



Staff Report for Committee of the Whole Meeting

Date of Meeting: October 4, 2023

Report Number: SRIES.23.002

Department: Infrastructure and Engineering Services
Division: Infrastructure Planning and Development Engineering

Subject: **SRIES.23.002 – Provincial Legislative Changes to the Consolidated Linear Infrastructure Environmental Compliance Approval Process and Delegated Authority**

Purpose:

To provide Council with an update regarding the new Consolidated Linear Infrastructure Compliance Approval (CLI-ECA) process legislated by the Province, and to seek Council approval to delegate signing authority for “system owner representatives” as it pertains to CLI-ECA approvals for the City’s drinking water, wastewater and stormwater management systems.

Recommendation(s):

- a) That Staff Report SRIES.23.002 be received for information; and
- b) That Council delegate signing authority to the Manager of Water Resources, Director of Infrastructure Planning and Development Engineering, and the Executive Director of Infrastructure and Engineering Services as it pertains to applications and approvals for the City’s drinking water, wastewater and stormwater management systems under the Province’s Consolidated Linear Infrastructure Compliance Approval process (CLI-ECA).

Contact Person:

Jeremy Wychreschuk, Manager of Water Resources, Infrastructure Planning and Development Engineering Division

Report Approval:

Submitted by: Paolo Masaro, Executive Director of Infrastructure and Engineering Services

Approved by: Darlene Joslin, City Manager

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All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Background:

Wastewater and stormwater management infrastructure in Ontario is governed by Provincial legislation.

Since the 1970's, the Environmental Protection Act and the Ontario Water Resources Act have required anyone planning to engage in an activity that will release contamination or pollutants to the environment to obtain an environmental approval from the Ministry of Environment, Conservation and Parks (MECP). This includes approval for the construction and operation of wastewater (also known as sanitary) and stormwater management infrastructure owned and assumed by Ontario municipalities.

For decades, the Province provided these approvals, known as an Environmental Compliance Approval (ECA), for each individual piece of infrastructure such as a pump, stormwater pond or section of sewer pipe.

The Province of Ontario has updated legislation to advance low risk public infrastructure projects more quickly by reducing the time it takes to review and approve applications.

The MECP has updated the Environmental Protection Act and modernized its approach to environmental approvals for wastewater and stormwater infrastructure with a system-wide approach for each municipality with the aim to make the program more accessible, flexible and efficient. The newly legislated process initiated by the Province is the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA), which has been created for wastewater and stormwater management systems. The goal of the new CLI ECA process is to advance low risk public infrastructure projects more quickly by reducing the time it takes to review and approve applications by the Ministry. Instead of fragmented environmental approvals for individual infrastructure components, the entire City wastewater and stormwater management systems are each governed under one Provincial approval, requiring updates when new infrastructure is added or existing infrastructure is altered.

Richmond Hill's CLI ECA has been finalized and is ready to be implemented.

Staff developed the City-wide stormwater and wastewater models in support of the CLI ECA process. Staff submitted the CLI ECA application for wastewater and stormwater systems to MECP by the Provincial deadline in January 2021, and have been working closely with MECP staff to finalize the approval for the City. The new ECA documents were issued to the City on June 20, 2023.

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While the new CLI ECA Process will provide efficiencies in the overall Environmental Compliance Approval process, additional responsibilities and processes will be downloaded to the City

The transition to the new ECA review and approvals process is required for all Ontario municipalities and will add efficiencies in the overall provincial approval process for infrastructure delivered through both new development and capital programs.

Under the old process, the City was required to submit individual applications to the MECP for additions or alterations to individual components of the wastewater and stormwater management systems. The new process will now allow this infrastructure to be approved by the City provided it is constructed in accordance with new design criteria and meets all other Ministry approved conditions. Since the vast majority of the City's infrastructure alterations generally meet the Provincial requirements, this pre-authorization will allow for more timely approvals for development and City capital projects. Other benefits with the new CLI ECA approach include:

- Creation of an efficient approval process for low risk projects.
- Clear, transparent and consistent requirements to obtain an ECA that can be controlled and administered directly by the City.
- Improved environmental protection through updated and consolidated terms and conditions for the approvals.

However, at the same time, the new process will download a number of new requirements, responsibilities, and tasks to the City, including:

- Annual reporting requirements to the Province of changes to the City systems and management activities.
- Requirements to assess the impact of each new infrastructure addition or alteration on the City's overall systems (which will be conducted using the City's newly developed stormwater and wastewater computer models).
- Tracking of operation and maintenance activity.
- Enhanced inspection and monitoring program requirements.
- Providing notifications to the MECP Director as infrastructure alterations are completed and
- Providing public access to annual system performance information.

Although some of the above tasks are already being conducted by City staff in some capacity as part of the current Provincial legislation, level of effort required by City staff to meet the new responsibilities is expected to significantly increase.

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A delegation of signing authority is required to approve applications under the new CLI ECA process

The CLI ECA is managed and administered by staff from the Infrastructure Planning and Development Engineering Division within Infrastructure and Engineering Services.

As part of this new process, The MECP requires a number of forms and documents be signed by a City representative as a “system owner representative” for each infrastructure addition or alteration approval request. To ensure timely processing of approvals and efficiency within the process, it is recommended that Council delegate this signing authority to management staff within the City that are involved in overseeing this process, including the Manager of Water Resources, Director of Infrastructure Planning and Development Engineering, and the Executive Director of Infrastructure and Engineering Services.

The Province also has a similar ECA-type system in place for drinking water infrastructure additions or alterations, where a system owner representative is required to provide a signature for certain forms. Currently, these forms are signed by staff within the Public Works Operations and Infrastructure Planning and Development Engineering Divisions. With the new CLI ECA process for wastewater and stormwater infrastructure now in place, it is appropriate to now consolidate these signing authorities under one area of the organization (Infrastructure and Engineering Services) with the same-delegated authorities as mentioned above.

Financial/Staffing/Other Implications:

There are no financial implications with this request for delegated authority to sign as the system owner representative.

For consideration at a later date and due to the greater responsibility required by the City for the management and administration of the new CLI ECA process, additional staff will be required to keep the process efficient and timely. There are a number of new staff requests that are required to support the legislative changes and CLI-ECA process introduced by the MECP, which are intended to be submitted for consideration through the City’s 2024 and future Operating Budget processes.

Relationship to Council’s Strategic Priorities 2020-2022:

The discussion in this staff report is about a new environmental approval process for wastewater and stormwater management infrastructure for new development and City capital projects. This directly supports two Council Strategic Priorities (2020-2022) as described below.

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- Balancing Growth and Green: The environmental approvals of water, wastewater and stormwater management infrastructure supports new development in Richmond Hill while protecting or enhancing the natural environment that can allow for a balance between development and continued environment sustainability.
- Fiscal Responsibility: The efficient management and administration of environmental approvals of water, wastewater and stormwater management infrastructure for new development and City capital projects relates to the financial sustainability of both systems, as it ensures sound design of this infrastructure with the most up-to-date knowledge, which translates to fiscal responsibility.

Climate Change Considerations:

Climate change is expected to impact the City's wastewater and stormwater management systems in a number of different ways in the future. The efficient management and administration of environmental approvals of this infrastructure for new development and City capital projects will allow for the City's systems to be designed and constructed such that the expected future risks are reduced.

Conclusion:

The Province is modernizing its approach to environmental approvals for wastewater and stormwater infrastructure with a system-wide approach for each municipality in Ontario. The new ECA review and approvals process is required for all municipalities, and although it will add efficiencies in the approval process for new development in Richmond Hill and City capital projects, the new process will also add new responsibilities and work to City staff.

In order to ensure process efficiencies and timely approvals, staff recommend that Council delegate this signing authority to the management staff involved in overseeing the CLI-ECA process, the Manager of Water Resources, Director of Infrastructure Planning and Development Engineering, and the Executive Director of Infrastructure and Engineering Services.

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Report Approval Details

Document Title:	SRIES.23.002 – Consolidated Linear Infrastructure Environmental Compliance Approval Update and Delegated Authority.docx
Attachments:	
Final Approval Date:	Sep 13, 2023

This report and all of its attachments were approved and signed as outlined below:

Paul Guerreiro on behalf of Dan Terzievski - Sep 13, 2023 - 9:27 AM

Paolo Masaro - Sep 13, 2023 - 9:29 AM

Darlene Joslin - Sep 13, 2023 - 10:48 AM