

May 24, 2019

Sharifa Wyndham-Nguyen  
Client Services and Permissions Branch  
135 St. Clair Avenue West, 1<sup>st</sup> Floor  
Toronto, ON M4V 1P5

**Re: Modernizing Ontario's Environmental Assessment Program  
(ERO 013-5101 & 013-5102)**

Dear Ms. Wyndham-Nguyen:

The Region of Peel appreciates the opportunity to provide comments on the Ontario government's proposed changes to its environmental assessment program (ERO postings 013-5101 & 5102). The Region has a history of advocating for Environmental Assessment (EA) reform, including changes to the EA process, and welcomes the Province's engagement of stakeholders on the matter.

Over the next decade, the Region is set to deliver \$6 billion of infrastructure (water/wastewater, waste management, transportation) to support the growth forecasted for Peel. The proposed reforms will help to ensure this infrastructure is delivered on time in a way that balances environmental protection with fiscal realities.

It is expected that a report including these staff comments will be brought to Regional Council in June for endorsement. A copy of the report and Council resolution will be forwarded to Ministry staff for further consideration at that time.

**EARLY ACTIONS**

The Region supports the proposal to exempt from the EA process projects that are truly low-risk and have negligible environmental impacts (e.g., paved bike path). It is recommended that the criteria to assess the level of risk include impacts to public health (e.g. air quality). This would ensure any project with low environmental risks that result in moderate public health risks are rightfully included in the EA process.

With respect to the proposal to consider some medium risk projects as low-risk, the Region requires additional information regarding EA criteria for low risk projects before providing comment.

Regional staff supports proposals to improve the timeliness of Part II order decisions. In addition to the actions identified in the discussion paper, the Region has in the past proposed measures that support timeliness. These include: delegating authority to the Director, a nominal fee for Part II requests, and limiting Part II requests to those who have made public comments on the project.

## VISION

### **a) Aligning Assessment Levels with Risk**

Regional staff generally supports exempting low risk projects by aligning the assessment level with a project's level of risk. This includes support for a list that sets out projects subject to an individual or class EA. For the Region, waste management projects that demonstrate controlled, mitigated or low risk environmental impacts should not be included on this list. Also, construction costs should not be the criteria to trigger an EA. In urban areas, construction costs can be significant, yet environmental impacts can be minimal. As the Province moves forward with the development of the project list, there should be consultation with stakeholders to provide an opportunity to review and provide input.

### **b) Eliminating Duplication between EA and Other Planning Processes**

Regional staff also supports an evidenced-based approach to eliminating duplication and streamlining between the EA and other planning process. Coordination between EA and Planning Act approvals could be possible where properly documented environmental impacts and public consultation are handled through planning applications. The Region also supports the 'one-project-one review' process for federal and provincial EA processes. A comparison of both processes (federal and provincial for individual class EAs) should be conducted and combined into one, and where overlap exists, the stricter requirements should be selected.

### **c) Finding Efficiencies in the EA Process**

The province's proposals on finding efficiencies in the EA process is shared by the Region. Setting appropriate timelines for EA reviews will ensure a faster review process, less delays, and ultimately improve the coordination of a one-window approach for Government agencies (e.g. conservation authorities) that rely on the EA process to determine whether subsequent approvals are required. These agencies would also have fewer EAs to review if low risk projects do not require an EA.

The Region also supports steps that help improve EA review timelines. In addition to reducing timelines for municipal wastewater projects, MECP should consider reducing timelines for municipal waste management upgrade projects aimed at increasing efficiency. In cases where some processes are not clearly streamlined, having a single point of contact with MECP staff during the EA process could help reduce the timelines of projects. This would allow detection of a proponent lacking proper documentation or inadequate public consultation early in the process rather than waiting for the EA to be completed or Part II orders to be submitted.

While the Region supports streamlining processes to improve timeliness and finding efficiencies, there are concerns that public health matters may be overlooked. Any efforts to streamline processes should consider possible unintended consequences and should keep both public health and environmental protection at the forefront.

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## CONCLUSION

The Region is interested in continuing to engage your ministry as it moves forward with EA reform and welcomes opportunities for ongoing dialogue. Should you have questions or require more information, please contact me.



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