



TRANSPORTATION AND  
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Client Services and Permissions Branch  
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Toronto, ON  
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Dear Sharifa,

**Re: Comments on Discussion Paper: “Modernizing Ontario’s Environmental Assessment Program”**

The Region of Waterloo (Region) is a mid-sized municipality in south-central Ontario with a 2018 population of approximately 601,000. It is the upper-tier municipality of a two-tier system of municipal government.

The Region’s Water Services Division (WS) is responsible for source, treatment, pumping, storage and transmission of municipal drinking water to seven local cities and townships (Cambridge, Waterloo, Kitchener, North Dumfries, Wellesley, Wilmot and Woolwich). Approximately 80% of water supplied is from groundwater sources and the remaining 20% is from surface water. In addition, WS is responsible for wastewater treatment and biosolids management services for the Region.

Similar to all municipalities in Ontario, when planning, designing and constructing its water and wastewater-related infrastructure, the Region follows the latest version of the Municipal Class Environmental Assessment process (Class EA), as published by the Municipal Engineers Association. In any given year, WS can typically be undertaking between five to ten Class EA studies for water and wastewater projects.

The Region is thankful for the opportunity to review and comment on the captioned discussion paper prepared by the Ontario Ministry of Environment, Conservation and Parks (MECP). The Region’s comments are provided below for consideration, categorized by topic number in the discussion paper.

## **1.Ensure better alignment between the level of assessment and the level of environmental risk associated with a project**

The Region agrees in principle with aligning the assessment level to the level of risk of a proposed project. In this regard, the following considerations are provided:

- **Opportunity to differentiate between (A) project risk and (B) public perception of risk:** The MECP should recognize that a project with (A) high environmental/ social/ technical risk is not necessarily the same as (B) public's perception of risk. Conversely, projects deemed to have low risk may be perceived to be high risk to the public. If the MECP chooses to re-align categories of projects to focus on risk, there is the opportunity to differentiate between the level of study of a project and the level of public consultation for a project. An example is provided in the next bullet.
- **Green field project risk versus brown field project risk:** As an example of the above point, the Region believes that some green field projects could be low to medium risk and carried out successfully with carefully executed supporting studies and alternatives analysis. However, the public may care deeply about the impact to their community and feel the impact to them is greater. Green field projects should be considered a higher category of environmental assessment and have higher level of environmental assessment and public consultation. On the other hand, brown field projects, where no land acquisition is needed and activity falls within the property boundary, has the potential to have high technical risk (ie – a treatment plant needs to continually run while construction works to upgrade it are underway), but should have minimal to no impact on the public. In such brown field cases, a lower level of public consultation should be considered, but would still require the proponent to carry out the needed supporting studies and alternatives analysis.
- **Respecting proponent's selection of project schedule:** As mentioned, the spirit of the MECP to streamline the EA is supported. To this end, the MECP should also trust that as part of the Class EA process, the proponent (ie – municipality) best understands the local surroundings and is best qualified to determine the level of assessment required. The MECP should give consideration to providing details through either i) guidance (such a list of project types) and/or ii) tools (such as a self-assessment checklist) to ensure that the proponent selects the appropriate schedule at the start of the project. Furthermore, the MECP should ensure that head office, district offices and branches, and its various departments and other Provincial Government agencies, are able to respect the selection of schedule by the municipality.

Disagreement in selected schedule by the Provincial Government agencies at the end of the project is counter-productive and disrupts any intended efficiencies by streamlining the process.

## **2. Eliminate duplication between environmental assessments and other planning and approvals processes**

To successfully carry out a Class EA, the process typically requires the proponent to conduct supporting studies in the project area to ascertain degree of impact. Supporting studies typically require desktop research and when required, further field work that at times, could require multi-season or year-long monitoring. The Region believes it is appropriate to use the results of such studies in other projects in the same area. It would be helpful if MECP can support that a second project is conducted within five years, where the environment of the project area is expected to undergo minimal change, then the supporting studies conducted in the previous project could be used. Examples of supporting studies could include archaeological studies, heritage studies, ecological studies and species at risk studies.

## **3. Find efficiencies in the environmental assessment process and related planning, and approvals processes to shorten the timelines from start to finish**

The Region concurs that Class EA's can be time consuming and that permitting processes can be confusing at times. In response to a 'one-window' approach, the Region provides the following for consideration:

- **Clear response timelines by permit issuers:** A streamlined 'one-window' approach for approvals, while ideal in theory, requires considerable communication, agreement and understanding by all Ministries that would be issuing permits for a given project. Clear timelines for when the process starts and when sign-offs and permit processing will be completed must be clearly documented for proponents to further use in their project scheduling. These timelines should also be respected by the concerned Ministries under such a delivery model.

For its recent biogas cogeneration project, the Region's WS recently followed the Renewable Energy EA process. This process was to be a streamlined approach for approvals however, formal sign-offs were required from multiple agencies that were unaware of the process. This ultimately caused delay and took longer than the traditional Class EA.

- **Clear identification of permits subject to streamlining:** It is important to point out that some permits require detailed information in project stages after the Class EA is completed and could not be part of a streamlined process. If a 'one-window' approach is established, the MECP should clearly identify which permits are eligible to be obtained during a Class EA study.
- **Modernization of communications tools for consultation:** With modern technology, the way Ontarians communicate has changed drastically. This is evidenced by the Region's experience that newspaper notices and paper report filings are seldom read by the public. The MECP can provide less prescriptive guidance on the method of communication. Instead, proponents should be allowed to select the most appropriate method of communication for those impacted by the project and document them in a consultation plan at the start of the project.

The Class EA document currently states "For the purposes of the Class EA, a published notice shall mean a notice published in the local newspaper having general circulation in the area of the project. Two (2) published notices shall mean two (2) notices appearing in separate issues of the same newspaper."

Most Region projects require other forms of notification such as website postings and use of Region and stakeholder social media channels.

#### 4. Go digital by permitting online submissions

The Region believes there are many benefits to an on-line repository of Class EA's. Before doing so however, the following considerations are offered.

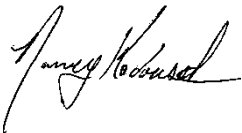
- **Timely posting of project materials:** The Class EA requires on-going updates during the course of the project. This consists of notices, public display boards, comment sheets, mapping, supporting study results, and technical memorandum. Multiplied by the number of municipalities in Ontario carrying out Class EA's (and other EA's) would mean constant posting of information. Under a central repository model, the MECP would have to ensure all materials are updated in a timely manner. The MECP may consider publishing the Notice of Commencement (containing the basic information) and the Final Report – Main Text – for 30 day public review; with a link to the proponent's website. All other supporting materials developed during the Class EA should be posted on the proponent's website.
- **Public will default to searching the proponent's website:** The current practice for the Region is to post project content on its website and appears to work well. In general, when a member of the public seeks information on a project, the

MECP should keep in mind that the first tendency (if a direct link is not clearly provided) will likely be the proponent's website. While the proponent can re-direct the member of public to the proposed MECP repository, it will likely be the public's preference to use the proponent's website.

- **Retention time on repository:** The Class EA indicates that if a period of 10 years passes between the completion of the EA and implementation, a review and update would be required. Should a repository be established, the MECP should confirm that the retention time for materials to remain accessible to the public is the lesser of 10 years or when the project is implemented.

The Region appreciates the opportunity to comment on the Provincial Government initiatives.

Yours truly,



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