

May 9, 2023

EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West, 4th Floor
Toronto, Ontario M4V 1P5

Re: Evaluating municipal class environmental assessment requirements for infrastructure projects

About Us

Good Roads is a municipal association concerned with the quality and design of roads in Ontario. We have been devoted to the cause of better roads since 1894. Originally known as the Ontario Good Roads Association (and still using that name corporately), our members include most of Ontario's municipalities and a growing number of First Nations as well as dozens of affiliated corporate members in the transportation and infrastructure sectors.

For more information, please visit www.GoodRoads.ca.

Comments

Good Roads appreciates the opportunity to provide input and collaborate with the Ministry of Environment, Conservation and Parks (MECP) to enhance the existing framework.

Firstly, we would like to express our gratitude to Minister Piccini for approving the Municipal Class Environmental Assessment (MCEA) amendment on March 3, 2023. We believe that the fundamentals of the amended MCEA process are sound. However, we would like to address certain aspects that currently limit municipalities' ability to deliver infrastructure to support community goals and matters of provincial importance.

Recommendations

Good Roads has reviewed the MCEA process and identified areas where improvements can be made. We propose the following recommendations to streamline the process and enhance efficiency:

1. **Mandate Reasonable Timelines for Commenting Agencies:** We suggest that commenting agencies and stakeholders be given reasonable, set timelines (e.g., 60 days) to respond to requests for comments. Failure to meet these timelines should result in the forfeiture of the opportunity to comment on discretionary points. Matters covered by law or regulation

should not be waived by not commenting, as the proponent ultimately remains responsible for compliance with legal requirements.

2. **Role of MECP Regional EA Coordinators (REAC):** We recommend directing REACs to act as a resource for the proponent and engage/monitor the MCEA process through the opportunities included in the framework. REACs should refrain from requesting to review draft Environmental Study Reports (ESRs) or other documentation before the issuance of the Notice of Completion, as this can cause significant delays.
3. **Focus of MECP Review:** We propose that MECP review only issues raised in Section 16 Order Requests (S16ORs) related to matters of provincial importance and refrain from undertaking independent reviews. Instead, a procedure should be developed to randomly review and audit ESRs prepared by proponents, treating the process as a learning opportunity rather than unwinding the entire MCEA. Municipalities are mature and responsible entities that prioritize the well-being of their communities while adhering to provincial requirements at all times.
4. **Timely Provincial Review:** To expedite the MCEA process, we suggest implementing a maximum timeline of 65 days for provincial review of S16ORs after the issuance of the Notice of Completion. This 65-day period should include 30 days for public consultation and 35 days for provincial review, aligning with the provisions in O.Reg.231/08 for Transit Projects and Metrolinx Undertakings. Failure to apply conditions within this timeline should result in the S16OR being considered denied, enabling the proponent to proceed.
5. **Delegation of S16OR Decisions:** We propose delegating S16OR decisions to the Director of the Environmental Approvals Branch or the relevant Assistant Deputy Minister (ADM) level. This would ensure that the level of review remains at the staff level, expediting the resolution of S16ORs and minimizing delays.
6. **Elimination of Duplication with the Planning Act:** We recommend eliminating duplication between the MCEA process and the Planning Act. For instance, a Schedule C EA process should not be required for a rural apartment building with a new well for water supply if the well/water supply is addressed in the Planning Act approvals.

Good Roads believes that the further development of the MCEA process presents an opportunity to enhance the efficiency and effectiveness of infrastructure development while maintaining environmental stewardship. Our organization supports the objectives of the MCEA and is committed to collaborating with MECP and other stakeholders to achieve the desired outcomes.

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We appreciate MECP's commitment to seeking input from stakeholders, and we look forward to further engagement and collaboration to enhance the MCEA process. The recommendations presented in this consultation submission aim to streamline processes, reduce delays, and ensure effective decision-making while upholding environmental protection and meeting the infrastructure needs of our communities.

Lastly, Good Roads supports the comments expressed in the Municipal Engineers Association's (MEA) response to this proposal. We strongly urge MECP to consider the MEA's comments and suggestions.

Thank you for considering our input and allowing us to contribute to the development of a robust and efficient MCEA process.

Good Roads