

Town of Whitby

Staff Report

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Report Title: Consolidated Linear Infrastructure – Environmental Compliance Approval Fees (CLI-ECA)

Report to: Committee of the Whole

Date of meeting: September 25, 2023

Report Number: PDE 09-23

Department(s) Responsible:

Planning and Development Department
(Engineering Services)

Submitted by:

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and Development

**Acknowledged by M. Gaskell,
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1. Recommendation

1. That Council endorse the proposed Consolidated Linear Infrastructure-Environmental Compliance Approval Fees as outlined in Report PDE 09-23; and,
2. That staff be directed to update the Fees and Charges By-law (By-law 7220-17) to include proposed CLI-ECA, substantially as outlined in Report PDE 09-23.

2. Highlights

- Environmental Compliance Approval (ECA) applications are permit applications for new municipal sewage and stormwater management systems that are required to be submitted to the Ministry of the Environment, Conservation and Parks (MECP) for review and approval.

- Historically, ECAs for all new developments were prepared by Developers' consultants and submitted to Municipalities/Regions for review and acceptance. Subsequently, all ECAs, along with applicable fees, were submitted to the MECP for review and approval. Most of the review/approval and record keeping was the MECP's responsibility. The overall ECA approval process could take up to a year.
- In order to simplify and streamline the ECA approval process, in March 2021, the MECP issued a Guide to Applying for the First Consolidated Linear Infrastructure Environmental Compliance Approval (the Guide for ECA-CLI) document which significantly changed the ECA approval process.
- According to the new ECA-CLI approval process, almost all responsibilities for detailed review, approval, record-keeping and future monitoring, have been downloaded to local Municipalities.
- The new ECA-CLI approval process is an added scope to the Town's current review responsibilities and will require additional staff time and budget.

3. Background

- The Ministry of the Environment, Conservation and Parks approval for new municipal sewage and stormwater management (SWM) systems is a standard requirement for any development/redevelopment project that proposes new water, sanitary and storm services. Each type of sewer and stormwater management facility would require a separate ECA permit application. Previously, Local Municipalities would have minimal input in the ECA approval process, leaving most of the review, approval, and record-keeping responsibilities with the MECP. Over the last two decades, the MECP ECA applications have become increasingly lengthy and complex. As a result, review times by the MECP have been increasing, creating delays in the overall development review/approval process.
- In order to resolve the ECA approval backlog, the MECP has created a Consolidated Linear Infrastructure (CLI) Permissions Approach for low-risk sewage collection and stormwater management projects. The MECP's goal was to get important, low-risk public infrastructure projects built sooner by reducing the review time, streamlining the process, and consolidating ECAs into a CLI-ECA. MECP released a Guide to Applying for the First Consolidated Linear Infrastructure Environmental Compliance Approval guidelines in March 2021.

As per the new ECA review and approval process, all Municipalities must apply for and obtain a Consolidated Linear Infrastructure - Environmental Compliance Approval (CLI-ECA). Once the ECA-CLI is in place, Local Municipalities are responsible for detailed reviews of sewage and stormwater management ECA applications, for sign-offs of these applications and for adding all new sewage and SWM infrastructure (that the Municipalities will own and operate) to the ECA-CLI database. The MECP has also introduced additional conditions and requirements to the ECA review process. After the sign-off of the ECAs, Local Municipalities will also be responsible for submitting ECA forms to the MECP at the completion of the sewage and SWM infrastructure construction. Following the assumption of the new sewage and SWM infrastructure, the Local Municipalities are required to develop, implement, and provide annual reports on sewage and SWM infrastructure monitoring programs. The last step in the modernized ECA approval process is the Municipality's responsibility to provide the MECP with updated ECA-CLI data every five (5) years.

The Town applied for a CLI-ECA in 2021 and received the issuance of the CLI-ECA in October 2022. Currently, all new Development application ECAs follow the new review and approval process, managed by the Engineering Development Section.

4. Discussion

The Town is responsible for review and approval of ECAs for storm sewer networks (storm sewer pipes, LIDs, OGS, etc.) and SWM facilities (ponds, underground storages, etc.). Sanitary and watermain ECAs remain the jurisdiction of the Region.

The scope of work associated with the new ECA process is an increase in the current workload and requires additional staff resources. Further, with the advent of the CLI-ECA, a number of Municipalities are already in the process of introducing ECA review fees and in the process of securing dedicated ECA review staff.

To ensure that the additional responsibilities and tasks are compensated on a fee for service basis, consistent with other development application review services, it is necessary to establish a new fee for service category. The new fees are based on the MECP fees charged for the review of these types of applications. This approach has been taken at the outset, to ensure consistency in the process, and minimize impacts on existing applications. Once the Town has a sufficient experience in the new ECA review process, the fees will be updated to reflect an actual time staff spend on the review process.

Accordingly, it is recommended that the following fees be introduced for CLI-ECA applications:

- \$1,500 for the review of a CLI-ECA application for the alteration/addition to the Town's storm sewer network (including on-line LID, OGS, MTD features); and,

- \$3,000 for the review of a CLI-ECA application for a new SWM facility to be owned and operated by the Town of Whitby.

Staff are confident that the above fees represent the minimum necessary for the Town to cover its costs in the review of CLI-ECA applications.

5. Financial Considerations

The proposed CLI-ECA fees will help to ensure that the costs associated with the new ESA review and approval process are recovered on a fee for service basis and not an added pressure on the Town's tax base.

6. Communication and Public Engagement

There is no statutory requirement for consultation or public engagement regarding the introduction of CLI-ECA fees. Further, as the proposed fee amount is similar to the fee charged by the MECP for a similar review, the impacts on existing applications would be negligible, and staff did not engage with developers and/or development groups (e.g., BILD).

7. Strategic Priorities

The information presented in this report aligns with the Town's Corporate Strategic Plan Priority to be a high performing, innovative, effective, and efficient organization.

8. Attachments

N/A