



CITY COUNCIL REFERRAL OF MEMBER MOTION

Support for Reform of the Municipal Class Environmental Assessment Process

Date: October 6, 2017
To: Executive Committee
From: City Council
Wards: All

CITY COUNCIL DECISION

City Council on October 2, 3 and 4, 2017, referred Motion MM32.6 to the Executive Committee.

RECOMMENDATIONS

Councillor Paul Ainslie, seconded by Councillor Mark Grimes, recommends that:

1. City Council support the Ontario Good Roads Association advocacy work by directing the City Manager to write to the Ontario Minister of the Environment and Climate Change asking to have the Application For Review of the Municipal Class Environmental Assessment process accelerated, and that the recommendations of the Municipal Engineers Association and the Residential and Civil Construction Alliance be incorporated into the revised Municipal Class Environmental Assessment process.

SUMMARY

The Municipal Class Environmental Assessment process is adding considerable time and cost to municipal infrastructure projects. Municipalities are waiting on the Minister of the Environment and Climate Change to act on an Application For Review of the Municipal Class Environmental Assessment process.

The Ontario Good Roads Association of which the City of Toronto has two appointees on its Board of Directors held their annual Advocacy Day at Queen's Park on Wednesday, September 13, 2017.

One of the issues they met Members of Provincial Parliament with regards to is the Municipal Class Environmental Assessment process.

Municipal Class Environmental Assessments apply to the construction, improvement, replacement, operation, maintenance, and repairs to a broad range of municipal works such as bridges, roads, water and wastewater systems, flood control works, and recreational paths. Impact studies, along with public meetings, often take two years or more to complete before construction can commence.

When a member of the public objects to a project through a Part II Order, delays are guaranteed to follow. The Minister of the Environment and Climate Change is obligated to personally decide whether a broader environmental review and a hearing are warranted.

In 2005, an Environmental Assessment Advisory Panel recommended the Government of Ontario pursue reform of the system. Since then there have been numerous requests for reform, but little progress has been made.

Successive studies by the Residential and Civil Construction Alliance of Ontario have demonstrated the adverse impact that the Municipal Class Environmental Assessment process is having on public works.

In its first study in 2011, the Residential and Civil Construction Alliance of Ontario found that the lengthy time frames and higher costs to comply with the Municipal Class Environmental Assessment process were not providing additional environmental or other benefits. Although improvements were made to the Municipal Class Environmental Assessment process, in the period between the two studies, 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.

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

The Federal and Provincial governments are investing billions of infrastructure dollars in Ontario. But if local projects do not have the necessary approvals these funds could be delayed significantly. In 2009, many Ontario municipalities advanced “shovel ready” projects rather than “shovel worthy” projects in part because the Municipal Class Environmental Assessment process would have taken too long.

Despite written commitments made by the Ministry of the Environment between 2013-2015 to exempt low-risk projects from the Part II Order request as was the case prior to 2011, or to consider delegating authority for dealing with these requests to Minister of the Environment and Climate Change staff, no action has been taken.

Recently the Auditor General of Ontario tabled recommendations for modernizing the Municipal Class Environmental Assessment process.

The Minister of the Environment and Climate Change has agreed that a comprehensive review of the Municipal Class Environmental Assessment process will be underway in the coming months with expected completion in December 2018.

Given the scale and import of the infrastructure investments being made by all three levels of government, it is difficult to overstate the need for meaningful reform of the Municipal Class Environmental Assessment process in Ontario. Such action will allow Ontario to build the infrastructure that it needs to be competitive in the globalized economies of the twenty-first century.