

Environmental Assessment Act, 1990

AMO'S SUBMISSION TO THE MINISTRY OF ENVIRONMENT, CONSERVATION
AND PARKS

**Environmental Registry of Ontario – ERO 019-7891
March 14, 2024**

Executive Summary

AMO appreciates the opportunity to provide comments on new regulations to focus municipal environmental assessment requirements.

The environmental assessment (EA) process is important to help identify and resolve potential environmental problems before actual environmental damage occurs, for the betterment of Ontarians. It does this by ensuring alternatives for planning that consider environmental factors are taken in account along with consulting impacted communities.

It is widely acknowledged by municipalities that they build in many of these key elements in their planning processes, along with having to comply with different environmental compliance requirements that can make environmental assessments an unnecessary burden for straight forward infrastructure projects and, add time to getting projects built.

In addition, municipalities will need to build historic amounts of housing-enabling infrastructure in support of the Province's goal to build at least 1.5 million houses by 2031. And, changes to help streamline the municipal class environmental assessments processes can help to reduce red-tape while continuing to focus environmental checks and balances in the right place.

Comments

AMO welcomes the proposal. The proposal responds to AMO recommendations that changes should shorten timeframes for evaluation, lower requirements for routine matters to expedite low risk projects, while ensuring that public input into significant projects is invited.

AMO agrees that developing a focused list of significant projects that would require an environmental assessment is a better practice and supports the approach. Many of the lower-risk projects that have been identified as not requiring an environmental assessment are straightforward and municipalities have built significant capacity and experience, for example municipal Official and Master Planning processes to continue to consider alternatives or generate input, while also meeting key provincial environmental, community and health approvals as part of their planning processes. However, there are further implementation details that AMO would like to see.

Implementation Considerations

Municipalities are subject to many different planning or compliance frameworks when moving through planning to building. To support the shared goal of improving processes that will expedite housing growth in a sustainable way it is important that changes made in one area of planning do not inadvertently impact another area that could become a barrier for municipalities.

To support coordinated implementation AMO encourages the Ministry to leverage staff expertise from sector organizations such as the Municipal Engineers Association (MEA) and the Regional Public Works Commissioners of Ontario (RPWCO) to refine technical aspects of the proposed regulation and ensure alignments are made in other planning frameworks if implemented, for example expropriation or other permitting processes that streamline them, to avoid any unintended consequence of removing environmental assessments that could create new timing barriers for planning and implementing infrastructure.

While AMO appreciates the need to streamline processes it is important that the proposed process not disadvantage or put risks on municipalities. With regards to revoking EA requirements for private sector developers AMO encourages the Ministry to work with municipalities on further scoping requirements to avoid any risks that might arise, for example creating unfair advantages to developing larger communal water systems between municipalities and private developers or risks presented to municipalities of not having EAs for those types of projects if led by private developers.

Finally, AMO encourages that the Ministry work with Ministry partners including the Ministry of Indigenous Affairs to provide detailed guidance to municipal governments to enable municipalities to appropriately consult with Indigenous partners, including financial supports, so that municipal projects receive timely input.

Conclusion

The proposed changes will help municipalities build critical infrastructure – like roads, sewers, and water systems – by removing red tape for low-risk, straight-forward projects, saving municipalities time and costs. Proposed changes strike the right balance between municipal construction expediency and environmental protections by continuing to require environmental assessments for complex, higher-risk municipal projects like water/wastewater treatment plants. However, the Ministry needs to work with municipalities and key partners to further scope details around revoking EAs for private developers, how it will coordinate the proposal across other planning and compliance frameworks, and supports for consulting Indigenous communities to make sure a new process can be implemented in a responsible way that meets housing and other development goals.