

March 14, 2024

Submitted Online and via email to EAmmodernization.mecp@ontario.ca

EA Modernization Project Team
Environmental Assessment Modernization branch
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135 St. Clair Avenue West, 4th Floor
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RE: ERO 019 -7891 - New regulation to focus municipal environmental assessment requirements

The City of Guelph (the "City" or "Guelph") appreciates the opportunity to comment on the Ministry of Environment, Conservation and Parks' (the "Ministry" or "Province") proposal to streamline municipal environmental assessment requirements. In this submission, you will find the overall comments and recommendations from the City of Guelph regarding the proposed changes.

The City supports the implementation of the Municipal Project Assessment Process (MPAP) with the intention that it removes overly prescriptive and cumbersome processes within the Municipal Class Environmental Assessment (MCEA) Process and aids in the delivery of infrastructure to support increasing the Province's housing supply. The City and its professional engineering staff will continue to protect the environment through best practices in conjunction with the revised MPAP process. The City does, however, have some key concerns with the MPAP as proposed, outlined in Table 1.

Table 1 - City of Guelph Comments/Clarifications on ERO 019-7891

Item	Comment
<u>Private Development</u>	
1	The province intends that "The Private Sector Developers Regulation (O. Reg. 345/93) currently designates private sector projects of a type listed in Schedule C of the MCEA if it is a project provided for residents of a municipality for roads, water or wastewater. This regulation is proposed to be revoked, as the ministry is proposing to focus EA Act requirements only on infrastructure projects undertaken by a municipality."

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	The City is concerned that the private sector is being held to a lesser environmental standard than municipalities. The MPAP Regulation must clarify that exemption for works undertaken by the private sector DOES NOT apply to works to be assumed by the municipality, and that a developer undertaking works to be assumed by the municipality and which are subject to the MPAP, must complete the MPAP the same as if a municipality was undertaking the works. But, if the intention that a developer can undertake works to be assumed by the municipality without being subject to the same level of MPAP oversight as municipalities, the Ministry must ensure that municipalities have the appropriate tools and guiderails available within the Planning Act and otherwise to ensure quality infrastructure is constructed in the collective environmental, technical, social and economic best interests of a municipality's current and future residents.
<u>MPAP Project List</u>	
2	New collector or arterial roads, or divided highways including new water crossings routed through a greenfield area (without an existing road allowance) should be on the MPAP list of projects. The potential environmental impact can be significant and generate substantial public, stakeholder and Indigenous Community interest. The Ministry could consider a screening process based on potential environmental impact, heritage and cultural interests to ensure the key. This recommendation is for "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment". (Environmental Assessment Act, R.S.O. 1990 S (2))
3	The City requests that the named projects provide the following clarifications: a) Water Supply - confirm if adding a new well to an already-established drinking water system is captured in project type #1 b) Water Treatment - confirm if UV/chlorination at an already-established well site would be considered to be "construct a new drinking water treatment plant" as per project type #5 c) Stormwater Management Systems - confirm that a Low Impact Development Measure that infiltrates via a method such as Bioretention would not be considered applicable under project type #14
<u>MPAP Timeline</u>	
4	Where municipalities chose to have quality engagement with the general public, stakeholders and Indigenous Communities as intended under the EA Act, the City does not believe that significant cost and time savings will be realized on infrastructure delivery since substantial effort will be required to essentially complete the environmental assessment prior to the issuance of Notice of Commencement. The key time saving is found in fewer projects being subject to Minister Order Requests and that the Minister must response within 35 days of the closing of the Notice of Completion period. That environmental assessments are being reduced to 120 days may create public misunderstanding and place

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	infrastructure professionals in the challenging position of defending quality public engagement and completing background studies as being are critical to quality and sustainable infrastructure. The Ministry is requested to clarify that the intention of the MPAP is that background studies and key consultation are carried out prior to the Notice of Commencement, and that speeding up the completion of EA's should not come at the expense of quality environmental and technical studies or community consultation.
<u>Consultation</u>	
5	The City anticipates continuing to engage our community and interested parties in alternatives for MPAP projects prior to the issuance of the Notice of Commencement. This means a certain level of notice, engagement, and community consultation is required to meet the expectations of Guelph before the Notice of Commencement can be issued. The Ministry is requested to clarify how that engagement should be captured in the MPAP documentation.
6	The Ministry is requested to provide a template or similar to outline exactly what is required in the consultation record within the Environmental Project Report to avoid potential questions when reviewing the documentation.
<u>MPAP Process</u>	
7	The Ministry is requested to modify Figure 1 of the Summary of Proposed Requirements Proposed Municipal Project Assessment Process Regulation to include a process step after "the Proponent contacts Director to confirm or identify Indigenous communities and other bodies to be consulted" that states "Proponent completes all background investigation, alternatives assessment, and community consultation required to support the initiation of the MPAP timeline."
8	The regulation must clarify the Addendum process for projects completed under the MCEA process that are deemed Exempt under the MPAP. The City's preference is that the MCEA addendum process that led to the project is no longer applicable. Projects completed under the MCEA process but now a named project should be subject to the MPAP addendum process.
<u>General</u>	
9	Land acquisition, particularly through expropriation, often makes use of the MCEA process to justify need especially under S7.5 of the Expropriation Act or Hearings of Necessity. Examples include road widenings identified under a Schedule C MCEA and trunk water and sanitary servicing under and Schedule B MCEA. In absence of the MCEA process, the Ministry is requested to provide adequate tools to municipalities to support expropriation where it becomes necessary without delaying the implementation of infrastructure to support housing growth.
10	The Class EA process forms a coordinating process for implementing municipal projects. For example, for Guelph Water Services and water supply projects, the MCEA process incorporates public consultation, master planning, evaluation of alternatives, impact assessments, design and construction processes, the permit to take water (PTTW) process, Clean Water Act (i.e., Section 34 Source Protection Plan Update) and Safe Drinking Water Act (i.e., Drinking Water License updates) requirements and other processes. With many of the

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	municipal water projects now proposed to be exempt from the EAA, it is uncertain as to how these processes will be integrated in the future. The MECP should explain its expectations with respect to the implementation of the projects and describe how new projects will proceed through this new, less coordinated process. It is recommended that MECP provide a process flow chart or similar document to outline how the related approvals processes will be implemented in future exempt and MPAP projects.
<u>Planning Integration</u>	
11	The proposed changes will result in inconsistencies between the Environmental Assessment Act and the Planning Act, specifically with respect to subwatershed studies, secondary plans and master environmental servicing plans. The proposed changes will also result in inconsistencies between the Environmental Assessment Act and the Provincial Policy Statement and/or the proposed Provincial Planning Statement, with respect to the definition of 'development'. The PPS definition of development excludes activities that create or maintain infrastructure authorized under an environmental assessment process. As local Official Plan policies must be consistent with the PPS, the definition of development is carried through local Official Plan policies.

The City wishes to thanks the Ministry for taking the time to review and give due consideration to the City's comments.

Sincerely,



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