

# Update on Environmental Assessment Program Improvements & Municipal Class Environmental Assessment

MCEA Workshop

November 29, 2017

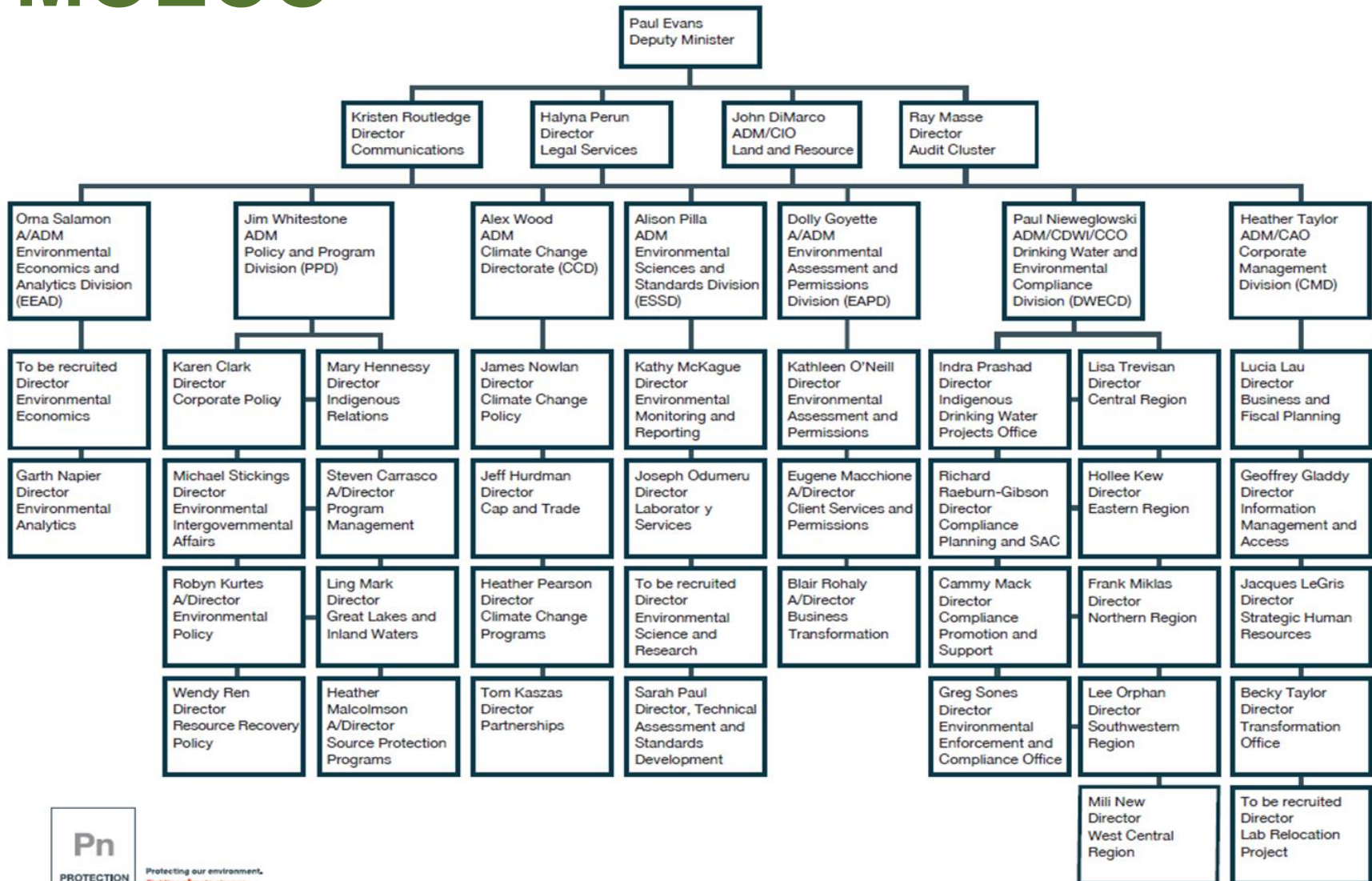
# Purpose

To provide an update on improvements to the Environmental Assessment (EA) program, specifically, the Municipal Class Environmental Assessment (MCEA), and to discuss:

- what the ministry has heard from stakeholders,
- recent improvements implemented by the ministry, and
- proposed next steps for continued improvement to the MCEA.



# New Organization Structure for MOECC



# What is Environmental Assessment?

## Core Purpose

- To provide for the protection, conservation and wise management in Ontario of the environment.

## Environmental Assessments Act (EAA)

- Planning process to ensure that potential negative environmental effects and alternatives are considered before a project proceeds.
- Provides the public and Indigenous communities with opportunities for participation.

## Class EA

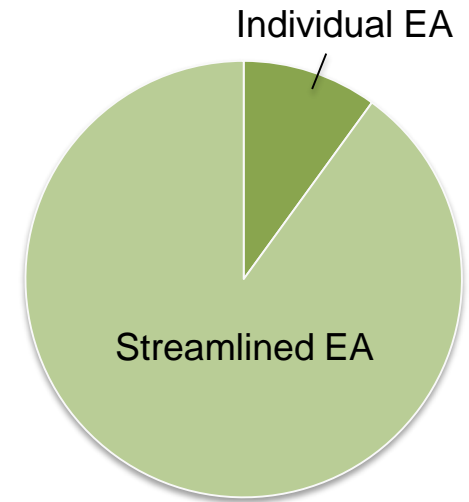
- Applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed.
- Provisions for Part II Order (bump ups) requests for a full EA.

## Municipal Class EA

- Allows streamlined decision-making process for many municipal infrastructure projects without individual EA.
- Class EA holder is Municipal Engineers Association (MEA).
- MEA Class EA sets out standardized planning procedure for those classes or groups of activities for which the Class EA holder is responsible.
- Approved by the Minister and Cabinet, last amended in 2015

# Current Class EA Process

- It is estimated that over 90 per cent of EAs follow a streamlined EA process and that the majority of those are municipal infrastructure projects.
- Parent Class EA documents are approved by Cabinet.
- Class EA holders, including MEA, are required to ensure the continued effectiveness and compliance of Class EA parent document.
- Persons with outstanding issues arising out of the streamlined EA process may request conditions be imposed on a project or that an individual EA be required through a Part II Order request.
- Minister has the decision-making authority for Part II Order requests.
- The EAA sets out the factors to be considered when deciding whether or not to make a Part II Order and require an individual EA.
- The EAA does not prescribe requirements to be met for submitting Part II Order requests.



# Background

The ministry has received **requests** and **recommendations** related to the EA program from:

- the Auditor General's Value-For-Money Audit Report: Environmental Assessments in November 2016,
- MEA and the Residential and Civil Construction Alliance of Ontario (RCCAO) through an Application for Review under the *Environmental Bill of Rights, 1993* (EBR) in February 2017, and
- the Development Approvals Roundtable Action Plan in November 2017.



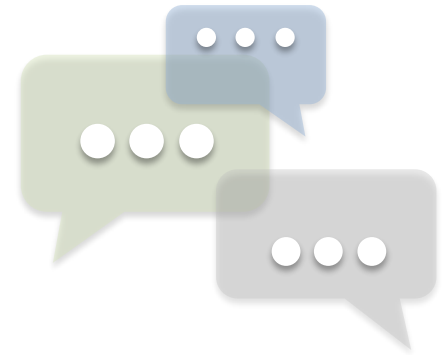
The ministry has made a **commitment** to:

- undertake actions to improve the EA program as outlined in the ministry's response to the Auditor General,
- review the requests from MEA and RCCAO outlined in their EBR Application for Review by December 2018, and
- undertake actions related to the EA program as outlined in the 14 point Development Approval Roundtable Action Plan.

# What We Have Heard

Several recurring themes have been raised, including:

- Improve alignment of environmental risk with level of assessment in Class EA information;
- Improve timeliness of EA process, including for:
  - Part II Order Request (bump-up) process, and
  - Class EA amendments;
- Increase transparency in EA process;
- Clarify ministry expectations and decision-making criteria;
- Improve accessibility to EA information;
- Identify additional guidance on emerging issues and those of importance (i.e. climate change, Indigenous Consultation, MCEA Companion Guide, etc.); and
- Improve alignment of regulatory processes and requirements (e.g., federal and provincial EA processes, EAA and the Planning Act, etc.).



\*Please see Appendix for the full list of Municipal Class EA program commitments.

# Ongoing EA Program Improvements

## IMPLEMENTED



- Greater clarity and detailed instructions on information requirements for proponents.
- Triage meetings with proponents at front end of review process to identify potential issues early and clarify review process/timelines.
- Meetings with Environmental Assessment Practitioner's Group on Class EA program improvements.

## IN PROGRESS



- Operational Policy on submissions of Part II Order requests.
- Standardized electronic smart form for Part II Order requests and mock-up of regulation to make use of the smart form mandatory.
- Create regional email addresses for proponents to improve consistency of EA notifications
- Provide/arrange for training/guidance for Class EA proponents and consultants, including guidance documents on climate change and Indigenous consultation.
- Increasing transparency through improving online access to EA information.
- Working with Class EA holders to review the risk criteria in their Class EA documents.



# Next Steps – Stakeholder Consultation

- The ministry will be conducting further stakeholder consultations on MCEA improvements:

***Question to MEA and RCCAO: Does this group support the idea of a consultation with key stakeholders and what would you like it to look like?***

- For questions regarding upcoming consultation, contact Adam Leus, Manager – Service Integration & Program Support Section at [adam.leus@ontario.ca](mailto:adam.leus@ontario.ca) or 416-314-7004.

# Appendix

Full List of Commitments to Improve Municipal Class EA

<b>Commitments to Improve MCEA</b>	<b>OAGO EA Audit</b>	<b>MCEA EBR Review</b>	<b>Development Approvals Roundtable</b>
<b>Post Part II Order Operational Policy to EBR for comment</b>	Yes	Yes (Review only)	Yes
<b>Review the Part II Order Process</b>	Yes	No	Yes (Review only)
<b>Delegation of Minister's Decision-making authority on Part II Order Requests</b>	No	Yes (Review only)	No
<b>Clarification of Activities/Projects subject to Part II Order Requests (Exemption regulation for A and A+ projects)</b>	No	Yes (Review only)	No
<b>Ensuring that Part II Order Requests are Bona Fide (i.e. to address perceived deficiency in EA process)</b>	No	Yes (Review only)	No
<b>Mandatory use of Part II Order Request Form</b>	No	Yes (Review only)	No
<b>Posting of Part II Order Requests and Decisions on the EBR</b>	No	Yes (Review only)	No
<b>Clarify the criteria for ministerial decision-making regarding public requests for a comprehensive assessment or a public hearing</b>	Yes (Review only)	No	No
<b>Review Municipal Class EA Schedules (Risk-based approach for requirements)</b>	Yes (work with Class EA holders to conduct review)	No	No

<b>Commitments to Improve MCEA</b>	<b>OAGO EA Audit</b>	<b>MCEA EBR Review</b>	<b>Development Approvals Roundtable</b>
<b>Timely responses from MOECC to amendments to Municipal Class EA</b>	No	Yes (Review only)	No
<b>Harmonization and integration of appeal and consultation processes under Municipal Class EA and Planning Act</b>	No	Yes (Review only)	No
<b>MOECC to participate in development of MCEA Companion Guide</b>	No	Yes (Review only)	No
<b>MOECC to develop guidance on Climate Change</b>	No	Yes (Review only)	No
<b>Consultation with Class EA holders to discuss: requirement to notify the ministry of streamlined EA projects; and where additional guidance is required</b>	Yes	No	No
<b>Exploring whether the Government Review Team Process could be expanded to support applicants for Class EA</b>	No	No	Yes
<b>Posting of EA information by proponents on EBR</b>	Yes (Review only)	Yes (Review only)	No
<b>Consult with stakeholders to determine which areas of the streamlined assessment process require further guidance to be provided</b>	Yes (Review only)	No	Yes (specific commitment to continued education and outreach with MCEA)