

Subject: Consolidated Linear Infrastructure Environmental Compliance Approval

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-0174 – Consolidated Linear Infrastructure Environmental Compliance Approval, for information;

Background:

The Ministry of the Environment, Conservation and Parks (MECP) is adopting a new approach to issuing Environmental Compliance Approvals (ECA) for low-risk projects related to municipal sanitary collection and stormwater management systems that the Town is required to comply with called the Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA) program. The purpose of the CLI ECA is to advance public infrastructure and development projects sooner by reducing the time it takes to review and approve applications by the Ministry and/or Niagara Region through the Transfer of Review. The transition of the ECA review and approval process to municipalities is required and also introduces new responsibilities and work that Town staff have previously not undertaken.

Through the CLI ECA process, the Town will no longer have to submit individual “pipe-by-pipe” applications for future alterations, provided they are designed and constructed in accordance with the latest MECP design criteria. These pre-authorizations allow municipalities and developers constructing infrastructure on behalf of municipalities to proceed without having to obtain Ministry permission.

The new CLI ECA process will replace the current process for lower risk and routine sewage works, which requires direct submission to the MECP or the Niagara Region as part of the Transfer of Review program. The new process will also reduce review times to weeks instead of months, allowing development and capital projects to proceed much sooner. The Transfer of Review program where the Region reviews those applications for the Town is being phased out as part of the new CLI ECA program.

Also, new operations, maintenance, and reporting requirements are part of the new CLI ECA process. The new CLI ECA process has been modeled after the current

framework for municipal drinking water systems, the Drinking Water Quality Management Standard (DWQMS).

Analysis:

Town staff have submitted the application to the MECP to enter into the CLI ECA program and are awaiting the review from the Ministry. Once reviewed by the Ministry, it is anticipated that the application will come back with a series of conditions such as additional studies, reports, and operations and maintenance plans that need to be prepared along with deadlines for providing said information. The scope of work to implement the new CLI ECA process has not yet been fully defined, however, discussions with other local area municipalities who are further along in the process indicate that there is a large amount of administrative work Town staff will need to undertake to satisfy the conditions to enter into the CLI ECA program, as well as administer the program for the Town year-over-year.

Once the Town has entered into the CLI ECA process, the Town will be responsible for reviewing and approving all planned low-risk sanitary and stormwater for Town-led and developer-led applications. Providing developers with the approvals for low-risk sanitary and storm works through the new CLI ECA process also presents an opportunity for the Town to charge application fees similar to the current process. This will also require that Staff establish a new business process to review the applications, collect fees, obtain as-built drawings and testing and inspection reports, and report the infrastructure changes to the MECP within mandatory time frames. It is anticipated that Town Staff will review and issue ECAs for approximately seven (7) subdivision developments between the time of this report and the end of 2024.

Also included in the CLI ECA requirements are enhanced operations and maintenance procedures as well as reporting requirements. Operations and maintenance (O&M) manuals that are system specific are to be developed for the sanitary sewer and stormwater management systems. These O&M manuals are to include requirements and processes for inspection, reporting, sampling, testing, monitoring, repair, emergency response, and more. The O&M manuals will need to be updated as time progresses and provided to the MECP upon request. It is anticipated that the O&M manuals need to be prepared by the end of 2024.

Monitoring plans are also required as part of the CLI ECA program. These plans are to be prepared based on the requirements of MECP, and monitor things such as operational performance of infrastructure, trends and assessments of environmental impact, quantity and quality control, and more. It is anticipated that the Town needs to have monitoring plans for both the sanitary system and the stormwater management system by May 2025. It is required by the MECP that the

monitoring plans be audited annually by a third-party Qualified Person, similar to the existing DWQMS program that the Town is mandated to comply with.

Lastly, annual performance reports of the sanitary and stormwater management systems are to be prepared, submitted to the Director of the MECP, and made available to the public on the Town's website. These reports will include a summary of monitoring data, environmental trends, operating problems encountered, corrective actions taken, complaints, inspection and maintenance activities undertaken, and more. At this point in time, it is anticipated that Town Staff will need to prepare the first reports as per the aforementioned requirements by the end of 2024.

The full scope of work to implement and oversee the requirements of the CLI ECA process have yet to be determined. However, through initial discussions with other local area municipalities and review of the requirements of the program, it is evident that the workload associated with administering this new process will be substantial. Dedicated resources will be required to take on this added responsibility for the Town, and will be addressed in a future report to Council.

There are many significant benefits to the new CLI ECA process being implemented by the MECP. The ability of the Town to review and approve low-risk sanitary and stormwater management ECA applications within Pelham reduces the approval time from upwards of 12 months down to approximately four weeks, if resources are available. The Town reviewing and approving ECAs for developers also creates an opportunity for a new revenue stream. Enhanced operations, maintenance, monitoring, and reporting requirements help protect the natural environment, as well as the community through early detection of potential issues in infrastructure.

Financial Considerations:

Given that the full scope of this new process has not yet been defined, the full financial impact cannot be determined. Based on the aforementioned requirements and consultation with other local area municipalities, Staff has prepared budget items that will be presented in the 2024 Capital Budget that will address some of the maintenance and reporting requirements of the CLI ECA, such as a stormwater management facility cleanout project.

As previously mentioned in this report, an additional staff member may be required to oversee and administer the CLI ECA process and ensure the Town complies with all requirements of the program. Said person will be responsible for preparing and updating all O&M manuals, reviewing and approving ECA applications, administering the monitoring plans, preparing annual performance reports, and more. The specifics of this potential position will be brought to Council at a later date for consideration.

There are opportunities to generate revenue through the ECAs that get issued by the Town as part of this program. As it currently stands, developers may be charged up to approximately \$6,000 for an ECA approval through the MECP and/or Niagara Region. Given that this will become the Town's responsibility to issue ECAs for applications within Pelham, the Town will be able to generate revenue from the review and approval of said applications. Municipalities across Ontario have a different fee structure in place, and some municipalities that are further ahead in the CLI ECA process have increased the fees for an ECA review to offset some of the costs associated with the additional resources required to administer this new process. Therefore, there are financial opportunities associated with the new CLI ECA process.

Alternatives Reviewed:

This report is strictly for information on the new Consolidated Linear Infrastructure Environmental Compliance Approvals process required by the Ministry of the Environment, Conservation, and Parks that the Town is mandated to comply with. Therefore, no alternatives were reviewed in preparation for this report.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

While the new CLI ECA process will reduce the ECA approval timeline and allow developers and the Town to proceed with construction quicker than current timelines, it will also help the Town in adapting to the impacts of climate change. One of the more known impacts of climate change is increasing temperatures year-round. Increased temperatures can warm stormwater management ponds and the water that outlets into the natural environment. Some receiving watercourses are temperature sensitive based on the wildlife it is home to. Monitoring the stormwater management ponds as per the requirements of the new CLI ECA will help generate a better understanding of the impact Town-owned infrastructure has on the receiving waterbodies and environment and identify if measures are required to better protect the environment.

Consultation:

Consultation was had with Consolidated Linear Infrastructure Environmental Compliance Approval Niagara Working Group in preparation of this report.

Other Pertinent Reports/Attachments:

None

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