

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON FEBRUARY 21, 2018
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT REFORM

RECOMMENDATION

That on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following resolution **BE ADOPTED** and **BE FORWARDED** to the Minister of the Environment and Climate Change:

“**Whereas** a coalition of the Municipal Engineers Association (MEA) and the Residential and Civil Construction Alliance of Ontario has successfully applied to have a review of the Municipal Class Environmental Assessment (MCEA) process conducted under Part IV (Section 61) of the *Environmental Bill of Rights Act, 1993* (EBR Act);

And whereas impact studies and public meetings required by the MCEA process often take two years or more to complete before construction can commence;

And whereas the MCEA requirements to evaluate alternatives are often not well aligned with prior or municipal land use planning decisions;

And whereas analysis by the Residential and Civil Construction Alliance of Ontario (RCCAO) has demonstrated that the time to complete an EA rose from 19 months to 26.7 months and costs went from an average of \$113,300 to \$386,500;

And whereas the Auditor General of Ontario has tabled recommendations for modernizing the MCEA process;

And whereas in spite of written commitments made by the Ministry of the Environment between 2013-2015, no action has been taken;

And whereas local projects that do not have the necessary approvals could lose out on the next intake of Build Canada funding;

Therefore, be it resolved that The Corporation of the City of London request that the Minister of the Environment and Climate Change take immediate steps to expedite the response process for Part II Orders or Bump-Up requests, as part of the s.61 review to improve MCEA process times and reduce study costs;

And further that the Minister of the Environment and Climate Change support changes to better integrate and harmonize the MCEA process with processes defined under the *Planning Act*;

And further that the Minister of the Environment and Climate Change amend the scope of MCEA reports and studies to reduce duplication with existing public processes and decisions made under municipal Official Plans and provincial legislation.”

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

2015 – 2019 STRATEGIC PLAN

The 2015 – 2019 Strategic Plan identifies these objectives under Building a Sustainable City: 1B – Managing our infrastructure; 3E – Strong and Healthy environment through protection of the natural environment; 5B – Build new transportation, water, wastewater and stormwater infrastructure as London grows.

BACKGROUND

Purpose

The purpose of this report is to recommend Council's support of improvements to the current Municipal Class Environmental Assessment process, including the time it takes to resolve Part II Order Requests.

Context

The Municipal Class Environmental Assessment (MCEA) process was developed by the Municipal Engineers Association (MEA), of which London was one of the founding municipalities (circa 1999), to provide municipalities with a risk-based approach to comply with the *Environmental Assessment Act* for both capital projects and infrastructure maintenance activities. Over time, the MCEA process has become more complex, delaying projects and significantly increasing costs. In fact, a 2014 study by the Residential and Civil Construction Association of Ontario (RCCAO) showed that it was typically taking almost 27 months to complete the process for Schedule B and C projects, with study and consultant costs averaging \$386,500 (not including municipal staff time).

A coalition of Environmental Assessment (EA) stakeholders and practitioners, such as MEA, RCCAO, the Ontario Good Roads Association (OGRA) and many others, agrees that MCEA reform is needed and has been pressing the Ministry of the Environment and Climate Change (MOECC) to make improvements.

DISCUSSION

In February 2017, a joint application for review was submitted through the Environmental Commissioner of Ontario and forwarded to the MOECC. The MOECC responded positively to the application in mid April 2017 and committed to completing a comprehensive review by December 2018. A good summary of this is found in the Sept./Oct. 2017 edition of RCCAO's *ReNew*, which you can find at this following weblink: http://www.rccao.com/renew/files/RCCAO_FP_RC_SepOct2017.jpg. Although the MOECC accepted the arguments made, both in the joint application and by Ontario's Auditor General, little progress was made in 2017.

With the provincial election scheduled for June 2018, there are limited opportunities for the Ontario Government to implement legislative and policy changes. Realizing that this window is closing, MEA and RCCAO organized a workshop on November 29, 2017 where 40 municipal practitioners, including a London staff member, shared their concerns with the MCEA process. During the discussion, the top priority for EA reform was identified as improving the Part II Order Request (PIOR) process.

The MEA is pleased to report that the MOECC has now put a team in place and is committed to beginning consultation in early 2018. This team will turn its attention to longer-term improvements that will require more discussion. Recognizing that time is

limited, the MEA also wants to implement short-term EA improvements that can be implemented now.

Without speedy reform, Ontario municipalities risk losing out on funding for projects that are subject to the MCEA because of the time needed to complete and resolve them, including the potential for additional time to complete the PIOR process. This simply is neither proper infrastructure planning nor good asset management. For this campaign to gain traction, the involvement of municipalities across Ontario is vital. The Municipal Engineers Association is calling on municipal councils to assist these ongoing efforts to improve the Municipal Class Environmental Assessment process.

OGRA has distributed a draft resolution that was sent to all heads of council and municipal clerks in Ontario. That draft resolution is reflected in the above-noted recommendation. The impacts to City of London can be seen in the following table of recent MCEA's that have been subjected to PIOR's.

Recent Municipal Class Environmental Assessments with Part II Order Requests					
Project Name	City Division	Date of End of Public Comment	Ministry Received Order	Date Order cleared	Time Project Delayed
Sunningdale Rd.	Trans P&D	June 17, 2013	May/June 2013	Jan 2014	7 months
Sarnia Rd., E of Wonderland	Trans P&D	June 24, 2013	June 2013	Feb 2014	8 months
TVP north branch	Parks Planning	Sept 12, 2016	Sept 2016	April 2017	7 months
Blackfriar's Bridge	Trans P&D	Mar 30, 2016	Mar 16 & 29, 2016	April 19, 2017	13 months
Richmond St. Pedestrian Crossing	Trans P&D/ Parks Planning	Sept 9, 2016	Sept 2016	Outstanding	TBD

CONCLUSION

Civic administration fully supports the actions of provincial engineering and contracting associations such as; Municipal Engineers Association, Residential and Civil Construction Association of Ontario and the Ontario Good Roads Association, to work cooperatively with the Ministry of Environment and Climate Change to make continual improvements to the Municipal Class Environmental Assessment process.

PREPARED BY:	SUBMITTED BY:
TOM COPELAND, P.ENG. DIVISION MANAGER, WASTEWATER AND DRAINAGE ENGINEERING	SCOTT MATHERS, MPA, P.ENG. DIRECTOR, WATER AND WASTEWATER
RECOMMENDED BY:	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	