



# The Corporation of the Town of Milton

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Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: September 12, 2022

Report No: DS-105-22

Subject: Ministry of the Environment, Conservation and Parks,  
Consolidated Linear Infrastructure Environmental Compliance  
Approval Program

**Recommendation:**

**THAT the Commissioner, Development Services be authorized to sign and submit an application to participate in the Ministry of the Environment, Conservation and Parks, Consolidated Linear Infrastructure Environmental Compliance Approval program, as well as any supplemental submissions required;**

**THAT the Commissioner, Development Services be authorized to execute an amended legal agreement between the Ministry of the Environment, Conservation and Parks and the Town of Milton for the purpose of including private Stormwater works in the current Transfer of Review program.**

**THAT the revoked and replaced Stormwater Management Infrastructure By-law No. 111-2021 on tonight's agenda be considered for approval;**

**THAT new CLI ECA fees be considered as part of the Town's updated User Fee By-law that is also on tonight's agenda.**

## **EXECUTIVE SUMMARY**

The Town of Milton currently approves the construction of stormwater infrastructure as a participant in the Ministry of the Environment, Conservation and Parks' (MECP) Transfer of Review program. As a participant, the Town has the ability to review environmental compliance approvals (ECA)s on behalf of the MECP and issue a recommendation for approval to the MECP. The Town has been a participant in the program since 2018 and has seen the benefits of decreased wait times for construction approvals. The program has proven to be a tangible customer service and process enhancement for the Town.

## EXECUTIVE SUMMARY

In 2022, the MECP is creating a new program in an effort to further streamline stormwater infrastructure approvals. The new program moves away from a 'pipe by pipe' approval seen with the Transfer of Review program and is moving towards a 'systems' based approach. The 'systems based' approach will focus on a single ECA for the Town and the ability for the Town to approve additions or modifications to the stormwater infrastructure system. The new 'Consolidated Linear Infrastructure Environmental Compliance Approval' (CLI ECA) program will offer further opportunity for the Town to decrease wait times for infrastructure construction approvals and enhance customer service to our development community.

## REPORT

### Background

On February 26, 2018 Council approved the Town of Milton's participation in the Ministry of the Environmental, Conservation and Parks (MECP) (then Ministry of the Environment and Climate Change MOECC) Transfer of Review Program (Ref: Council Report ENG-003-18).

Through this program the Town is responsible to perform, on behalf of the Ministry, the administrative and technical review of Environmental Compliance Approval (ECA) applications for a range of stormwater works. The Town has had a positive experience with the Transfer of Review Program and has been able to provide approval for the construction of stormwater works significantly sooner than applications submitted directly to the MECP. The Town has been able to review and approve applications in 6 weeks in comparison to the 9+ months applications can take through the MECP.

Under the Transfer of Review program, fees for the review of applications were set by the MECP in Schedule 6 of the Minister's Fee Schedule.

### Discussion

In August 2021 the MECP invited the Town of Milton to submit an application to participate in the new CLI ECA program. The MECP's intent is to minimize the use of the Transfer of Review program and have municipalities join the CLI ECA program. Participation in the CLI ECA program would offer the Town of Milton the opportunity to be the approving body for stormwater works identified as 'pre-approved' by the MECP and further reduce the time it takes for a full approval to be achieved from 6 weeks to 4 weeks.

As part of the application, the Town is required to provide the MECP with an inventory of the stormwater works currently owned and operated by the Town. The application also requests information associated with the Town's Subwatershed Studies, Technical SWM

## Discussion

reports, Asset Management Studies, existing ECAs and GIS inventory information. A system wide stormwater monitoring program for assumed assets is also required as part of the application with the first monitoring report being due one year following the issuance of the Town's CLI ECA.

While participation in the CLI ECA program will be beneficial to the Town, it will place additional responsibility and costs on the Town as the approving agency for stormwater works. Currently, under the MECP Transfer of Review program the Ministry is the final approving authority and the Town provides a technical recommendation for this approval. Under the CLI ECA program, the Town will be the approval authority for the addition and modification of stormwater management infrastructure.

Town staff has completed the CLI ECA application and have also created an internal standard operating procedure (SOP) to guide applicants and ensure compliance. Staff has considered the potential additional liability that the Town may incur by joining the CLI ECA program and reviewed the approval documents required by the MECP. As the SOPs recommended by staff are considered to be appropriate, they are expected to mitigate potential liability. Staff also met with Legal to discuss changes to the SWM By-law to incorporate the CLI ECA program and permitting that will be required. Legal highlighted multiple areas of the By-law that should be revised to include a permitting section, but also to enable the By-law to be more practically enforced. Due to the multiple edits required, it was determined by staff that a full revoke and replace of the SWM By-law would be necessary.

## Costs and Fees

The technical review and approval of ECA applications will be undertaken by existing Town staff. The Town, as a participant of the new CLI ECA program, is able to set fees for the technical review and approval of ECA applications. The MECP no longer requires that fees collected to process ECA applications under the CLI ECA program adhere to the Minister's Fee Schedule. The one exception is that the review and approval of private storm infrastructure will continue to fall under the Transfer of Review program and fees will continue to be limited to the Minister's Transfer of Review fee schedule.

Based on an analysis of staff time and associated costs of performing the technical reviews, staff has developed the following recommended fee schedule to recover the full costs of the technical review and approval of ECA applications. The proposed fees were benchmarked against other municipal ECA fee structures and found to be reasonable relative to the market.

Application Type	Transfer of Review Fees (Note 1)	CLI ECA Proposed Fees
Stormsewers	\$900	\$3,700
Ponds	\$2,000	\$4,600
Oil Grit Separators	\$2,000	\$2,700
Low Impact Development	\$2,000	\$3,700
Admin Fee - per application (Note 2)	\$200	-

Note 1 - based on Minister's fee schedule

Note 2 - admin fee not required under the CLI ECA program as all expected staff time has been built into the new fees

As mentioned above, the review of private infrastructure will continue to fall under the Transfer of Review program and will continue to be subject to the existing Ministry approved Transfer of Review fees, which do not recover the full cost of service.

As a participant in the CLI ECA program, the Town will be required to undertake an annual stormwater monitoring program which monitors the performance of the stormwater works post assumption. While the Town has not yet received full details or guidelines for this program, it is anticipated that the costs may be approximately



## Discussion

\$100,000 per year based on similar monitoring programs within the Town. The stormwater monitoring program would be required to begin in Q3 2023 and represent a new cost to the Town that had not previously been included in the existing budget forecast and will be incorporated into the operating budget in 2023 and 2024, should the CLI ECA program be approved.

A one time fee of \$100 is required with the submission of an application for the program.

## Consultation with Development Community

A memo has been drafted by staff and will be sent to the Development Community after Council has approved the submission of the CLI ECA application. The memo identifies the new program, timelines for implementation and the updated fee schedule.

## Stormwater Management Infrastructure By-law

As mentioned above, the Stormwater Management Infrastructure By-law previously approved by Council in November 2021 (DS-094-21) was reviewed by Legal to determine if edits were required to incorporate the CLI ECA program. It was determined that a permitting section was required as well as edits to the Penalty and Enforcement sections. During the review, recommendations were made to strengthen the language of the By-law and provide more practicality to the ability to enforce the By-law based on staff observations during the winter of 2021. Staff found that members of the public were continuing to use stormwater management ponds as recreational skating facilities through this previous winter and required more concise language to be able to fine or enforce under the By-law. Staff have implemented the recommended changes and concluded it was more appropriate to revoke and replace the By-law rather than request Council approval to amend.

## Financial Impact

The Town's participation in this program will result in new annual costs to the Town of approximately \$100,000 related to the annual stormwater monitoring program, beginning in Q3 2023. These costs were not included in the operating budget forecast for 2023 or 2024 and will therefore create additional budget pressure beyond what had been previously estimated.



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## Financial Impact

The technical review of applications will be undertaken with existing Town resources. The fees outlined in the discussion section of this report are set to recover the full cost of processing ECA applications. The new fee structure is estimated to result in average annual net new revenues to the Town of approximately \$22,000, reflecting a greater level of cost recovery than was able to be achieved under the Ministry established fee structure. The increased revenues will partially offset the additional pressures associated with the cost of the new monitoring program.

Should Council approve staff to proceed with submitting an application to participate in this program, the estimated net financial impact of \$78,000 will be incorporated into the operating budget beginning in 2023 and 2024 and will represent an approximate 0.10% total pressure on property taxes.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

For questions, please contact:     Anita Sparre, CET, Fellow CET     Phone: Ext. 2514  
                                                 Rachel Ellerman, CET, EIT     Phone: Ext 2572

## Attachments

Revoked and Replaced SWM By-law (formerly By-law #111-2021)

Approved by CAO  
Andrew M. Siltala  
Chief Administrative Officer

## Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.