

Appendix B

History of the wastewater (stormwater) environmental approval processes in Ontario.

1. Prior to 1974.

No formal environmental approval requirements.

2. 1974 – 2018.

The municipal stormwater system requirements evolved significantly since the 1970s with the evolution of the SWM criteria in Ontario. For example, dry stormwater management ponds were first introduced in 1980th in addition to sewers and ditches. Later, wet SWM pond design criteria were developed, and now there is a big push for the low-impact development (LID) of SWM components as part of the system. This led to an increased number of elements in the wastewater system – municipal stormwater infrastructure.

The formal environmental protection requirements and standards for sewage works (including stormwater infrastructure) were established in the late 1970s through the *Certificate of Approval* (CofA, CA, etc.) under an umbrella of the Ontario Environmental Assessment Act (EAA) (1975) and the Ontario Water Resources Act (OWRA) (1974) for specific activities related to sewage works. This legislation established the first requirements for the development from a stormwater management perspective and laid the groundwork for the formal approval process in Ontario. The Ministry of the Environment (MOE), as the legislative authority, was responsible for the review and approval of the stormwater management systems.

CofA would typically be issued for a new system containing sewers and outlets to the natural environment by the MOE to a developer before construction. When the sub-division was finally assumed by the municipality, the CofA would be transferred by the MOE to the municipality at their request as the new asset owner.

After the introduction of the Environmental Protection Act (EPA) (1990) and the Ontario Water Resources Act (OWRA) (1990), the name of the approval was changed from CofA to Environmental Compliance Approval (ECA) without any changes to the approval process.

In brief, the original process (late 1970 – 2018) included limited municipal involvement as the review and approval was administered by the MOE.

3. 2018- June 2023.

In 2018, the Ministry of the Environment, Conservation, and Parks (MECP) introduced a Transfer of Review Program (TofR). The Town of Halton Hills signed an agreement with the MOECP on August 28, 2018 (TOR-HTH-E14-2028-29).

This new system shifted responsibilities to the *municipality to review and submit applications* to the MECP on behalf of developers when the future SWM system will be later transferred to the municipal ownership. The approval power, however, remained with the MECP as the MECP remained the approval agency with the power to issue an ECA and apply specific conditions.

To cover municipal expenses associated with the review and submission of the applications on behalf of the developers, the MECP established a fee system under s. 179.7 of the EPA.

4. June 2023 – onwards.

In 2021, a new environmental compliance approval system under section 20.3 of Part II.1 of the EPA and Ontario Regulation 208/19 was introduced in Ontario. It is called the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) process as a single approval for the entire municipal stormwater management system.

The new system allows pre-authorization process to be established by the ministry for works to be done in accordance with the agreement between the municipality and the property developer. The pre-authorization conditions will apply to modifications and alterations to the existing municipal system that have a minimal environmental risk and a predictable outcome. This process is identical to what was established by the Ministry for the Municipal Drinking Water Licensing Program in 2009.

Here is a link to Questions and Answers dated 2020:

<https://prod-environmental-registry.s3.amazonaws.com/2020-01/Consolidated%20Linear%20Infrastructure%20Questions%20and%20Answers%20-%20January%202020.pdf>

Details of the new program can be found here:

https://municipalengineers.on.ca/files/workshop_presentations/2019/8.%20Wed%20Azz%20Ahmed%20ECA.pdf

The Ministry issued a guide to applying for the first CLI-ECA. Details can be found here:

<https://prod-environmental-registry.s3.amazonaws.com/2021-03/Guide%20to%20Applying%20-%20First%20Consolidated%20Linear%20Infrastructure%20ECA.pdf>

The CLI-ECA approach will:

1. Create an efficient review/approval process for low-risk projects;
2. To bring the existing infrastructure that does not have any formal approvals (aka all infrastructure constructed before 1975) into compliance with the current legislative requirements;
3. To reduce the burden on the Ministry by removal of pipe-to-pipe approvals.
4. To achieve a consistent approach across the province by establishing the Minimum Design Criteria for the SWM design; and
5. To enforce standard conditions across the province by introducing new monitoring requirements (yet to be available for review).

The future CLI-ECA will be specific on the Town's responsibilities:

1. The Owner shall ensure that, at all times, the Sewage Works comprising the Authorized System and the related equipment and Appurtenances used to achieve compliance with this Approval are properly operated and maintained.
 - 'Properly operated and maintained" includes effective performance, adequate funding, adequate operator staffing and training, including training in applicable procedures and other requirements of this Approval and the EPA, OWRA, CWA, and regulations, adequate laboratory services, process controls, and alarms and the use of process chemicals and other substances used in the Authorized System.
2. Comply with all sampling, testing, monitoring, and reporting requirements under the EPA and this Approval that relates to the Authorized System.