

## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Bill Andrews, Director of Engineering

**DATE:** September 4, 2018

**REPORT NO.:** TPW-2018-0028

**RE:** Ministry of Environment, Conservation and Parks Transfer of Review Program Participation

### **RECOMMENDATION:**

THAT Report No. TPW-2018-0028, dated September 4, 2018, regarding the Ministry of the Environment, Conservation and Parks (MECP) Transfer of Review Program Participation, be received;

AND FURTHER THAT Council approves the Town of Halton Hills' participation in the Ministry of Environment, Conservation and Parks Transfer of Review Program;

AND FURTHER THAT Council authorizes staff to enter into an agreement between the with the Ministry of Environment, Conservation and Parks for the purpose of participation in the Transfer of Review Program;

### **BACKGROUND:**

In November 2017, the MECP contacted Halton Region to inform them of the Ministry's Transfer of Review (TOR) Program updates. In January 2018, Halton Region notified the Town of Halton Hills of the forthcoming changes to the program including the impact on the Region's ability to conduct reviews for the local municipalities. In February 2018, Town staff contacted the MECP to express interest in participating in the Ministry's Transfer of Review (TOR) Program. The MECP is actively seeking further participation from municipalities not currently engaged in the TOR Program to improve current wait times for approval. The program allows municipalities to conduct, on behalf of the Ministry, administrative and technical review of environmental Compliance Approval (ECA) applications for a defined range of sewage works - specifically storm water conveyance sewers, stormwater management works, retention pond facilities and Low Impact Development (LID) measures. This transfer of review program pertains to the Town's storm water engineering projects within the Development Engineering and Design & Construction Sections of Transportation & Public Works.

This voluntary program was implemented in 1978 to create efficiencies in the review of environmental approval applications and improve timelines for issuing such approvals.

Under the existing TOR Program, Halton Region has been undertaking the ECA reviews for the Town's stormwater related infrastructure. Under the updated program, Halton Region will no longer have the authority to undertake ECA reviews for the Town's stormwater related infrastructure.

Under the updated TOR Program, partner municipalities and the Ministry enter into an agreement (Refer to Appendix A), which allows qualified/designated municipal professional engineers to conduct, on behalf of the Ministry, the administrative and technical review of ECA applications for a defined range of sewage works. For the Town of Halton Hills, this would apply to all storm water sewer projects engineered by the Town's Development Engineering and Design & Construction Sections within Transportation and Public Works. Upon satisfactory review of an ECA application, the municipality would submit the completed ECA application package, together with an approval recommendation, to the Ministry for final approval. The program recognizes that the municipality assumes ownership of these sewage works and is consequently highly involved in the development process to ensure that the works are accurately designed and constructed. Improved approval timelines and certainty under the program enables municipalities to plan their infrastructure investments better.

The ministry intends to migrate all participating municipalities to the updated agreement by **October 1, 2018**. This means that all old TOR agreements would cease to be valid and would be considered revoked by that date. All participating municipalities must have an updated agreement signed by said date for continued participation. If an agreement for participation in the TOR Program is not executed with the Ministry, all Town projects/infrastructure requiring an ECA would require a direct submission to the MECP for review and approval. This would significantly increase the time required for approvals to be obtained.

#### **COMMENTS:**

Participating in the Transfer of Review program would allow the Town of Halton Hills to review and recommend the approval of ECA applications within the Development Engineering and Design & Construction for all engineering projects. Completing the review internally would reduce standard wait times currently experienced by submitting all documents to the Ministry office for review. Participation in the Transfer of Review program could reduce MECP approval wait times by over 50%, thus, improving the Town of Halton Hill's customer service to the development community and our ability to deliver capital projects in a timely manner.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

The recommendations of this report directly support the following Strategic Directions, Goals and Objectives of the Town of Halton Hills Strategic Plan:

H. Provide Sustainable Infrastructure & Services:

H.1 To provide infrastructure and services that meets the needs of our community in an efficient, effective and environmentally sustainable manner.

H.2 To ensure that infrastructure required for growth is provided in a timely manner.

H.4 To partner with other orders of government, and the private sector, to plan and finance infrastructure expansion and improvements.

### **FINANCIAL IMPACT:**

There is no financial impact related to this report.

However, the Town will have the authority to collect the fee in respect of an application in accordance with section 9 of the Minister's Requirement for Fees made under s.179.1 of the Environmental Protection Act (EPA).

### **CONSULTATION:**

Staff, together with the Town of Milton, Town of Oakville and the City of Burlington, have been engaged with Halton Region to coordinate the transition of the TOR Program for municipally owned stormwater related infrastructure.

Staff have consulted the MECP to express the Town's interest in participating in the TOR Program and to clarify the scope and intent of the TOR Program.

Staff have consulted with the Town Clerk to confirm the required authority to execute the Ministry's agreement.

Staff have engaged the services of Helsons LLP to undertake a legal review of the Ministry's agreement prior to final execution by the Town. At the time this Report was prepared, the results of the legal review were not available. Staff do not anticipate any significant issues to arise from this review.

### **PUBLIC ENGAGEMENT:**

Public Engagement is not applicable at this time.

### **SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not applicable to the Strategy's implementation.

### **COMMUNICATIONS:**

Communications is not applicable at this time.

**CONCLUSION:**

Staff recommends that Council approves this report to authorize staff to execute an agreement with the Ministry of Environment, Conservation and Parks to participate in the Ministry's Transfer of Review Program.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "C. Mills", with a long horizontal stroke extending to the right.

**Chris Mills, Commissioner of Transportation and Public Works**

A handwritten signature in black ink, appearing to read "Brent Marshall", written in a cursive style.

**Brent Marshall, CAO**