



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Kate Sapozhnikova, Senior Water Resources Engineer

DATE: June 1, 2023

REPORT NO.: TPW-2023-009

SUBJECT: Implementation of new Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) Regulations by the Ministry of the Environment, Conservation and Parks (MECP) for Stormwater Infrastructure

RECOMMENDATION:

THAT Report No. TPW-2023-009, dated June 1, 2023, regarding the Implementation of New Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) Regulations by the Ministry of the Environment, Conservation and Parks (MECP) for Stormwater Infrastructure, be received;

AND FURTHER THAT Council authorizes staff to update the User Fee By-law to include new fees as noted in Appendix A in this report to support the new CLI-ECA process;

AND FURTHER THAT Council authorizes the CAO to designate the Director of Development Engineering and the Senior Water Resources Engineer as appointees for the Municipal Approval of the Alterations under Schedule D of the CLI-ECA #328-S701;

AND FURTHER THAT staff analyze the potential resource implications of the new CLI-ECA process and any associated budget requests be forward to the Budget Committee for consideration as part of the 2024 budget process;

AND FURTHER THAT once the MECP provides the monitoring program requirements, staff will report back to Council confirming the requirements of the monitoring program including any potential impacts to the Town's budget (as required) and any associated budget requests be forward to the Budget Committee for consideration as part of a future year (2025 or 2026) budget process;

AND FURTHER THAT once the required monitoring program is established and

implemented, staff provide Council an annual update on the results of the monitoring program.

KEY POINTS:

The following are key points for consideration with respect to this report:

- The Town of Halton Hills municipal stormwater infrastructure currently includes more than 200 km of storm sewers, 300 outlets to the natural environment, and 126 different types of stormwater facilities. The system will continue to grow in size and complexity through new development and infrastructure renewal.
- In 2020, the Ministry of the Environment, Conservation, and Parks (MECP) introduced a new process named Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA). This replaced the Transfer of Review Program established in 2018, which the Town of Halton Hills was a participant.
- The intent of the CLI-ECA legislation is to reduce initial review and approval timing for low-risk Town-led and developer-led projects.
- The new CLI-ECA process results in a significant transfer of authority from the MECP to the Town of Halton Hills as the final approval agency for wastewater infrastructure related to stormwater.
- The CLI-ECA legislation introduces new responsibilities for the Town related to the stormwater system design, approval, construction, assumptions, monitoring, operation, and maintenance. These new responsibilities are expected to have an impact on the Town's resources.
- The CLI-ECA process requires a new robust database and reporting system for all existing and new stormwater management (SWM) infrastructure and the forthcoming monitoring programs which need to be easily accessible for the MECP based on their requirements.
- A new fee structure will be required to ensure an appropriate level of cost recovery for Town efforts associated with the implementation of the CLI-ECA #328-S701.
- The Town's CLI-ECA permit is expected to be finalized by the end of June 2023.

BACKGROUND AND DISCUSSION:

Over the years, the Town's municipal stormwater management system has grown significantly in both size and complexity. The associated approval requirements have also evolved significantly (refer to Appendix B for details on the environmental approval processes and requirements).

The new system of wastewater (stormwater) environmental compliance, namely the CLI-ECA was first introduced by the MECP in 2020. It includes one ECA permit to cover the entirety of the municipally owned system to replace the previous pipe-by-pipe approval approach and removes the need for Ministry approval for low-risk, routine

works on municipal infrastructure. Note: CLI-ECA does not apply to privately owned SWM ponds/infrastructure.

Municipalities were strongly encouraged and invited by the Ministry to apply for a new CLI-ECA in 2022. If a decision was made to not apply, the municipalities would be in a position of major non-compliance with the current environmental standards. Note: Infrastructure built before 1970 is considered to be in a non-compliance state, due to the following reasons:

1. It was not constructed to the current standards; and
2. It does not have a formal environmental approval.

The Town submitted an application for the CLI-ECA permit on July 14, 2022. A draft CLI-ECA #328-S701 was issued by the MECP, and the permit conditions are currently under review by the Town. It is expected that the permit will be finalized by the end of June 2023.

According to the Town's records collected in 2022 as part of the application, the Town's Stormwater Management (SWM) System consists of the following:

- more than 200 km of Storm Sewer Infrastructure (STM);
- more than 20 km of open drainage conveyance swales and channels;
- 16 dry SWM ponds;
- 34 wet SWM ponds including one Regional Control SWM pond;
- 17 flood conveyance channels (FCC);
- approx. 300 direct outlets to the environment;
- 1 superpipe (over-sized pipe for storage);
- 1 underground storage facility;
- 28 manufactured treatment devices, 27 of which are Oil-Grit Separator (OGS) units and 1 Oil-Grit Separator Filtration (OGSF) unit;
- 2 online flood storage areas; and
- 126 different types of other SWM facilities including Low Impact Development (LID) features including but not limited to filter beds, bioswales, soakaway pits, permeable pavement, and one green roof.

The Town's system is expected to grow as recently constructed facilities are assumed, new development applications are approved, and capital projects are completed.

During the preparation of the application to the MECP, many internal gaps in the information were identified (refer to Appendix C).

When CLI-ECA#328-S701 comes into force, the Town will be responsible for receiving, reviewing, and approving all planned low-risk stormwater works for both internal (Town) and Developer-led SWM applications.

To implement CLI-ECA#328-S701, a mandatory transition of Environmental Compliance Approvals from the MECP to the Town will result in changes of the internal processes summarized in Table 1.

Table 1. Potential Impacts from the CLI-ECA implementation.

Tasks	New Requirements	Departments Impacted
Administration	<p>This is a new internal operational requirement to maintain records and create a new database (including GIS) of the proposed additions and alterations of the municipally owned stormwater system.</p> <p>Includes new business and intake process for applications, filling Direct Notification Forms and Pre-Authorization Forms under Schedules C and D of the CLI-ECA, including GIS updates, as well as maintenance of the current information related to the infrastructure.</p>	<ul style="list-style-type: none"> - GIS - Development Engineering (sub-division agreements modifications) - Engineering and Construction - Communications - Recreations and Parks
Review and approval of the low risk SWM works	Facilitate review, approvals and records management of the stormwater management infrastructure.	<ul style="list-style-type: none"> - Development Engineering - Asset Management
Post-construction inspections	<p>One of the permit conditions is a prescribed inspection program. Modification of the Town's existing inspections programs will be required, including an increase in frequency, scope, administration, documentation, and annual reporting.</p> <p>For example, all stormwater management facilities (as described above), and any outlets (approximately 300 outlets) that discharge to a receiving waterbody, are to be inspected and results documented at least once before December 31, 2026.</p>	<ul style="list-style-type: none"> - Public Works - Engineering and Construction - GIS - Development Engineering
Monitoring	The Ministry is planning to release a new mandatory Monitoring Guideline, that will change the existing Town's stormwater infrastructure monitoring program. It is expected to include regular water sampling, specific monitoring activities, reporting, and potentially rehabilitation activities (long term).	<p>To be determined.</p> <p>Note: there is currently no formal monitoring program that would address</p>

	For example, the Ministry will require an establishment of the monitoring methodology, including the frequency and protocols for sampling, analysis, and recording, with consideration of dry and wet weather events and timing of sampling during wet weather events.	the expected MECP requirements. Inspections and monitoring are completed by Public Works, Engineering & Construction and Development Engineering
GIS updates	The Ministry is seeking access to the Town's GIS systems for live information to support the approved works. There is a strict deadline for the information to become available in GIS format (12 months after putting the infrastructure into servicing).	<ul style="list-style-type: none"> - GIS - Engineering and Construction - Development Engineering
Fees	<p>The current fee schedule established by the Ministry as part of the Transfer of Review program will be discontinued once the CLI-ECA is finalized.</p> <p>Therefore, each municipality will be required to establish a new set of specific fees to cover the expenses related to the new CLI-ECA processes (provided in Appendix A).</p>	<ul style="list-style-type: none"> - Development Engineering - Finance - Communication

On average, the Town currently processes two (2) to four (4) ECA applications per year. However, with Vision Georgetown and Premier Gateway Phase 1B and 2B development approvals advancing, and the new land allocations for future development, this number is expected to increase significantly to six (6) to ten (10) applications per year. New infrastructure constructed through the Town's capital works program will also require permits. Note: that under the new program the review and approval process is more onerous as one application may include multiple facilities, whereas under the previous transfer of review program each application typically included only one facility.

In 2020 a new position, Senior Water Resources Engineer, was established to provide the required internal expertise on the water resources and assist with the environmental approvals process related to the stormwater under the MECP 2018 Transfer of Review Program. Based on the conditions of the draft CLI-ECA #328-S701 through the new MECP process, the Town needs to formally appoint an appropriate staff position(s) as approval leads. To satisfy this requirement, it is recommended that the Director of Development Engineering and the Senior Water Resources Engineer be designated as appointees for the Municipal Approval of the Alterations under Schedule D of the CLI-ECA #328-S701.

At this time, the full extent of the resources and expertise required for the monitoring and reporting processes of the new ELI-ECA are not fully understood. Staff will be able to analyze these impacts once the ELI-ECA permit is finalized, and the monitoring requirements have been published by the MECP. Based on current understanding of the CLI-ECA permit, it is not expected that the current staff compliment within Transportation and Public Works Department will not have sufficient capacity to fully incorporate the CLI-ECA requirements within their work programs. Staff will analyze the potential resource implications of the new CLI-ECA process and any associated budget requests will be forward to the Budget Committee for consideration as part of the 2024 budget process.

Once the MECP provides the monitoring program requirements, staff will report back to Council confirming the requirements of the monitoring program including any potential impacts to the Town's budget (as required) and any associated budget requests be forward to the Budget Committee for consideration as part of a future year (2025 or 2026) budget process. In future years when the monitoring program is established, staff will provide the Council with an annual update on the results of the monitoring program.

Town staff have reviewed the report prepared by the Municipal Stormwater Discussion Group (MSDG) (Appendix A) to support the CLI-ECA framework. The fees identified by the MSDG were established based on a time recovery strategy. At this time, staff do not have sufficient data to conduct a detailed time recovery assessment to establish our initial fee structure. The proposed initial fees were based on those establish by other municipalities within Ontario. It is expected that the fees collected will not cover the initial creation of the program or long-term administration. However, the fees are expected to allow cost recovery for the review of new applications and for updating our databases accordingly. Fees will be further assessed in the future as the program becomes more established and staff fully understand the costs of providing this service.

Evaluation of the impact of the CLI-ECA conditions on the Town's internal processes, interactions between different departments and CLI-ECA fees will be confirmed once the system is established.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report impacts and/or helps address climate change and the Town's resiliency through climate adaptation.

CLI-ECA process has the potential to help the Town to understand and improve performance of the existing stormwater management related infrastructure. Once established, it will help to mitigate the impact of climate change.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

There was a series of the related internal consultation since the following departments may be affected:

1. Planning & Development
2. Transportation & Public Works (Development Engineering, Engineering & Construction, Public Works)
3. Corporate Services (Finance, GIS)

Internal consultations will be ongoing.

FINANCIAL IMPLICATIONS:

This report has the potential to require funding in a future budget year and therefore needs to be referred to budget committee for tracking purposes.

Reviewed and approved by,

Jeff Jelsma, Director of Development Engineering

Bill Andrews, Commissioner of Transportation & Public Works

Chris Mills, Chief Administrative Officer