

January 24, 2022

Ministry of Environment, Conservation & Parks

Dear Sirs:

Subject: MECP ERO Posting 019-4219; *Moving to a Project List Approach Under the Environmental Assessment Act*

The Municipal Engineers Association (MEA) is pleased to provide comments to the Environmental Registry of Ontario (ERO) posting 019-4219: *Moving to a Project List Approach Under the Environmental Assessment Act*.

While MEA generally supports the proposed list of projects that would be subject to the Comprehensive Environmental Assessment (EA) process, our main interest is with the projects that will not be subject to the Comprehensive EA process and instead will be subject to a Municipal Class Environmental Assessment (MCEA) process.

We understand the MECP will be meeting with Class EA proponents, including MEA, to discuss amendments that will be required to Class EAs to ensure alignment with the Comprehensive EA process. MEA recognizes the importance of appropriate wording in Class EAs to ensure there are no gaps or overlap/duplication.

Having said that, we have the following preliminary comments related to the Highway Projects category:

1. MEA understands MECP proposes that all new Expressway Highways less than 75 km would be subject to Class EA for Provincial Transportation Facilities (MTO Class EA) process. Even if the proponent was a municipality, the MTO process would be required – the MCEA process would not be acceptable. MEA is currently seeking feedback from the larger municipalities that could be impacted and requests an extension to the commenting period that will allow us to submit further comments on this proposal.
2. The construction of a new Expressway Highway, longer or shorter than 75 km, will regularly include the construction of new municipal roads to connect to the expressway (arterial roads, service roads, etc.). Historically, EA approval for these new municipal roads has been deemed to be included with the EA approval for the Expressway/ Highway. However, to ensure there is no confusion or duplication, the MCEA would need to include a clause in Appendix 1 - "Construction of new roads that are associated with new Expressway/ Highways and included in MTO Class EA Schedule A process or a Comprehensive EA process" and designate those new roads as MCEA Schedule A (exempt). There should not be a further requirement for further study under MCEA Schedule C process as these roads would already be approved through a study under an MTO Class EA Schedule A or Comprehensive EA process.

3. The MECP should also clarify another related issue about municipal projects to widen an existing road or a new municipal road connecting to the Expressway/ Highway via an interchange with either the road requiring the construction of a new intersection or interchange or modifying an existing intersection or interchange to accommodate the municipal project. There should not be a requirement for a MTO Class EA process for the addition of an intersection/interchange or modification to it, in addition to the MCEA Schedule C process for the municipal roadway connecting to it. The MTO Class EA should include a clause that states: "Construction of highway improvements, intersections or interchanges associated with municipal road projects and included in a MCEA Schedule C process" and designate these highway improvements as MTO Class EA Schedule C (exempt). In addition, the MCEA should be modified to allow an existing or new intersection/interchange to an Expressway/Highway and associated with a municipal project to widen or construct a new connecting road be undertaken under the MCEA Schedule C process. The same comments would apply to a municipal midblock road crossing going under or over an existing Expressway/ Highway and is not physically connected to the Expressway/ Highway.

We request the MECP to extend the commenting period for the MEA to consult with our members and as well as other organizations. As we do not know when MECP would be meeting with MEA, we request an extension of at least one month after the meeting date to provide us enough time to submit further comments.

Recognizing that once legislation is established, it is very cumbersome to make changes, we urge the MECP to not proceed with the process to establish the comprehensive process until the list of projects that will fall under the MCEA is established, in order to ensure there are no unintended consequences or gaps between the two processes.

MEA appreciates the opportunity to comment on this important long-term initiative.

Sincerely,



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Executive Director
Municipal Engineers Association