

Clause 18 in Report No. 12 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 20, 2018.

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Ministry of Environment, Conservation and Parks
Transfer of Review Program
Agreements for Administration and Delegation of Responsibility

Committee of the Whole recommends adoption of the following recommendation contained in the report dated August 17, 2018 from the Commissioner of Corporate Services and Chief Planner:

1. The Chief Administrative Officer be authorized to execute the Transfer of Review program agreement with the Minister of Environment, Conservation and Parks.
2. The Chief Administrative Officer be authorized to execute an agreement to delegate the Transfer of Review program responsibilities in relation to stormwater infrastructure within the Lake Simcoe watershed to the Lake Simcoe Region Conservation Authority.
3. This report be circulated to the local municipalities, the Lake Simcoe Region Conservation Authority, and the Toronto and Region Conservation Authority.

Report dated August 17, 2018 from the Commissioner of Corporate Services and Chief Planner now follows:

1. Recommendations

It is recommended that:

1. The Chief Administrative Officer be authorized to execute the Transfer of Review program agreement with the Minister of Environment, Conservation and Parks.

2. The Chief Administrative Officer be authorized to execute an agreement to delegate the Transfer of Review program responsibilities in relation to stormwater infrastructure within the Lake Simcoe watershed to the Lake Simcoe Region Conservation Authority.
3. This report be circulated to the local municipalities, the Lake Simcoe Region Conservation Authority, and the Toronto and Region Conservation Authority.

2. Purpose

The Transfer of Review (Review) program permits municipalities to review and recommend approval to the Ministry of Environment, Conservation and Parks (Ministry) of applications for Environmental Compliance Approval (ECA) for eligible sewage works. This report recommends that York Region execute agreements to expand the works eligible under the program and delegate certain stormwater management infrastructure to the Lake Simcoe Region Conservation Authority (LSRCA).

3. Background

The Ministry of Environment, Conservation and Parks has requested the Region sign an agreement to reflect the administration of the Existing Transfer of Review program

Certain activities regulated under the Environmental Protection Act and the Ontario Water Resources Act require approval from the Ministry. The approval is called an Environmental Compliance Approval, which is formerly known as a Certificate of Approval.

Under the Review program, participating municipalities complete an administrative and technical review of Environmental Compliance Approval applications, and prepare a letter of recommendation to the Ministry. The Ministry's signing Director then issues the approval. Only applications for sewage works (including stormwater works) that have low technical complexity and a low potential for significant environmental or public health impacts are eligible to be processed under the program. The Region has been participating in the program to provide the technical review of Environmental Compliance Approval applications since 1978.

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The Ministry has now requested that York Region sign an agreement that outlines responsibilities for administration of the Review program, including permissions for additional infrastructure to be included under the program, and the ability to delegate the Region's review obligations to LSRCA for certain stormwater management works once the agreement is signed by York Region. Aside from those additional permissions, and the added ability to delegate review of certain applications to LSRCA, the Review program agreement and supporting documentation provided by the Ministry simply formalizes the current practice of the Region in respect of the existing Review program.

4. Analysis and Implications

The Agreement would permit an expanded list of works for Regional review and faster environmental approvals by the Ministry

By signing the agreement with the Ministry, the Region is able to include an expanded list of sewage works in the Review program. Attachment 1 provides a summary of the sewage works currently permitted for review by the Region, and the expanded list of works that would be permitted once the Review program agreement is signed by the Region.

Under the agreement, once the Region has reviewed and recommended approval, the Ministry will endeavour to issue an approval within 30 business days from the date of receipt of a complete Environmental Compliance Approval application. If the Region did not participate in the Review program, the timelines associated with the Ministry's review would be approximately six months or longer. Without having the initial technical review undertaken by Regional staff, additional time would be required by Ministry staff before an approval could be issued. Other benefits include increased review efficiency of ECA applications thereby allowing the Ministry to focus resources on more complex and higher risk applications, reduced overlap between municipal and Ministry approval processes, ability for municipalities to ensure proper design and construction of sewage works, and informed municipal data sets.

With an agreement in place, the Ministry permits some review functions to be delegated to the Lake Simcoe Region Conservation Authority to advance the Lake Simcoe Phosphorus Offsetting Program

In September, 2017 the LSRCA launched an offset program to help reduce phosphorus entering Lake Simcoe. To support the pilot program and encourage participation by developers, the Ministry is permitting participating municipalities within LSRCA's jurisdiction to delegate review functions for certain stormwater

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management works to the LSRCA. Currently there is no option for the Region to delegate review functions for stormwater management works to the Toronto and Region Conservation Authority.

Delegation of certain review functions to the Lake Simcoe Region Conservation Authority will improve efficiencies in the approval of stormwater management works

The LSRCA currently reviews stormwater management infrastructure as part of the planning application review process. LSRCA has the necessary staff expertise and is receptive to review ECA applications for municipal and other private work projects in relation to stormwater infrastructure such as storm sewers and stormwater management facilities. The Ministry has provided a sample agreement for the delegation of York Region's Review program responsibilities in relation to stormwater infrastructure to the LSRCA. A separate agreement with the LSRCA is necessary because the Review program agreement provides that all Environmental Compliance Approval applications reviewed by LSRCA must meet certain terms and conditions. The delegation will help reduce overlap between municipal, LSRCA and Ministry approval processes, and improve timelines of issuing Environmental Compliance approvals, thereby avoid delays to construct stormwater management works.

5. Financial Considerations

The Ministry has an Environmental Compliance Approval application fees directive which establishes the fees and provides that where the responsibility for reviewing the application has been transferred to a municipality, the Environmental Compliance Approval application fees are payable to the municipality. The cost of York Region's administration of the Review program is only partially covered by Environmental Compliance Approval application fees. Currently, the amount of fees that comes from ECA applications is approximately \$67,700.00 per year. With additional works, excluding those which would be handled by LSRCA, the additional fees are expected to be approximately \$22,000.00 per year. Therefore, the total ECA application fees would be approximately \$89,700.00. With the reduction of duplication of work, there is also a time savings which can be spent on the review of more development applications in a shorter time. This could result in York Region receiving more review fees.

For stormwater works, LSRCA is expected to collect approximately \$25,600.00 yearly fees for applications falling within their delegated responsibility.

6. Local Municipal Impact

The City of Markham and the Town of Richmond Hill are participating municipalities under the Review program. As such, York Region does not perform the Review program review function in respect of those two municipalities. Recently, the Ministry has approached other local municipalities to participate in the expanded Review program, and the Town of Aurora and Town of Newmarket have recently executed the agreements with Ministry and LSRCA. York Region will continue to review applicable ECA applications in each of the five non-participating municipalities, and will delegate the stormwater review function for four of those municipalities that are within LSRCA jurisdiction.

Local Municipal Participation in Environmental Compliance Approval Application Review

Participating Municipalities	Non-participating Municipalities
Town of Aurora ¹	Town of East Gwillimbury ²
City of Markham	Town of Georgina ²
Town of Newmarket ¹	Township of King ²
Town of Richmond Hill	City of Vaughan
	Town of Whitchurch-Stouffville ²

Notes:

¹ Town of Aurora and Town of Newmarket have recently signed program agreements

² Within or partly within LSRCA jurisdiction

7. Conclusion

Execution of the Review program agreement would permit an expanded list of sewage works to be reviewed by the Region and delegation of review for certain stormwater works to LSRCA will increase efficiencies in the review of Environmental Compliance Approval applications. These agreements will reduce overlap between the municipal and Ministry approval process and reduce timelines for approval by Ministry.

For more information on this report, please contact David Mhango, Manager, Development Engineering at 1-877-464-9675 ext. 77533.

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The Senior Management Group has reviewed this report.

Recommended by:

Recommended by:

Paul Freeman, MCIP, RPP
Chief Planner

Karen Whitney, MCIP, RPP
Director, Community Planning and
Development Services

Recommended by:

Approved for Submission:

Dino Basso
Commissioner of Corporate Services

Bruce Macgregor
Chief Administrative Officer

August 17, 2018

Attachment (1)

#8801520

Accessible formats or communication supports are available upon request

**York Region Current & Proposed Ministry of Environment, Conservation and Parks
Transfer of Review Program for Sewage Works**

Sewage Works Allowed under the Review Program	York Region CURRENT Arrangement with MECP	York Region UPDATED Agreement with MECP	Proposed Delegated Review to LSRCA
<u>Standard Works Allowed</u>			
1. New or modified, municipal or private sanitary sewers, forcemains or siphons that are not combined sewers and do not discharge directly to sewage treatment plant	Yes	Yes	No
2. New or modified, municipal or private sanitary sewage pumping station that do not discharge directly to sewage treatment plant	Yes	Yes	No
3. New or modified, municipal or private storm sewers, ditches, culverts and grassed swales	Yes	Yes	Yes
4. New or modified, municipal or private oil/grit separators	No	YES	Yes
<u>Additional Works Allowed</u>			
5. Rehabilitation of combined sewers where there is no increase in combined sewage overflow	No	YES	No
6. Stormwater Management Facilities providing stormwater quantity control only (dry ponds)	Yes	Yes	Yes
7. Stormwater Management Facilities providing stormwater quality and quantity control (wet pond, wetlands, hybrid ponds)	No	YES	Yes
8. Stormwater pumping stations	No	YES	No
9. Low Impact Development Measures	No	YES	Yes
10. Rooftop, surface and underground stormwater storage	Yes	Yes	Yes

Notes:

- MECP means Ministry of Environment, Conservation and Parks
- **YES** (italics, bold) means Changes from Current
- Non-participating municipalities: Town of East Gwillimbury, Town of Georgina, Township of King, City of Vaughan, and Town of Whitchurch-Stouffville
- Only LSRCA is eligible for the delegation by the Region or municipalities. Currently, TRCA is not eligible to participate as a third party reviewer
- Non-participating municipalities within or partly within LSRCA jurisdiction: Town of East Gwillimbury, Town of Georgina, Township of King, and Town of Whitchurch-Stouffville