



September 6, 2020

Eugenia Chalambalacis
Ministry of Environment, Conservation and Parks
By Email: Eugenia.chalambalacis@ontario.ca

Re: **Conservation Ontario's Comments on the "Proposed Changes to Environmental Approvals for Municipal Sewage Collection Works" (ERO #019-1080)**

Dear Ms. Chalambalacis:

Thank you for the opportunity to provide comments on the "Proposed Changes to Environmental Approvals for Municipal Sewage Collection Works". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually by CAs through the consultation process.

We understand that the proposed approach would enable municipalities to prepare and submit to the Ministry of Environment, Conservation and Parks, applications for consolidated linear infrastructure Environmental Compliance Approvals (ECAs) that would include a description of all existing sanitary collection and stormwater works within their municipal boundaries that they own. A consolidated linear infrastructure ECA would then replace the numerous ECAs that had been previously issued to a municipality for its sanitary collection and stormwater works. Future alterations would no longer require an individual ECA, provided that the appropriate design criteria are followed.

In general, conservation authorities are supportive of the proposal to consolidate approvals for sanitary and storm linear infrastructure. This will enable a more holistic approach to the management of sanitary and storm infrastructure. It is recommended that as part of environmental approvals process update that the implementation of the new MECP Low Impact Development criteria be undertaken. The Ministry should also consider randomized review of decisions made by the owners of the infrastructure and prescribed persons as part of an overall compliance approach.

Relationship to Conservation Authorities

Conservation authorities have a strong history of working with their municipal partners on municipal servicing and stormwater management. It is recommended that this updated process continue to draw on and promote this strong working relationship. It is necessary that the CA be included in discussions regarding proposed works, particularly when they will take place in areas regulated under Section 28 of the *Conservation Authorities Act*. With changes to the *Environmental*

Assessment Act and proposed changes to the Municipal Class Environmental Assessment it is unclear whether CAs will be circulated as part of an environmental assessment for a number of these routine works. CAs need to be involved in the early stages of the project to ensure that the work will be permissible under the *Conservation Authorities Act* as a way to further streamline the approval process.

In some cases conservation authorities have been directly involved in the review of these applications through the Transfer of Review Program. Conservation authorities have significantly increased the efficiency of these reviews and have taken a holistic approach, similar to what is currently being proposed. It is recommended that the MECP consider opportunities to continue the Transfer of Review program to allow the delegation of some of these approvals to conservation authorities. This would assist the smaller municipalities who may not meet the criteria for the Consolidated Linear Infrastructure Permissions Approach based on their existing staff complement.

Source Protection

It is strongly suggested that Source Water Protection considerations continue to be included in the pre-authorization and permit application process. When developing criteria for pre-authorizations for municipal stormwater management systems and municipal sewage collection systems there should be a sound process for flagging vulnerable areas. These vulnerable areas include: Wellhead Protection Areas (WHPA), Intake Protection Zones (WHPA), Issue Contributing Areas (ICA), vulnerable aquifers and significant ground water recharges areas.

A scheduled review of individual Consolidated ECAs will occur instead of an expiry date process, according to the proposal, however, it is suggested that a wider scope review, aligning other pertaining or related legislation, such as the *Clean Water Act* 2006 and the *Safe Drinking Water Act* 2002 be considered. The proposed renewal cycle of a Consolidated Linear Infrastructure ECA may also be too long given source protection concerns. For example, under the proposed process a municipal could be pre-approved prior to a new drinking water system (and associated vulnerable areas) being proposed/established. If this occurs, there is a probability that that pre-approval will not meet the requirements in source protection plans, and therefore neither will the infrastructure that will be installed in the future. It is recommended that the Ministry incorporate a mechanism to account for this in the application/renewal process, such as requiring the applicant to confirm whether a new drinking water system has been developed or is being proposed in the area. As Source Water Protection policies can also change by way of the Director's Technical Rules an intermediary mechanism to capture these changes in the pre-authorization process should be considered to enhance this streamlined approach as well.

Many of the current Source Protection policies related to sewage threats rely on prescribed instruments, such as ECAs to manage existing and future threats. For example, the Quinte Source Protection Plan requires that the prescribed instrument for the proposed activity contains conditions specified in the policy to ensure that it does not become a significant drinking water threat. It is unclear how these existing Source Protection policies would apply under the proposed system. Furthermore, as source protection plans evolve over time, policies may change. The proposed process should ensure that the pre-approval conform to these changing source protection policies as noted above.

The support materials included on the ERO posting use the terms “minimal environmental risk” and “significant drinking water threat” to describe the same linear infrastructure. The terms sound contradictory. The identification of a threat activity (such as a storm or sanitary sewer) and its risk level (significant, moderate or low) is arrived at through a comprehensive risk assessment process under the *Clean Water Act*. For clarity, revise/change the term “minimal environmental risk” or clearly define it.

Finally, the Ministry may want to include some context for geopolitical versus watershed boundaries and mechanisms to include neighbouring municipalities in consultations, if necessary.

Once again, thank you for the opportunity to provide comments on the “Proposed Changes to Environmental Approvals for Municipal Sewage Collection Works”. Should you have any questions about this letter, please do not hesitate to contact me at extension 226.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich
Policy and Planning Liaison

c.c. All CA CAOs/GMs