

Committee of the Whole (1) Report

DATE: Tuesday, May 2, 2023

WARD(S): ALL

TITLE: **CONSOLIDATED LINEAR INFRASTRUCTURE PERMISSIONS FOR SEWAGE COLLECTION AND STORMWATER MANAGEMENT PROJECTS**

FROM:
Zoran Postic, Deputy City Manager, Public Works

ACTION: DECISION

Purpose

This report provides an overview of the recent changes to the *Ontario Water Resources Act, 1990* relating to sewage collection and stormwater management infrastructure approvals. This report also seeks confirmation that the Director of Environmental Services, or designate, shall act as the Owner Representative of the City of Vaughan's municipal sewage collection system and municipal stormwater management system. Finally, this report seeks approval to expand the applicability of fees within By-law 010-2023 to better align with the above-mentioned changes to the *Ontario Water Resources Act, 1990*.

Report Highlights

- The Ministry of the Environment, Conservation and Parks (MECP) has adopted a Consolidated Linear Infrastructure (CLI) Permissions Approach to replace the previous Environmental Compliance Approval framework in Ontario.
- Municipalities are now responsible for providing approvals for low-risk publicly owned municipal sewage collection and stormwater management projects on the MECP's behalf through the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) Program.
- The CLI-ECA Program is mandatory and is intended to create a more efficient approval process, enhance environmental protection, reduce processing timelines, and provide clear, transparent, and consistent requirements across all municipalities in Ontario.

Recommendations

1. That Council confirm the Director of Environmental Services, or designate, shall act as the Owner Representative of the municipal sewage collection system and municipal stormwater management system; and
2. That By-law 010-2023 be amended to expand the applicability of the existing service charges in Schedule “L-2” and Schedule “L-3” to include the review of municipal sewage collection system alterations and the review of municipal stormwater management system alterations.

Background

The *Ontario Water Resources Act, 1990* provides for the conservation, protection, and management of Ontario’s waters and for their efficient and sustainable use to promote Ontario’s long-term environmental, social, and economic well-being.

The *Ontario Water Resources Act, 1990* focuses on the protection of both groundwater and surface water throughout the Province, regulates sewage discharge, and prohibits the discharge of polluting materials in or near water that may impair water quality. Permits to take more than 50,000 liters of water per day from ground or surface water sources are regulated under the *Ontario Water Resources Act, 1990*. Additionally, well construction, operation and abandonment and the approval for both sewage works and water works are captured under *Ontario’s Water Resources Act, 1990*.

In Ontario, Section 53 of the *Ontario Water Resources Act, 1990* previously required municipalities and developers to obtain an Environmental Compliance Approval (ECA) to use, operate, establish, alter, extend, or replace new or existing sewage works.

Historically, the Province had relied on a direct submission approval framework under the *Ontario Water Resources Act, 1990* that was often referred to as a “project-by-project” or “pipe-by-pipe” approach. Through the prior framework, municipalities were required to conduct a thorough engineering review of the proposed infrastructure design and submit an application to the MECP for review and approval for every public stormwater infrastructure and sewage collection project completed. Under this approach, the MECP issued approximately 700 decisions each year for non-complex sewage collection and stormwater management infrastructure, most frequently serving new housing and commercial developments.

The MECP acknowledged that municipalities and developers spend significant time and resources preparing and submitting individual ECAs for non-complex, routine alterations that make up a part of the municipality's sanitary collection and stormwater works. The MECP also recognized that many of these approvals were out of date, and this "pipe-by-pipe", piecemeal approach did not allow for a holistic view of a municipality's wastewater and stormwater systems.

Over the last decade, the Province has tried to streamline approvals by permitting participating regions and municipalities to review and recommend approval of an Environmental Compliance Approval Application for eligible projects through the Transfer of Review Program (TOR).

In October 2017, the MECP enhanced and expanded the TOR program and encouraged increased participation by area municipalities having organizational structures that meet the requirements under the TOR Program. The benefits of the TOR Program included:

- Increased review efficiency of ECAs, allowing the MECP to focus resources on more complex applications;
- Improved timelines of issuing such ECAs to allow better municipal planning and an expedited development process;
- Reduced overlap between municipal and MECP approval processes; and
- Municipalities able to ensure proper design and construction of sewerage works.

Council approved the City's participation in the MECP's TOR Program on March 4, 2019.

Previous Reports/Authority

[Ministry of Environment, Conservation and Parks Transfer of Review Program Agreements for Administration and Delegation of Responsibility](#)

Analysis and Options

The Province has now adopted the Consolidated Linear Infrastructure Environmental Compliance Approval Program to replace the previous Environmental Compliance Approvals framework for low-risk projects related to municipal sewage collection and stormwater management.

The purpose of the CLI-ECA Program is to consolidate certain municipal sewage works approvals into: (i) a single CLI-ECA for a municipality's sanitary collection works and, (ii) a single CLI-ECA for a municipality's stormwater management works. All infrastructure identified in the CLI-ECAs will be subject to updated and standardized MECP requirements. As a result, some older infrastructure will be subject to new and additional requirements. Also, certain future alterations to the infrastructure will be pre-authorized based on new (updated) MECP design criteria. The CLI-ECA Program includes three primary components:

- All existing ECAs are now replaced by one consolidated approval for the municipal sewage collection system and one consolidated approval for the municipal stormwater management system;
- The above mentioned CLI-ECAs can be amended to include new sewage collection and/or stormwater management infrastructure that meets or exceeds the MECP's design criteria. Amendments to the CLI-ECA may be approved by the municipality without having to obtain individual MECP permission; and
- The above mentioned CLI-ECAs detail system-wide operations, maintenance and monitoring requirements.

Under the consolidated process, a municipality no longer needs to submit individual "pipe by pipe" applications for future alterations provided they are built in accordance with new design criteria and all other MECP approved conditions. These pre-authorizations allow municipalities to proceed without first having to obtain an individual approval from the MECP. With municipal approval, developers who are constructing sewage collection and stormwater management infrastructure on behalf of municipalities can receive pre-authorization if work is being carried out in accordance with the requirements of the municipality's CLI-ECAs, including meeting MECP design standards.

The Consolidated Linear Infrastructure Environmental Compliance Approval Program was modeled after the existing permissions framework for municipal drinking water systems, which had been introduced to improve service delivery and public transparency.

Consolidation of approvals is not a new concept within the MECP and has been a key component of the Municipal Drinking Water Licensing Program (MDWLP) since 2009. The MDWLP also successfully introduced the concept of pre-authorization of future works which allows system owners to make certain changes without the need to apply to the MECP for each alteration.

This new pre-authorization approach is expected to enhance environmental protection by establishing a more holistic picture of where sewage collection and stormwater management infrastructure is located across the Province.

Expected benefits of the CLI-ECA approach include:

- Creating an efficient and timely approval process for low-risk sewage collection and stormwater management projects;
- Enhancing environmental protection through a holistic approach to managing wastewater and stormwater which could help support effective environmental policy and planning decisions; and
- Standardizing operation, maintenance, and monitoring requirements across the City.

It is also important to recognize that the CLI-ECA Program has put new compliance requirements on the City including the need to:

- Develop an internal process to carry out the requirements of the CLI-ECAs and respond to potential Provincial audit requests to demonstrate compliance;
- Update design standards to include Low Impact Development (LID) measures to achieve the new enhanced level of stormwater control that are being mandated by the MECP;
- Develop operating procedures for routine inspections, maintenance and monitoring of sewage collection and stormwater management infrastructure; and
- Provide annual compliance reporting on the City’s sewage collection and stormwater management systems to the Province and the Public.

Financial Impact

Schedules “L-2” and “L-3” of the City’s Fees and Charges By-law (By-law 010-2023, as amended) include fees for the review of sanitary sewer addition/alteration and storm sewer addition/alteration, respectively. To align the applicability of the above noted existing fees with the broader scope of the CLI-ECA Program, the following amendments to the City’s Fees and Charges By-law (By-law 010-2023, as amended) are required:

Schedule	Item	Service	Fee*	HST*
“L-2” Wastewater Service Charges	J	<i>Current:</i> Review of Sanitary Sewer Addition/Alteration	\$3,982 per application	Exempt

		<i>Amendment:</i> Review of Municipal Sewage Collection System Alteration		
"L-3" Stormwater Service Charges	G	<i>Current:</i> Review of Storm Sewer Addition/Alteration <i>Amendment:</i> Review of Municipal Stormwater Management System Alteration	\$3,982 per application	Exempt

* No amendment required.

In response to the anticipated new requirements under the CLI-ECA Program, Environmental Services established two capital projects as part of the 2023 budget process to initiate the following mandated transition activities:

Transition Activity	MECP Mandated Completion Date
Development of a Source Water Protection Plan in collaboration with York Region and the local area municipalities	December 2023
Development of a design standard for Stormwater Management (SWM) Facility signs with MECP-required content and implementation at all SWM facilities within the City	May 2025
Development of an enhanced Operations and Maintenance Manual for the City's municipal sewage collection system and municipal stormwater management system	November 2025
Development of a Monitoring Plan that aligns with the MECP's anticipated Monitoring Guidance document	November 2025
Development of an enhanced Outlet Inspection Program for over 200 stormwater management facilities and over 1,000 outlets to receivers	October 2026
Creation of a Storm Sewer Catchment Asset Inventory	October 2027

At this time, no further resources are required to initiate the above-mentioned transition activities. Should further resources and/or support be required to fully implement the CLI-ECA Program and/or achieve compliance with the MECP's requirements, those requests will be captured through the City's annual budget and business planning process.

Operational Impact

Development Engineering, Infrastructure Delivery, Infrastructure Planning and Corporate Asset Management, Legal Services, Parks Infrastructure Planning and Development, and Policy Planning and Special Programs were consulted prior to the MECP's issuance of the City's finalized CLI-ECAs for the City's municipal sewage collection system and stormwater management system. An outreach and engagement session was also facilitated by Development Engineering with the development community to provide information on the new consolidated approach and ensure an efficient and timely transition.

Development Engineering will continue their role as the primary contact for the development community. Under the new CLI-ECA Program, Development Engineering will complete an initial review to confirm specific criteria and submit confirmation of the same to Environmental Services. Environmental Services will then conduct an operational review, sign the MECP Record of Future Alteration forms as the Owner Representative, maintain records of alterations, and implement any other compliance processes necessary to support and comply with the CLI-ECA Program.

While the CLI-ECA pre-authorization process will cover most alterations of the sewage collection and stormwater management systems, any alterations that do not meet the pre-authorization conditions of the CLI-ECA Program and MECP design criteria will require a direct ECA application submission to the MECP for review and approval.

Broader Regional Impacts/Considerations

All local area municipalities within York Region are required by the Province to transition to a CLI Permissions Approach for low-risk municipal sanitary collection and stormwater management projects.

Conclusion

An ECA is required under Section 53 of the *Ontario Water Resources Act, 1990* to use, operate, establish, alter, extend or replace new or existing sewage works. The MECP has adopted a CLI Permissions Approach for low-risk projects related to sewage collection and stormwater management, with a goal of getting low-risk public infrastructure projects built sooner by reducing the time it takes between project identification and construction.

Under the consolidated process, a municipality no longer needs to submit individual “pipe by pipe” applications for future alterations provided they are built in accordance with the MECP’s design criteria and all other MECP approved conditions. These pre-authorizations will allow municipalities to proceed without first having to obtain an individual approval from the MECP. With municipal approval, developers who are constructing infrastructure on behalf of municipalities can receive pre-authorization if work is being carried out in accordance with the requirements of the municipality’s CLI-ECAs.

For more information, please contact: Emilie Alderman, Director, Environmental Services, ext. 6116.

Attachments

1. Environmental Compliance Approval for the City of Vaughan Municipal Sewage Collection System (ECA Number: 011-W601; Issue Number: 1).
2. Environmental Compliance Approval for the City of Vaughan Municipal Stormwater Management System (ECA Number: 011-S701; Issue Number 1).

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