

SCHEDULE C

MUNICIPAL REVIEW OF APPLICATIONS AND LETTERS OF RECOMMENDATION

The Professional Engineer is required to review Environmental Compliance Approval application information against the “Design Guidelines for Sewage Works 2008 (PIBS 6879e)” (<http://www.ontario.ca/environment-and-energy/design-guidelines-sewage-works>) and “Stormwater Management Planning and Design Manual, March 2003 (PIBS 4329e)” (<http://www.ontario.ca/environment-and-energy/stormwater-management-planning-and-design-manual>), as applicable.

The “Guide to Applying for an Environmental Compliance Approval” (<https://www.ontario.ca/document/guide-applying-environmental-compliance-approval>) also provides guidance, which can be used to assist with the review and preparation of draft Environmental Compliance Approvals.

In general, it is necessary to comply with Ministry guidelines, unless there are valid technical reasons why the guidelines cannot be met. Consequently, the applicant is required to document how the proposed design will achieve the intended purpose of the guidelines. The Professional Engineer will be required to use discretion and apply best professional engineering judgment based on his/her experience to make a decision on the acceptability of the applicant’s design. The Professional Engineer will be required to document his/her evaluation and decision-making process in the Letter of Recommendation regarding the Environmental Compliance Approval application review to the Ministry Director.

For example, there are circumstances when the required 2.5 meters minimum horizontal separation distance between sewers and watermains cannot be achieved as set out in “Guideline F-6 Sewer and Watermain Installation: Separation Distance Requirements (PIBS 0629e)” (<https://www.ontario.ca/environment-and-energy/f-6-sewer-and-watermain-installation-separation-distance-requirements>) and “Procedure F-6-1 Procedures to Govern Separation of Sewers and Watermains (PIBS 0629e01)” (<https://www.ontario.ca/environment-and-energy/f-6-1-procedures-govern-separation-sewers-and-watermains>). In this example, documentation will be required to support the recommendation if an alternative design is determined to be technically acceptable.

Letter of Recommendation

The Letter of Recommendation from the Municipality to the Ministry needs to be signed by the Professional Engineer(s) that meet the criteria in Section 11 of the Agreement. This letter is required to document the Professional Engineer’s technical evaluation of the application information and provide a recommendation to the Ministry as to whether to issue an Environmental Compliance Approval. A recommendation to issue the Environmental Compliance Approval must be based on conformance of the application information with all applicable Ministry requirements and guidelines. Alternatively, the Letter of Recommendation must document the decision-making process used to determine that the project is technically acceptable.

The Letter of Recommendation is required to include the following:

- i. confirmation that the design of the proposed sewage works is in accordance with the Ministry “Design Guidelines for Sewage Works 2008” and/or that the design of the proposed stormwater management works is in accordance with the Ministry’s “Stormwater Management Planning and Design Manual 2003” and meets the Ministry requirements established during the pre-application consultation process or other consultation as necessary;
- ii. confirmation that the requirements of the *Environmental Assessment Act*, the *Environmental Bill of Rights* and/or the Duty to Consult have been met or that they do not apply;

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- iii. confirmation that the required fees were received by the Municipality, along with the total amount of fees received;
- iv. for drainage works under the *Drainage Act*, confirmation that approval of the petition under the *Drainage Act* has been obtained, as applicable;
- v. for works to be constructed on land that is not owned by the applicant, proof of consent from the owner of the land, allowing the construction of the works on the land;
- vi. for stormwater works that discharge to a location or to works that are not owned by the applicant, proof of consent from the owner of the receiving works;
- vii. confirmation that the local Ministry District Office has been contacted if required and any issues raised have been addressed including requirements concerning Indigenous notification and consultation;
- viii. if clearance from local Conservation Authority is required, confirmation that clearance was obtained [Note: if formal approval from the local Conservation Authority is not required it is strongly recommended that applicants consult with the local Conservation Authority, particularly on stormwater related applications to determine if they have any concerns with the project. If the project does not occur within the boundary of a Conservation Authority, consultation with the local Ministry of Natural Resources and Forestry (MNRF) office is recommended];
- ix. if the sewage works is a significant drinking water threat, confirmation that the works have been reviewed by the Municipality in accordance with the Clean Water Act, 2006 and the applicable policies of the local Source Protection Plan. The review has determined that the activity will no longer pose a significant threat to drinking water as a result of the measures identified by the proponent and with appropriate terms and conditions, if approved;
- x. a recommendation with respect to the issuance of the Environmental Compliance Approval; and
- xi. confirmation that the review engineer did not design the works that he/she reviewed as well as confirmation that review engineer is an employee of the Municipality and their PEO licence number.

With respect to item (i) above, for all stormwater works applications, the Professional Engineer must include in their Letter of Recommendation a description of the water quality and quantity criteria that were established for the project and that agreement on the criteria was obtained from relevant agencies (e.g. municipal, CA). In addition, the Professional Engineer must also confirm that all necessary water quality and quantity controls designed for the project are all to be constructed and put into operation within the same timeframe.

If the applicant intends to delay the construction of part of the works that are necessary to provide required water quantity or quality control but whatever works are constructed will be put into operation then these applications cannot be submitted under the program unless interim water quantity and/or quality control measures are provided. For example, if a new planned subdivision requires both conveyance piping and stormwater quantity and quality control via a detention pond, the applicant cannot operate the conveyance piping without the pond also being in place or, at a minimum, interim measures to provide suitable quantity and/or quality control.

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It is for this reason that the Ministry may include conditions in the approval that require the approval holder to notify the Ministry when the approved works have been constructed and/or put into operation.

Please note that the Ministry may remove a participating Municipality from the program if it is discovered (through an audit) that its applicants are routinely delaying or not constructing approved works.

A copy of the Letter of Recommendation is to be sent to the applicant by the participating municipality. It is the participating Municipality's responsibility to notify the applicant when the Environmental Compliance Approval application documentation has been sent to the Ministry.

A sample letter is provided in the Ministry document "Transfer of Review Letter of Recommendation Template" that accompanies the TOR agreement when issued to the Municipality and can also be requested from the Ministry.