

## **MEMORANDUM**

To: Members of Committee of the Whole

From: Erin Mahoney, M. Eng.  
Commissioner of Public Works

Date: May 18, 2023

Re: Response to provincial assessment requirements for municipal infrastructure projects

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### **Province is considering changes to environmental assessment processes for municipal infrastructure**

The province recently released two consultations on the Environmental Registry of Ontario (ERO) related to the environmental assessment process. The first consultation included a proposed list of project types that would be subject to Comprehensive Environmental Assessments (formerly Individual Environmental Assessments); the proposed list does not include any anticipated York Region infrastructure projects. The other consultation was related to municipal infrastructure projects and considered whether the Municipal Class Environmental Assessment process should continue. The attached staff response (Appendix 1) was submitted by the May 9 deadline and indicated that any further Council comments would be submitted at a later date.

### **York Region experienced significant delays delivering projects under current process and modernization is required to meet growth targets**

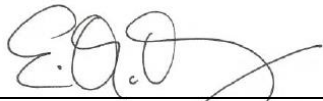
York Region has experienced significant delays in large infrastructure projects as noted in the staff response. Delays of this magnitude constrain delivery of servicing capacity and significantly increase the cost of infrastructure projects. The Province has set a target of 1.5 million homes to be constructed over the next 10 years and this scale of growth cannot be achieved without provincial approvals process certainty and predictable timelines.

## **Master planning and existing approval processes can be leveraged to mitigate many of the issues captured under environmental assessment**

Existing municipal and provincial approvals processes address and mitigate many of the same environmental issues identified through a Municipal Class Environmental Assessment. Municipal infrastructure is already reviewed through comprehensive Infrastructure Master Plans, which undergo public and Indigenous consultation. Project-level considerations like odour control and noise are addressed through Provincial environmental permitting processes.

Staff recommended in the response that the Municipal Class Environmental Assessment process be rescinded and that existing, proven municipal processes for infrastructure assessment and licensing be used. Staff will work with municipal advocacy organizations and the province to ensure that environmental issues continue to be identified and addressed in proportion to risks associated with the type of infrastructure and the location where it is being implemented.

Staff will continue to monitor policy proposals and decisions related to the Environmental Assessment process and have requested to be engaged in any further consultations with the province.



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Erin Mahoney, M. Eng.  
Commissioner of Public Works



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Bruce Macgregor  
Chief Administrative Officer

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Appendix 1: York Region Response – ERO 019-6693 – Evaluating municipal class environmental assessment requirements for infrastructure projects



Commissioner of Public Works

May 9, 2023

Ministry of the Environment, Conservation and Parks  
 Environmental Assessment Modernization Branch  
 Environmental Assessment and Permissions Division  
 135 St. Clair Ave. W.  
 Toronto ON M4V 1P5

Attention: Annamaria Cross, Director

Dear Ms. Cross:

**RE: York Region Response – ERO 019-6693 – Evaluating municipal class environmental assessment requirements for infrastructure projects**

York Region staff thanks the Ministry of the Environment, Conservation and Parks (the Ministry) for consulting on *Evaluating Municipal Class Environmental Assessment Requirements for Infrastructure Projects*. It is recommended the Ministry consider these comments in proceeding with requirements for municipal infrastructure projects.

**Environmental assessment needs to be modernized to achieve provincial target of 1.5 million homes**

While infrastructure development processes have shifted significantly over the last 50 years, the environmental assessment process has remained largely unchanged. York Region has experienced significant delays in large infrastructure projects ranging from five years (servicing strategies for City of Vaughan) to 13 years (Upper York Sewage Solutions Project before being withdrawn by the Ministry) for servicing areas with already approved growth.

Delays of this magnitude constrain delivery of servicing capacity to meet the needs of our growing communities and significantly increase the cost of infrastructure projects. The Province's target of 1.5 million homes cannot be achieved without delivery of municipal infrastructure in a timely manner. The environmental assessment process needs to be modernized to support timely and effective infrastructure delivery.

**Rescind Municipal Class Environmental Assessment in favour of existing municipal processes**

Municipalities have a responsibility to protect the environment and the interests of its residents and are already bound by rigorous planning processes and environmental compliance approvals. Specifically, municipal infrastructure is currently reviewed

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York Region Response – ERO 019-6693

Evaluating municipal class environmental assessment requirements for infrastructure projects

through existing municipal processes such as Official Plans and Infrastructure Master Plans.

Region staff recommend the Municipal Class Environmental Assessment process be rescinded and the existing, proven municipal processes for infrastructure assessment and planning be used. For greater clarity, rescinding Class Environmental Assessments must not result in any municipal infrastructure projects requiring a Comprehensive Environmental Assessment.

Staff support the project list for comprehensive environmental assessments proposed under the companion proposal ERO 019-4219. Directing nearly all municipal projects to existing municipal processes, strikes the right balance between protecting the environment and advancing critical municipal infrastructure.

### **Ministry must provide clarity and predictability through legislated timelines**

Firm and predictable timelines provide proponents the certainty required to deliver municipal infrastructure in a timely manner. As demonstrated with the Region's experience in implementing the [Supporting Growth and Housing in York and Durham Regions Act, 2022](#), leveraging existing municipal processes and approvals is the best way to achieve this goal. It is recommended that timelines to obtain provincial approvals be included in legislation and the Ministry have a legislated requirement to issue any conditions within 35 days of submission of the project report.

### **Continued municipal engagement is required to ensure consistent processes that provide certainty**

It is recommended that the Province engage with municipalities and municipal organizations to develop municipally led, consistent standards for undertaking municipal infrastructure projects. Region staff welcome the opportunity to participate directly in engagement related to municipal assessment requirements for infrastructure projects.

Due to short consultation timelines, staff were unable to confirm Regional Council support for these recommendations and will follow-up with any additional comments or feedback provided by Council.

If there are questions regarding these comments or further detail required, please contact Mike Rabeau, General Manager, Infrastructure Asset Management and Capital Delivery at [Mike.Rabeau@york.ca](mailto:Mike.Rabeau@york.ca)

York Region Response – ERO 019-6693  
Evaluating municipal class environmental assessment requirements for infrastructure projects

Sincerely,

*Original signed*

Erin Mahoney, M. Eng.  
Commissioner of Public Works  
The Regional Municipality of York

cc      Bruce Macgregor, CAO, The Regional Municipality of York  
         Serge Imbrogno, Deputy Minister, Ministry of the Environment, Conservation and Parks  
         Lisa Trevisan, ADM, Environmental Assessment & Permissions Division (MECP)  
         Ross Lashbrook, Senior Manager EA Modernization (MECP)  
         Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing  
         Caspar Hall, ADM, Local Government Division (MMAH)  
         Sean Fraser, ADM, Planning and Growth Division (MMAH)  
         Paul Freeman, Chief Planner, Corporate Services (York Region)  
         Laura Mirabella, Commissioner of Finance and Regional Treasurer (York Region)

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