



Evolution of the MCEA: A Workshop to Improve this Vital Process

November 29, 2017
York Region, Richmond Hill, Ontario

MEETING NOTES

The Residential and Civil Construction Alliance of Ontario (**RCCAO**) and the Ontario Municipal Engineers Association (**MEA**) hosted a stakeholder workshop regarding issues and solutions related to Municipal Class Environmental Assessments. The MOECC accepted an invitation to attend and participate. See Attachment #1 for a list of attendees.

Introductory remarks were made by Andy Manahan of RCCAO and Paul Knowles of MEA.

The MEA thanked all participants for attending. Paul noted that the registration filled up quickly which demonstrates there is a high level of interest in reforming the MCEA process. The objective of the meeting was to obtain from the attendees what their key challenges are related to the MCEA process in order to inform the EA Reform process, and to validate from the attendees if the assumptions made by MEA are correct.

RCCAO provided an overview of their findings from a report commissioned in 2008 and published in 2009 regarding the MCEA process and the time it was taking to have projects "EA ready" to take advantage of infrastructure stimulus funding. With the recent funding announcement, there are renewed concerns again that there is inadequate time to complete studies and get decisions from the Minister on Part II Order Requests to take advantage of infrastructure funding.

Frank Zechner, consultant and counsel to RCCAO, provided a PowerPoint overview (Attachment #2) of recent developments and initiatives regarding the MCEA including the successful joint application under Section 61 of the EBR by RCCAO and MEA requesting reformation of the Class EA process. The request for the review was supported by the Environmental Commissioner of Ontario within a week of submission and granted by the MOECC in April 2017. It highlighted that delays in infrastructure delivery were impacting the quality of life for people in Ontario and the supply of housing. The MCEA is unique to Ontario, no other province in Canada has such a broad scope in environmental assessments. The MEA and RCCAO support the MCEA in principle but the Part II Order Request process is becoming ever increasingly longer. In 2010 it took 19 months + on average and in 2014, 26 months on average, to complete a MCEA study and time to address any Part II Order requests was in addition

to that. In 2005, an advisory panel made recommendations similar to those that the Attorney General outlined in 2016. Another of the key concerns is that the MOECC has made changes to the MCEA process without consulting the MEA.

MEA provided a short PowerPoint overview (Attachment #3) of the association's concerns and sought confirmation from the attendees that Part II Orders Requests and timely decisions are indeed an important issue. In the 1987 version of the MCEA, there were provisions that indicated the Minister had 45 days to render a decision and if no decision was provided, the proponent could proceed. MEA sees this as a practical solution, however over time the MOECC removed this provision from the MCEA process.

MOECC provided a PowerPoint overview (Attachment #4) of the changes at MOECC and the formation of the Environmental Assessment and Permissions Branch effective December 5, 2017. Through the new structure, regional offices will house drinking water and abatement staff in one office. Ministry staff are wanting to go back to first principles in their approach to planning. Over the summer they participated heavily in the Secretary's Round Table. The Ministry requested feedback from the attendees on engaging stakeholders in the process.

The participants broke into informal discussion groups to list the top challenges with the MCEA process and to discuss the consultation necessary for the MCEA reform process.

The key MCEA challenges were recorded and ranked into the top five as listed below. Refer to Attachment #5 for a full list and addition description.

1. Timely Part II Order Decisions
2. Clarification related to provincial initiatives such as Indigenous Community Consultation and Climate Change
3. Review of the Schedules
4. Coordination with other Acts
5. Schedule A & A+ Exemption from Part II of the EAA

Feedback regarding consultation by the Ministry on the MCEA reform process consisted of the following:

- General agreement that the consultative process followed for the province's Asset Management Regulation went well and MOECC should connect with their colleagues on the approach that was followed.
- Setting up an Advisory Committee was suggested.
- Workshop setting is good but suggested that regional meetings be held due to geographical constraints and/or using on-line forums.
- Solicit real examples of "what's happening" at the grass roots level to inform the

process.

- Suggested reaching out to other organizations to solicit input such as AMO, RPWCO, OGRA etc.

Scott Butler of OGRA issued a call to action to all proponents and offered his organization's assistance in crafting a Council resolution for distribution to all municipalities in Ontario in order to apply pressure on the Minister to speed up Part II Order Request decisions. He tied it back to the impacts on providing municipal infrastructure. Scott left copies of a "one-pager" (Attachment #6) that OGRA shared recently with the Minister at Queen's Park as an sample of the type of document that OGRA could help prepare which would accompany the resolution.

MEA and RCCAO closed out the day by thanking everyone for their participation and noted that PowerPoint presentations, notes and feedback from the meeting would be distributed to those who attended.

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Rank	Theme	Comments
1	Timely Part II Order Decisions	There is support for the “smart form” and a firm deadline for decisions as per the 1987 version of the MCEA whereby projects could proceed if a decision had not been provided within the defined timeframe.
2	Clarification related to provincial initiatives such as Indigenous Community Consultation and Climate Change	What are the expectations? What is adequate Indigenous consultation? Storm or drainage related projects are intended to address climate change. When asked about how the project addresses climate change, it appears to be a duplication of effort.
3	Review of the Schedules	Is dollar value really the most appropriate measure for determining which schedule to use?
4	Coordination with other Acts	Harmonize with Federal EA and the Planning Act. Eliminate “double jeopardy” i.e. ability to appeal under the Planning Act as well as a Part II Order request under the Ontario Environmental Assessment Act
5	Schedule A & A+ Exemption from Part II of the EAA	Provide certainty with respect to what is subject to Part II and provide clarity with respect to Schedule A and A+ being exempt.

Other	Clarify how to address Source Water Protection	Should there be a separate process?
	Streamline the amendment process for the MCEA	The process should be more agile.
	Communication	Improve communication among MEA members on changes to the MCEA. Address the notification requirements in the MCEA as print media is declining and there is a movement toward digital media.
	Conditions on Part II Order denials	Conditions should relate to the MCEA process and the Part II order request only
	Expiry of Studies	Extenuating circumstances such as economic conditions could lead to significant delays in implementation and expiry of the study
	Completeness of the study	Incomplete or substandard documentation leads to more time required to address Part II Order requests
	Scope of MCEA studies	MCEA studies are going into more depth, covering more topics and going to a detail design level which is more costly and delaying projects
	Coordination of recommendations and enforcement	Who is ensuring that the recommendations are being implemented according to the report?

