

SUBJECT: Authority to Enter into Transfer of Review Agreement with the Ministry of the Environment and Climate Change

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RECOMMENDATION:

- 1) That the report titled “Authority to Enter into Transfer of Review Agreement with the Ministry of the Environment and Climate Change” be received; and,
- 2) That Council authorize the Mayor and Clerk to enter into a Transfer of Review Agreement with the Ministry of the Environment and Climate Change (“Ministry”); and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek authority from City Council for the Mayor and Clerk to enter into a Transfer of Review Agreement with the Ministry in order for the City to be able to continue to participate in the Ministry’s Transfer of Review (TOR) Program and review planned sewage works associated with third-party land development projects carried out by developers, and capital projects carried out by the City.

BACKGROUND:

The TOR Program is a voluntary program that was initiated by the Ministry in 1978 to create efficiencies in the review of environmental approval applications for sewage works and shorten timelines for issuing such approvals by eliminating overlaps between municipal and Ministry approvals processes.

The City has been reviewing planned sewage works under the Ministry’s TOR Program for a number of years. The Ministry is now implementing updates to the Program to create more efficiencies, address previously identified issues, and broaden the program. The updates will include:

- Establishing a formalized signed agreement with the Municipality;
- Establishing clear roles and accountability;
- Adding clarity to the eligibility of sewage works covered under the Program;
- Providing minimum quality requirements for municipal reviews;
- Establishing minimum pre-consultation requirements;
- Adding terms and conditions to Environmental Compliance Approvals (ECA) under the TOR Program that are issued to allow effective compliance activities; and
- Establishing formalized reporting, record keeping and auditing provisions.

In November 10, 2017, the Ministry contacted municipalities in Ontario to make them aware that the TOR Program will be updated and to request the respective municipality to let the Ministry know whether it wishes to continue to participate in the TOR Program, under the updated agreement, or withdraw from it

DISCUSSION:

Staff have reviewed the proposed updates to the TOR Program and have sought clarification from Ministry staff on some of the proposed changes. Staff recommend that the City continue to participate in the TOR program. Continuing to participate in the TOR Program will benefit the City by streamlining environmental approvals process and reducing delays in issuance of approvals of sewage works by the Ministry.

CONCLUSION:

Staff recommend that Council authorize the Mayor and Clerk to enter into a Transfer or Review Agreement with the Ministry.

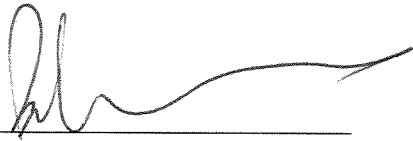
FINANCIAL CONSIDERATIONS AND TEMPLATE:

In accordance with Section 9 of the Minister's Requirement for Fees made under s.179.1 of the Environmental Protection Act (EPA), municipalities have the authority to collect the fee in respect of an ECA application. The current fee structure for sewage works approvals is a flat fee of \$1100.00 per application, pursuant to Ontario Regulation 364/98.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services has reviewed this report and concurs with the recommendations.

RECOMMENDED



Brian Lee, P. Eng.
Director of Engineering



Arvin Prasad, M.C.I.P., R.P.P.
Commissioner of Development Services