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the Planning Act;

And further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.

- c) The Town Clerk be directed to forward a copy of Staff Report SRPRS.18.077 to the Municipal Engineers Association, Ontario Good Roads Association, and the Ministry of Environment and Climate Change.

Contact Person:

Hubert Ng, Senior Transportation Planner, (905) 747-6501 and/or
Richard Hui, Manager of Transportation, (905) 771-5478 and/or
Dan Terzievski, Director, Development and Engineering, (905) 747-6358.

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

Background:

The Town is regularly involved in Municipal Class Environmental Assessment Projects

The Municipal Class Environmental Assessment (MCEA) process was developed by Municipal Engineers Association (MEA) and approved by the Ministry of Environment and Climate Change (MOECC) to allow Municipalities to self-regulate the fulfillment of the requirements of the Environmental Assessment Act. This process is applicable for both capital projects and infrastructure maintenance activities by following a standardized risk-based decision-making process to consider environmental impacts prior to implementation of the infrastructure projects.

The Town regularly undertakes or is involved in the review of MCEA projects for capital and infrastructure maintenance projects. Examples include, but are not limited to, the development of Master Plans, flood remediation projects, road extensions, realignments, and widening, new road construction, pond rehabilitations, valley land restorations, bridge replacements and alterations, and expansions of sewer and water infrastructure.

Improvements to the MCEA process are being sought

Information gathered by the MEA indicates that the timing and cost of MCEA projects have increased significantly over the years, while adding limited additional value to the process. The Residential and Civil Construction Alliance of Ontario (RCCAO) has also demonstrated in the report *Are Ontario's Municipal Class Environmental Assessments Worth the Added Time and Cost in 2014* that the average time for completion of an MCEA project rose from 19 to 26.7 months, with the average cost increasing from \$113,000 to \$386,500. This increase has resulted in significant additional Municipal resources and finances being allocated to meet the requirements for MCEA approval.

While Richmond Hill supports the underlying principles and purpose of the MCEA, which is in place to ensure that governments consider the potential environmental impact of infrastructure projects before they begin, a more efficient process is required.

In the Ontario Auditor General's 2016 annual report, the problems with the delays in the MCEA process were highlighted and the Auditor General re-emphasized the need to align and modernize the process with best practices.

In February 2017, the MEA and RCCAO made a request to the Ministry of Environment and Climate Change (MOECC) to review the MCEA process and consider implementing some reform, including:

- Addressing delays in MOECC responses to Part II Order requests, including delegating the decision making authority from the Minister to the Director of the Environmental Approvals Branch;

- Introducing changes to better integrate and streamline the MCEA process with processes under the Planning Act, including eliminating the ability to appeal a project twice, under the Planning Act and as well as a Part II Order request under the Ontario Environmental Assessment Act;
- Engaging the Municipal sector and other stakeholders throughout the review of the MCEA and any reform process.

MOECC responded in April 2017, by committing to complete a review of the MCEA by the end of 2018. The MEA and RCCAO followed up with MOECC in October 2017, due to the lack of progress with this review. This correspondence is included as **Attachment 1**, for reference.

OGRA and MEA request Municipal Support of MCEA Process Review and Reform

In January 2018, the Ontario Good Roads Association (OGRA) and Municipal Engineers Association put out a call (see **Attachment 2**) to Municipal Governments in Ontario to support the MCEA review and reform, and requested that Municipal Councils adopt a resolution requesting that the Ministry of Environment and Climate Change take immediate steps to streamline and make improvements to the MCEA process.

Richmond Hill staff has reviewed this request and is supportive of a proposed MCEA process review and reform which aims to improve the efficiency of the MCEA process, while still protecting environmental outcomes and the public interest.

Financial/Staffing/Other Implications:

There are no financial or staffing implications as a result of this report. If amendments to the MCEA process are made, there could be financial benefits to Town capital and infrastructure projects in terms of efficiency and resources required to complete the projects. Also, completing the projects efficiently can reduce the Town's risks of missing out on funding, grant, or partnership opportunities from senior levels of government that often require that projects can be ready to construct, which may include having EA approvals in place quickly.

Relationship to the Strategic Plan:

Adopting the resolution for the MCEA process review and reform aligns with Goal 4 of the Town's Strategic Plan: Wise Management of Resources. Introducing some reform to the existing MCEA process as recommended will help to support more efficient, timely, cost effective delivery municipal infrastructure projects, which support the growth of the community, while maintaining a vibrant and well-connected Town.

Conclusion:

Adoption of the resolution for the MCEA process review and reform will result in the improvement on the timing and cost of MCEA projects undertaken by the Town to

provide essential infrastructure projects. As such, staff recommends that Council adopt the resolution put forward by OGRA and the MEA in support of the MCEA process improvements.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Attachment 1: Letter entitled, Municipal Class Environmental Assessment (MCEA) Reform, dated October 16, 2017
- Attachment 2: Email entitled, MEA Requests Your Support for MCEA Reform, dated January 17, 2018

Report Approval Details

Document Title:	SRPRS.18.077 Municipal Class Environmental Assessment.docx
Attachments:	- SRPRS.18.077 Attachment 1.pdf - SRPRS.18.077 Attachment 2.pdf
Final Approval Date:	Mar 8, 2018

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - Mar 7, 2018 - 10:21 AM

Kelvin Kwan - Mar 8, 2018 - 11:13 AM

No Signature - Task assigned to Neil Garbe was completed by delegate Shane Baker

Shane Baker on behalf of Neil Garbe - Mar 8, 2018 - 12:22 PM