



March 15, 2024

Infrastructure Planning & Policy
Public Works
Halton Region
1151 Bronte Road
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EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks
135 St Clair Ave West, 4th Floor
Toronto, ON M4V 1P5
Via Email: EAmmodernization.mecp@ontario.ca

RE: Environmental Registry of Ontario: ERO #019-7891

EA Modernization Project Team,

Thank you for the opportunity to provide comments on the proposed changes to the Environmental Assessment requirements for municipal infrastructure as outlined in Environmental Registry of Ontario posting #019-7891. Halton Region welcomes the opportunity to modernize and streamline the environmental assessment process, in particular to enable the acceleration of infrastructure to support the Local Municipal Housing Pledges and growth priorities.

ERO #019-7891 posting advises that the Province is proposing to revoke the current Municipal Class Environmental Assessment (EA) regulation and replace it with a new regulation, referred to as the Municipal Project Assessment Process (MPAP) to be applied to a limited list of higher-risk municipal infrastructure projects.

It is understood that while all other municipal infrastructure projects would be exempt from the Environmental Assessment Act, it is expected that municipalities continue to undertake appropriate steps to engage their local communities on projects that may be of interest to them, and make environmentally responsible decisions, irrespective of EA requirements.

As we continue to plan and implement infrastructure to support growth, we note the following comments with respect to the proposed regulatory changes to EA requirements:

Projects Proposed to be Exempt from EA Requirements

- The proposed revocation of the Municipal Class EA and exemption of EA requirements for the majority of Halton Region infrastructure projects does not in itself absolve a Municipality from its obligation to residents and those that may be impacted

Regional Municipality of Halton

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by their projects to ensure that we continue to protect and mitigate impacts to all aspects of the environment. Under this approach it is understood that process will be municipality driven and will reflect the needs of the Region.

- Halton Region has applied the terms of the Municipal Class EA which promotes a structured and predictable framework for public, First Nations and agency consultation in the Engineering Planning phases of water, wastewater and transportation infrastructure to dozens of projects. The Region is currently completing 8 Class EAs, with an additional 7 projects scheduled to commence within the next few months in order to accelerate the municipal infrastructure required to support the Housing Pledges of the Local Municipalities. Given the significant number of ongoing and planned projects, detailed clarification and guidance on a potential transition is required, in order to maintain effective engagement with stakeholders.
- Completion of a Class EA traditionally involves a structured planning and consensus-building process, supported by detailed technical reports. Its effect helped to streamline downstream permit and approval procedures with various regulating agencies, including Conservation Authorities, utilities, and Provincial Ministries. The proposal is unclear about how regulated requirements (Permits to Take Water, Archaeological, etc.) will be coordinated given that other Ministries rely on information from the EA process. The proposed exclusion of most infrastructure projects from the Class EA process means that municipalities will need to develop their own engagement processes to interact effectively with stakeholders.
- It is essential that new processes are developed in coordination with regulatory agencies so as to achieve a similar or improved streamlining of the processing of permits and approval requirements to avoid delay in project delivery. It is anticipated that the new process would contain similar guiding principles to those founded within the Class EA process with respect to transparent and responsible decision-making, however, development and approval of a new program by each municipality, including consulting with affected agencies, will take time and effort that would have been focused on advancing critical projects to support achieving Housing Pledges.

Projects Proposed to Require EA Approval Under new Process

- The proposal to apply EA requirements to only certain projects is presented as an opportunity to complete EA requirements within a shortened time period. A typical Schedule C Class EA can take between 18-24 months and more complex projects with more significant environmental impacts can take several years to complete, considering the time to undertake detailed technical and field investigations, which are not part of the Master Planning process.
- The proposal outlines a time-limited process for documentation and consultation that is to be completed within a 6-month timeline but assumes that all of the required technical and field assessments have already been completed and that pre-

consultation has been undertaken for early identification of potential issues. As these items still remain a requirement, it does not appear likely that this process will result in noticeably faster delivery of infrastructure projects.

- In order to meaningfully consult with stakeholders, such as the public, First Nations and agencies, consultation would be required through the development of technical studies and engineering prior to the commencement of the MPAP process. Additional guidance on how pre-MPAP consultation is to be conducted and documented is requested, given that substantial re-work could be required during the MPAP process if issues are observed with the preferred strategy following completion of all technical work.
- Additional clarity is requested from the Ministry on what would be considered as sufficient public and agency consultation and engagement during the 120-day consultation period under the MPAP. The Ministry is requested to provide guidance on what is required in the consultation record within the EPR to ensure expectations can be met and consistency is achieved.
- Clarity is required on the Addendum process under the MPAP. There is a risk of conflicts on requirements for Addenda in the absence of further guidance regarding this process and which projects would be subject to these requirements.

The Municipal Class EA promotes a structured and predictable framework for public and agency consultation in the Engineering Planning phases of water, wastewater and transportation infrastructure. This ensures infrastructure is planned in a transparent manner, risk is minimized during implementation, and projects are cost-effective.

Halton Region remains committed to supporting opportunities to improve the Environmental Assessment process to enable the acceleration of infrastructure in support the Municipal Housing Pledges and growth priorities; however additional information is needed to understand how this will be maintained with the proposed changes.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Andrew J. Farr', written in a cursive style.

Andrew J. Farr, P.Eng.
Commissioner, Public Works
Halton Region