



**City of Kingston
Report to Council
Report Number 18-200**

To: Mayor and Members of Council
From: Jim Keech, President and CEO, Utilities Kingston
Resource Staff: Mark Campbell, Director of Engineering
Date of Meeting: September 4, 2018
Subject: Transfer of Review Agreement with the Ministry of the Environment, Conservation and Parks

Executive Summary:

The Ontario Ministry of the Environment, Conservation and Parks (Ministry) is updating its Transfer of Review Program (Program) and encouraging all participating municipalities to utilize the updated agreement to ensure that all participants are following the same Program requirements.

The Program allows municipal professional engineers to conduct, on behalf of the Ministry, the administrative and technical review of environmental compliance approval (ECA) applications for a limited range of sewage works with a recommendation to the Ministry for final approval.

The City received the Transfer of Review Agreement (Agreement) signed by the Ministry on July 31, 2018. The Agreement requires signatures from the Mayor and Clerk in order for the City to submit applications for ECA's under the Ministry's updated Program.

Recommendation:

That Council authorize the Mayor and Clerk to sign the Transfer of Review Agreement, subject to the satisfaction of the City Solicitor, which was signed by the Ministry of the Environment, Conservation and Parks on July 31, 2018, to conduct, on behalf of the Ministry, administrative and technical reviews of environmental compliance approval applications for a limited range of sewage works with recommendations to the Ministry for final approval.

Authorizing Signatures:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON

**Jim Keech, President & CEO,
Utilities Kingston**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Commissioner, Community Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

Options/Discussion:

The Ontario Ministry of the Environment, Conservation and Parks (Ministry) is updating its Transfer of Review Program (Program) documentation to provide clarity, increased rigor and efficiencies in program delivery. The Ministry is strongly encouraging all current participating municipalities to utilize the updated agreement to ensure that all participants are following the same Program requirements.

The Program was put in place in 1978 to create efficiencies in the review of environmental approval applications and to improve timelines for issuing such approvals. It was also aimed at eliminating overlaps between municipal and ministry approvals processes. Program participation has since grown from the original 12 agreements to the current 37 agreements covering 95 upper, lower and single tier municipalities. Collectively, these participating municipalities serve over 75% of the population of Ontario.

Under the Program, partner municipalities and the Ministry enter into an agreement which allows qualified/designated municipal professional engineers to conduct, on behalf of the Ministry, the administrative and technical review of environmental compliance approval (ECA) applications for a limited range of sewage works. Upon satisfactory review of an ECA application, the municipality submits the complete ECA application package together with an approval recommendation to the Ministry for final approval.

The Program recognizes that the municipality assumes ownership of these sewage works and is consequently highly involved in the development process to ensure that the works are properly designed and constructed. Improved approval timelines and certainty under the Program enables municipalities to plan their infrastructure investments better.

The City received a Transfer of Review Agreement (Agreement) signed by the Ministry on July 31, 2018, which is attached to this report as Exhibit A. The Agreement requires signatures from the Mayor and Clerk in order for the City to submit applications for ECA's under the Ministry's updated Program.

Existing Policy/By-Law:

Not applicable

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Mark Campbell, Director of Engineering Services, 613-546-4291 extension 3139

Tyler Lasko, Manager, Design & Development, Engineering Services, 613-546-4291 extension 2307

Adam M. Hardy, Supervising Engineer, Engineering Services, 613-546-4291 extension 2263

Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

Exhibit A Transfer of Review Agreement

TRANSFER OF REVIEW AGREEMENT

B E T W E E N:

HER MAJESTY THE QUEEN in right of Ontario
as represented by the Minister of the Environment, Conservation and Parks

(hereinafter referred to as the "Crown")

- and -

City of Kingston

(hereinafter referred to as the "Municipality")

Date: 2018/06/07

Agreement Number: TOR-KIN-S02-2018-6

Crown Representative:

Name: Christina Labarge, P.Eng.
Address: 135 St. Clair Avenue West
Toronto, ON, M4V 1P5

Telephone Number: 416-314-8001
E-Mail: christina.labarge@ontario.ca

Municipal Representative:

Name: Bryan Paterson
John Bolognone
Address: 216 Ontario Street
Kingston, ON K7L 2Z3

Telephone Number: 613-546-4291 x 1247
E-Mail: jbolognone@cityofkingston.ca

DEFINITIONS

In this document,

"combined sewer" means a sewer that is intended to function simultaneously as a storm sewer and a sanitary sewer;

"discharge", when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak;

"Environmental Compliance Approval" means an approval issued under Part II.1 of the *Environmental Protection Act*;

"combined sewer system" means a wastewater collection system which conveys sanitary wastewaters (domestic, commercial and industrial wastewaters) and stormwater runoff through a single- pipe system to a Sewage Treatment Plant or treatment works. Combined sewer systems which have been partially separated and in which roof leaders or foundation drains contribute stormwater inflow to the sewer system conveying sanitary flows are still defined as combined sewer systems;

"combined sewer overflow" is a discharge to the environment from a combined sewer system that usually occurs as a result of a precipitation event when the capacity of the combined sewer is exceeded. It consists of a mixture of sanitary wastewater and stormwater runoff and often contains high levels of floatables, pathogenic microorganisms, suspended solids, oxygen-demanding organic compounds, nutrients, oil and grease, toxic contaminants and other pollutants;

"Duty to Consult" pertains to the Crown's legal obligation to consult with Indigenous peoples where it contemplates decisions or actions that may adversely impact asserted or established Indigenous or treaty rights;

"industrial land" means land used for the production, processing, repair, maintenance or storage of goods or materials, or the processing, storage, transfer or disposal of waste, but does not include land used primarily for the purpose of buying or selling,

- a. goods or materials other than fuel, or
- b. services other than vehicle repair services;

"Ministry" means the ministry of the government of Ontario responsible for the Environmental Protection Act and the Ontario Water Resources Act and includes all officials, employees or other persons acting on its behalf;

"Municipality" includes a local board, as defined in the Municipal Affairs Act, and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

"municipal representative" means, an officer, employee or agent of the Municipality or a representative with the authority to bind the Municipality;

"natural environment" has the same meaning as in the *Environmental Protection Act*;

"owner" means a Municipality or person having authority to construct, maintain, operate, repair, improve or extend water works or sewage works;

"person" includes a Municipality;

"Professional Engineer" has the same meaning as in the *Professional Engineers Act*;

"sanitary sewer" means a sewer for the collection and transmission of residential, commercial, institutional or industrial sewage, or any combination thereof;

"sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other matter or substance as is specified by the regulations;

"sewage works" means any works for the collection, transmission, treatment and disposal of sewage or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies;

"sewer" means any system of pipes, drains and appurtenances used for the collection or transmission of sewage, but does not include plumbing to which the Building Code Act, 1992 applies or a pumping facility;

"storm sewer" means a sewer for the collection and transmission of storm water drainage;

"stormwater" means rainwater runoff, water runoff from roofs, snowmelt and surface runoff; and

"stormwater management facility" means a facility for the treatment, retention, infiltration or control of storm water.

TERMS AND CONDITIONS

1. Agreement to Participate

The Municipality has agreed to participate in the Transfer of Review (TOR) program. The Municipality must ensure that all applications and their supporting documentation for an Environmental Compliance Approval (ECA) meet all applicable Terms and Conditions in this Agreement and any Schedules attached to this Agreement prior to submitting them to the Ministry for approval.

The Municipality can review and submit applications for their own municipal works projects. The Municipality may also submit applications for sewage works on behalf of other parties whose projects are entirely located within the municipal boundary of the Municipality and there is an agreement with the Municipality pursuant to the Planning Act which provides that ownership of the system may be transferred to the Municipality and the works require an Environmental Compliance Approval (ECA). It is the sole responsibility of the Municipality to ensure that any application submitted on behalf of another party meets all applicable requirements of the program.

The Ministry's legislated responsibilities including approval decisions as well as, compliance and enforcement actions remain unchanged under this program.

2. Commencement

This Agreement comes into force on the day that the agreement is signed by the Municipality. Once signed by the Municipality this agreement revokes any existing Transfer of Review Program Agreement that was in place prior to this Agreement. The Municipality must return the original copy of the signed agreement to the following address:

Supervisor
Application Review Unit
Client Services and Permissions Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Ave. W.
Toronto, ON, M4V 1P5

3. Fees Required

In accordance with section 9 the Minister's Requirement for Fees made under s.179.1 of the Environmental Protection Act (EPA) the Municipality has the authority to collect the fee in respect of an application. Consideration under this agreement is the fee collected by the Municipality.

4. Sewage Works Subject to the Agreement

The Municipality may submit ECA applications for the works identified in Schedule A of this Agreement under the TOR program.

The Ministry and the Municipality may mutually agree to add works to Schedule A of the Agreement. The Ministry may also amend Schedule A with written notice to the Municipality.

5. Pre-submission Consultation Requirements

Where the Municipality is uncertain regarding the works that form part of the Transfer of Review Agreement in Schedule A, the Municipality shall require the applicant to engage in pre-submission consultation with the local Ministry District Office¹.

6. Consultation with other Agencies and other Approvals

Where Conservation Authority clearance or Niagara Escarpment Planning and Development Act permit is required, the approval, permit, or clearance letter must be obtained before the application is accepted for review.

Note: even if formal approval from the local Conservation Authority is not required, it is strongly recommended that applicants consult with the local Conservation Authority, particularly on stormwater related applications to determine if they have any concerns with the project. If the project does not occur within the boundary of a Conservation Authority, consultation with the local Ministry of Natural Resources and Forestry (MNR) office is recommended.

7. Indigenous Consultation, Environmental Assessment, Environmental Bill of Rights Requirements

The Municipality must ensure that all applications satisfy any applicable requirements under the Environmental Assessment Act (EAA). The EAA and the associated regulations can be found at <https://www.ontario.ca/laws>.

The Municipality must include a summary of consultation (including Indigenous consultation if any²) on the application or the proposed development per Schedule B.

8. Complete Applications

Schedule B attached to this Agreement lists the minimum documentation applicants must submit to the Municipality for review. It is the responsibility of the Municipality to ensure applications for ECAs are complete and include the documents in Schedule B where applicable.

Schedule B also lists the minimum documents and forms that the Municipality must prepare and submit to the Ministry as part of the TOR program.

9. Incomplete Applications

Incomplete applications are those applications that do not have one of the items listed in Schedule B required to be prepared and submitted by either the applicant or Municipality where applicable.

The issuance of the Approval is contingent on the application being deemed complete. **Incomplete applications submitted to the Ministry will be returned to the Municipality without prior notice.**

¹ This document advises proponents, in certain sections, to contact the local Ministry District Office. They may be advised by the local District Office to contact the local Ministry Safe Drinking Water Branch (SDWB) office instead of or in addition to the District Office.

² Pre-consulting with the local Ministry District Office on the need for Indigenous consultation is recommended to ascertain whether this consultation is required.

10. Submission of Applications

The Municipality must ensure that applicants for an ECA submit two (2) copies of all required completed application forms and supporting documentation listed in Schedule B to the Municipality.

In addition, the applicant must submit one (1) copy of the completed application forms and supporting documentation to the local Ministry District Office, addressed to the attention of the District Manager.

The local Ministry District Office normally has two (2) weeks in which to provide comments about the application to the participating Municipality or to indicate when comments will be forthcoming. The Municipality and the applicant are required to address and resolve any comments received from the local Ministry District Office. As a result of comments provided by the local District Office, changes to the project design and to the Environmental Compliance Approval application information may be required. If no comments have been received from the local Ministry District Office after two (2) weeks from receipt of the application it is generally assumed there are no concerns and concurrence has been given. The Municipality should note whether any feedback was provided within the two week period.

The Municipality keeps one (1) copy of the applicant's submitted information and, after completing their program responsibilities, submits one (1) copy along with any documentation and forms the Municipality is required to prepare (listed in Schedule B) to the Ministry.

11. Municipal Review of Applications

The Municipality is responsible for conducting the technical review and evaluation of the applicant's information.

The technical review and evaluation must be done by one or more Professional Engineers with experience in the design and operation of sanitary and storm water works.

Only Professional Engineers employed by the Municipality in the following services are allowed to conduct the technical review and evaluation of applications to be submitted under the TOR program:

- **Engineering Department**

The engineers that conducted the technical review and evaluation must be members in good standing with Professional Engineers Ontario (PEO) and must include their licence number with the application submission (as part of the Letter of Recommendation).

To avoid any potential conflict of interest situations, a Professional Engineer who has designed or certified the engineering drawings for the sewage works project must not review his/her own Environmental Compliance Approval application information under the program.

The results of the Professional Engineer's technical review and evaluation must be documented in a Letter of Recommendation that will be submitted to the Ministry. The Ministry will review the Letter of Recommendation to determine if approval should be granted.

Additional information on the municipal review of applications and the Letter of Recommendation can be found in Schedule C attached to this agreement.

12. Draft Environmental Compliance Approval

The Municipality must prepare and submit a draft Approval including the descriptions of the works to be approved and the terms and conditions of the Approval.

Schedule D contains sample templates for describing the works to be included in the Approval. The Ministry will add terms and conditions to the approval similar to those approvals whose applications are directly reviewed by the Ministry. In addition to standard terms and conditions, Municipalities may, with sufficient justification, request other conditions be added to the approval. However, the Ministry reserves the right to accept or deny such requests.

13. Application Processing Time, Approval or Refusal

The Ministry will endeavor to issue the Approval for submitted applications within 30 business days from the date they are deemed complete.

The Municipality should notify all applicants of this timeframe and that no further prioritization in the processing of TOR applications will be considered by the Ministry.

If, in the opinion of the Director, the Approval should be refused, a Refusal Notice will be issued to the applicant. The Notice will contain the reasons for the refusal and will be copied to the signatory of the Municipality's Letter of Recommendation.

An Approval or Refusal Notice issued under the TOR program is still subject to the associated appeal provisions under the Environmental Protection Act (EPA).

14. Audits

To ensure compliance with the TOR program, the Ministry will conduct audits of applications submitted under the program. This may include both random audits of applications before the Approval is issued, as well as more thorough audits of applications for which Approvals have been issued.

The audit of an application that has not been approved will consist of a full review by a Ministry Review Engineer (similar to the review conducted for direct submissions). As such, the issuance of the Approval for an application subjected to an audit may be delayed and the Ministry will not be able to meet the 30 day turn-around time.

The Ministry will contact the Municipality within two (2) business days of commencing an audit of an application for which an Approval has not yet been issued. The Ministry will discuss the nature of the audit, timing of the audit as well as any other additional requirements. The Municipality may also be required to provide additional information not included with the original application package.

In addition, the audit of applications already approved (or refused) may require additional information from the Municipality or applicant.

The results of the audit may lead the Ministry to take action including the alteration of works subject to the program, additional requirements for the Municipality's review or result in termination of the Municipality's participation in the program.

Please note that the Ministry may remove a participating Municipality from the program if it is discovered through an audit that its applicants are routinely delaying or not constructing approved works.

15. Annual Summary

On or before March 31st of each year that this agreement is in effect, the Municipality shall submit to the Ministry a summary list of the projects that the Municipality reviewed and submitted to the Ministry for the previous calendar year. The summary list shall include the name of the applicant, project name, location, list of works reviewed, date submitted and status (e.g. approved, refused, returned, in review). If possible, Ministry reference and/or approval numbers should also be included.

Summary lists are to be submitted electronically to the general mailbox of the Client Services and Permissions Branch at enviropemissions@ontario.ca marked to the attention of the Supervisor, Application Review Unit in the subject header of the email.

16. Amendments to or Termination of the Program

This agreement may be reviewed and amended at any time by mutual agreement of the signing parties.

The Municipality will notify the Ministry in writing of their intention to withdraw from the program. The Ministry will provide the Municipality a letter acknowledging receipt of this notice. The date specified in the acknowledgement letter will be the date of the Municipality's withdrawal from the program. Any applications that were submitted under the program by the Municipality prior to the date on the acknowledgement letter noted above will continue to be processed as a TOR application.

The Ministry may terminate the Municipality's participation in the program. The Ministry will notify the Municipality in writing of the Municipality's termination of the program. It is the sole responsibility of the Municipality to notify any parties that may be affected by the Municipality's termination in the program.

17. Signatures

I, the undersigned, of the Municipality have read and agree to the Terms and Conditions in this Agreement that the Municipality must abide by in order to submit applications for Environmental Compliance Approvals under the Ministry's Transfer of Review program.


Bryan Paterson
Mayor
City of Kingston

Date

John Bolognone
City Clerk
City of Kingston

Date

I, the undersigned, as a representative of the Ministry of the Environment, Conservation and Parks agree to allow the City of Kingston to participate in the Ministry's Transfer of Review program commencing on the date that this agreement has been signed by both the Ministry and the Municipality.



Christina Labarge, P.Eng.
Supervisor, Application Review Unit
Client Services and Permissions Branch,
MECP



Date

Works allowed to be submitted under the TOR program by the Municipality are described in Section 1 below. The works must also meet any requirements in the applicable section. Works that are not described in Section 1, do not meet any applicable requirements or to which Section 2 applies are not allowed to be submitted under the TOR program.

1. Standard Works Allowed

i) Allowed Sanitary Sewage Works

Unless specified in Section 2 of this Schedule, only ECA applications for the following sanitary sewage works are allowed to be submitted by the Municipality under the TOR Program:

- a. New or modified, municipal or private sanitary sewers, forcemains or siphons that:
 - i. are designed in accordance with the Ministry document *Design Guidelines for Sewage Works, 2008* (PIBS 6879) as amended from time to time;
 - ii. are not combined sewers; and
 - iii. do not discharge directly to a sewage treatment plant.

- b. New or modified, municipal or private sanitary sewage pumping stations that:
 - i. are designed in accordance with the Ministry document *Design Guidelines for Sewage Works, 2008* (PIBS 6879) as amended from time to time; and
 - ii. do not discharge directly to a sewage treatment plant.

For greater clarity, any sanitary sewage works that provide any treatment of sanitary sewage are not allowed to be submitted under the TOR program.

ii) Allowed Stormwater Works

Unless specified in Section 2 of this Schedule, only ECA applications for the following stormwater works are allowed to be submitted by the Municipality under the TOR Program:

- a. New or modified municipal or private storm sewers, ditches, culverts and grassed swales that:
 - i. are designed in accordance with the Ministry document *Stormwater Management Planning and Design Manual, 2003* (PIBS 4329e) as amended from time to time;
 - ii. are designed primarily for the collection and transmission of stormwater;
 - iii. discharge to existing storm sewers, other existing stormwater conveyance works, an approved stormwater management facility, or a Municipal Drain;
 - iv. for drainage works under the *Drainage Act*, approval of a petition for the modifications must be obtained under the *Drainage Act* prior to submitting an application for an ECA;
 - v. are not combined sewers or superpipes and does not connect to a combined sewer;
 - vi. are not located on industrial land or designed to service industrial land;
 - vii. do not propose to collect, store or discharge stormwater containing substances or pollutants (other than Total Suspended Solids, or oil and grease) detrimental to the environment or human health; and
 - viii. do not require the establishment and monitoring of effluent quality criteria.

- b. New or modified, municipal or private oil/grit separators that:
 - i. are designed in accordance with the Ministry document *Stormwater Management Planning and Design Manual, 2003* (PIBS 4329e) as amended from time to time;
 - ii. discharge to existing storm sewers, other existing stormwater conveyance, an approved stormwater management facility, or a Municipal Drain;
 - iii. for drainage works under the *Drainage Act*, approval of a petition for the modifications must be obtained under the *Drainage Act* prior to submitting an application for an ECA;
 - iv. are not located on industrial land or designed to service industrial land;
 - v. do not propose to collect, store or discharge stormwater containing substances or pollutants (other than Total Suspended Solids, or oil and grease) detrimental to the environment or human health; and
 - vi. do not require the establishment and monitoring of effluent quality criteria.

2. Works Not Allowed To Be Submitted

Under no circumstances are the following applications for Works identified in Section 1 to be submitted under the TOR program:

- a. applications that are identified by the local Ministry District Office as being proposed within the zone of influence of a landfill area;
- b. applications for sanitary sewage works that provide any treatment of sanitary sewage;
- c. applications that are for airports or airparks;
- d. applications that are for pumping stations that service combined sewer systems;
- e. applications for projects that have received a Part II Order request, until the request has been decided;
- f. applications for projects that have undertaken an individual Environmental Assessment; and
- g. applications that are likely to trigger the Duty to Consult.

In addition, if the Municipality determines that the works listed in an application have been constructed or are being constructed before an Environmental Compliance Approval has been issued, the Municipality shall:

- i. immediately notify the local Ministry District Office; and
- ii. return the application and all associated documents and fees to the applicant and instruct them that the application will not be reviewed under the TOR program and that they must submit the application directly to the Ministry for review.

1. Documents Prepared by the Applicant

For all ECA applications submitted under the TOR program, the following list of documents must be prepared by the applicant and submitted to the Municipality for review:

1. A completed, signed and dated Environmental Compliance Approval Application Form and any documents required by the form.
2. Any Design Report(s). If the application is for stormwater works, a Stormwater Management Report is required and should be prepared in accordance with the requirements in the “Stormwater Management Planning and Design Manual, March 2003 (PIBS 4329e)” (<http://www.ontario.ca/environment-and-energy/stormwater-management-planning-and-design-manual>), as applicable.
3. Drawings signed, stamped and dated by a Professional Engineer.
4. The Pipe Data Form (PIBS 6238e) (<https://www.ontario.ca/document/pipe-data-form-watermain-storm-sewer-sanitary-sewer-and-forcemain-design-supplement-application>) with all applicable sections and appendices completed, required if the proposed works include sanitary sewers, forcemains, sewage pumping stations, or stormwater sewers. For storm sewer applications, if as noted in section 6.5 of the Pipe Data Form, the applicant has chosen to submit information equivalent to that described in the Storm Sewer Hydraulic Design Sheet located in Appendix A of the form, the application shall clearly describe what equivalent information is being submitted and how it is equivalent to the information in the Storm Sewer Hydraulic Design Sheet. For sanitary sewers if as noted in section 7.4 of the Pipe Data Form, the applicant has chosen to submit information equivalent to that described in the Sanitary Sewer Design Sheet located in Appendix B of the form, the application shall clearly describe what equivalent information is being submitted and how it is equivalent to the information in the Sanitary Sewer Design Sheet.
5. If the application is for a sewage pumping station, contingency plans for emergency and pump failure situations (if pumps and emergency generator fail under peak inflow conditions) to prevent sewage backing up or overflowing.
6. If the application is for a forcemain or siphon, contingency plans for possible overflows.
7. If the works are to be constructed on land that is not owned by the applicant, proof of consent from the owner of the land, allowing the construction of the works on the land.
8. If the stormwater works discharge to a location or works that are not owned by the applicant, proof of consent from the owner of the receiving works.
9. If the Municipality required pre-submission consultation with the local Ministry District Office, a record of the results of the consultation.
10. Documentation confirming that any EAA or Duty to Consult requirements are met or project is exempt.
11. Confirmation of whether EBR requirements apply or project is exempt.
12. Documentation on all public consultation done for the project, if applicable.

13. Confirmation that the local Ministry District Office was sent a copy of the complete application package.
14. If Conservation Authority clearance or a Niagara Escarpment Planning and Development Act permit is required, a copy of the approval, permit or clearance letter.
15. If the proposed works are in an area where they are considered a significant threat to sources of drinking water, the Source Protection Supplementary Report/Information should outline how the proposed works will be managed to mitigate the contamination of sources of drinking water through the construction, design and operation of the proposed activity. If the works are not located in such an area that they are considered a significant threat to sources of drinking water, the Source Protection Supplementary Report should outline details to support this conclusion.

2. Documents Prepared by the Municipality

For all ECA applications submitted under the TOR program, the following list of documents must be prepared by the Municipality and submitted to the Ministry along with all of the documentation prepared by the applicant in Section 1 above:

1. A completed, signed and dated copy of the Ministry's Transfer of Review Program Application Submission Checklist.
2. A Letter of Recommendation of the project as per Schedule C prepared and signed by the Professional Engineer(s) that meet the criteria in Section 11 of the Agreement.
3. A draft ECA including the description of works and terms and conditions to go into the Approval.

The Professional Engineer is required to review Environmental Compliance Approval application information against the “Design Guidelines for Sewage Works 2008 (PIBS 6879e)” (<http://www.ontario.ca/environment-and-energy/design-guidelines-sewage-works>) and “Stormwater Management Planning and Design Manual, March 2003 (PIBS 4329e)” (<http://www.ontario.ca/environment-and-energy/stormwater-management-planning-and-design-manual>), as applicable.

The “Guide to Applying for an Environmental Compliance Approval” (<https://www.ontario.ca/document/guide-applying-environmental-compliance-approval>) also provides guidance, which can be used to assist with the review and preparation of draft Environmental Compliance Approvals.

In general, it is necessary to comply with Ministry guidelines, unless there are valid technical reasons why the guidelines cannot be met. Consequently, the applicant is required to document how the proposed design will achieve the intended purpose of the guidelines. The Professional Engineer will be required to use discretion and apply best professional engineering judgment based on his/her experience to make a decision on the acceptability of the applicant’s design. The Professional Engineer will be required to document his/her evaluation and decision-making process in the Letter of Recommendation regarding the Environmental Compliance Approval application review to the Ministry Director.

For example, there are circumstances when the required 2.5 meters minimum horizontal separation distance between sewers and watermains cannot be achieved as set out in “Guideline F-6 Sewer and Watermain Installation: Separation Distance Requirements (PIBS 0629e)” (<https://www.ontario.ca/environment-and-energy/f-6-sewer-and-watermain-installation-separation-distance-requirements>) and “Procedure F-6-1 Procedures to Govern Separation of Sewers and Watermains (PIBS 0629e01)” (<https://www.ontario.ca/environment-and-energy/f-6-1-procedures-govern-separation-sewers-and-watermains>). In this example, documentation will be required to support the recommendation if an alternative design is determined to be technically acceptable.

Letter of Recommendation

The Letter of Recommendation from the Municipality to the Ministry needs to be signed by the Professional Engineer(s) that meet the criteria in Section 11 of the Agreement. This letter is required to document the Professional Engineer’s technical evaluation of the application information and provide a recommendation to the Ministry as to whether to issue an Environmental Compliance Approval. A recommendation to issue the Environmental Compliance Approval must be based on conformance of the application information with all applicable Ministry requirements and guidelines. Alternatively, the Letter of Recommendation must document the decision-making process used to determine that the project is technically acceptable.

The Letter of Recommendation is required to include the following:

- i. confirmation that the design of the proposed sewage works is in accordance with the Ministry “Design Guidelines for Sewage Works 2008” and/or that the design of the proposed stormwater management works is in accordance with the Ministry’s “Stormwater Management Planning and Design Manual 2003” and meets the Ministry requirements established during the pre-application consultation process or other consultation as necessary;
- ii. confirmation that the requirements of the *Environmental Assessment Act*, the *Environmental Bill of Rights* and/or the Duty to Consult have been met or that they do not apply;

- iii. confirmation that the required fees were received by the Municipality, along with the total amount of fees received;
- iv. for drainage works under the *Drainage Act*, confirmation that approval of the petition under the *Drainage Act* has been obtained, as applicable;
- v. for works to be constructed on land that is not owned by the applicant, proof of consent from the owner of the land, allowing the construction of the works on the land;
- vi. for stormwater works that discharge to a location or to works that are not owned by the applicant, proof of consent from the owner of the receiving works;
- vii. confirmation that the local Ministry District Office has been contacted if required and any issues raised have been addressed including requirements concerning Indigenous notification and consultation;
- viii. if clearance from local Conservation Authority is required, confirmation that clearance was obtained [Note: if formal approval from the local Conservation Authority is not required it is strongly recommended that applicants consult with the local Conservation Authority, particularly on stormwater related applications to determine if they have any concerns with the project. If the project does not occur within the boundary of a Conservation Authority, consultation with the local Ministry of Natural Resources and Forestry (MNRF) office is recommended];
- ix. if the sewage works is a significant drinking water threat, confirmation that the works have been reviewed by the Municipality in accordance with the Clean Water Act, 2006 and the applicable policies of the local Source Protection Plan. The review has determined that the activity will no longer pose a significant threat to drinking water as a result of the measures identified by the proponent and with appropriate terms and conditions, if approved;
- x. a recommendation with respect to the issuance of the Environmental Compliance Approval; and
- xi. confirmation that the review engineer did not design the works that he/she reviewed as well as confirmation that review engineer is an employee of the Municipality and their PEO licence number.

With respect to item (i) above, for all stormwater works applications the Professional Engineer must include in their Letter of Recommendation a description of the water quality and quantity criteria that were established for the project and that agreement on the criteria was obtained from relevant agencies (e.g. municipal, CA). In addition, the Professional Engineer must also confirm that all necessary water quality and quantity controls designed for the project are all to be constructed and put into operation within the same timeframe.

If the applicant intends to delay the construction of part of the works that are necessary to provide required water quantity or quality control but whatever works are constructed will be put into operation then these applications cannot be submitted under the program unless interim water quantity and/or quality control measures are provided. For example, if a new planned subdivision requires both conveyance piping and stormwater quantity and quality control via a detention pond, the applicant cannot operate the conveyance piping without the pond also being in place or, at a minimum, interim measures to provide suitable quantity and/or quality control.

It is for this reason that the Ministry may include conditions in the approval that require the approval holder to notify the Ministry when the approved works have been constructed and/or put into operation.

Please note that the Ministry may remove a participating Municipality from the program if it is discovered (through an audit) that its applicants are routinely delaying or not constructing approved works.

A copy of the Letter of Recommendation is to be sent to the applicant by the participating municipality. It is the participating Municipality's responsibility to notify the applicant when the Environmental Compliance Approval application documentation has been sent to the Ministry.

A sample letter is provided in the Ministry document "Transfer of Review Letter of Recommendation Template" that accompanies the TOR agreement when issued to the Municipality and can also be requested from the Ministry.

The following are examples that can be used when preparing a draft Environmental Compliance Approval to be issued under the Transfer of Review program. Descriptions can be modified as necessary. The terms and conditions included in this document are basic –additional conditions can be added on a site-specific basis, including based on comments provided in the Letter of Recommendation.

SAMPLE DESCRIPTIONS OF WORKS

Descriptions should include applicant and site information as follows:

[Applicant Name]
[Address 1]
[Address 2]
[City/Town], ON
[Postal Code]

[Site Name]
[Location (e.g. Lot/Concession)]
[City/Town]

Sample Description for Sewers/Conveyance

[the establishment of, or modifications to existing] wastewater infrastructure Works located in the [town/city], consisting of the following:

- **sanitary sewers, storm sewers and/or forcemains** on [Street Name(s)] from approximately [X] metres north/east/south/west of [Street Name] to approximately [X] metres north/east/south/west of [Street Name], discharging to [existing sewers, forcemain, SWM facility, etc.] located [location];
- **roadside ditches** on [Street Name(s)], from approximately [X] metres north/east/south/west of [Street Name] to approximately [X] metres north/east/south/west of [Street Name], discharging to [existing ditches, SWM facility, etc.] located [location];
- **[X number] of [culvert type] culverts** on [location, e.g. crossing X street or intersection];
- **grassed swales and culverts** on [Street Name(s)], from approximately [X] metres north/east/south/west of [Street Name] to approximately [X] metres north/east/south/west of [Street Name], discharging to [existing swales or ditches, SWM facility, etc.] located [location];
- **replacement of combined sewers** on [Street Name(s)], from approximately [X] metres north/east/south/west of [Street Name] to approximately [X] metres north/east/south/west of [Street Name], discharging to [existing combined sewer, sanitary sewer, etc.] located [location];

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted application and supporting documents listed in Schedule A forming part of this Approval.

Sample Description for Sewage Pumping Stations

[the establishment of, or modifications to existing] wastewater infrastructure Works to serve [service area description] located in the [town/city], consisting of the following:

- **sanitary sewage pumping station** on [Street Name(s)], designed for an initial period peak flow of [X] litres per second and an ultimate period peak flow of [X] litres per second, consisting of a [X sized] wet well equipped with [X] submersible pumps, [Pump Model] or Equivalent Equipment, [X] for duty and [X] for standby, each pump with a rated capacity of [X] litres per second and a total dynamic head (TDH) of [X] metres, complete with control systems, a high level alarm system, level transmitters, discharge piping, ventilation system, valves, [X] standby power generators rated at [X] kilowatts and other appurtenances, discharging via a [X] millimetre diameter forcemain to [existing sanitary sewer, forcemain, etc.] located on [X];

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted application and supporting documents listed in Schedule A forming part of this Approval.

Sample Description for Oil/Grit Separators

[the establishment of, or modifications to existing] stormwater management Works [to serve X, or related to project X, etc.], located in the [town/city], consisting of the following:

- **oil and grit separator (catchment area [X] hectares):** one (1) oil and grit separator, [Model X] or Equivalent Equipment, located [location], providing [Basic, Normal, Enhanced] Level of protection, having a sediment storage capacity of [X] cubic metres (or litres), an oil storage capacity of [X] cubic metres (or litres), a total storage volume of approximately [X] cubic metres (or litres), and a maximum treatment rate of [X] litres per second, receiving inflow from the storm sewer located [location], discharging via a [X] millimetre diameter outlet pipe equipped with [orifice, etc. if applicable] to [sewer, ditch, etc.] on [location];

including erosion/sedimentation control measures during construction and all other controls and appurtenances essential for the proper operation of the aforementioned Works;

all in accordance with the submitted application and supporting documents listed in Schedule A forming part of this Approval.

SAMPLE TERMS AND CONDITIONS FOR WORKS

Definitions:

1. "Approval" means this entire document and any schedules attached to it, and the application;

[{For sewage pumping stations:](#)
2. "BOD5"(also known as TBOD₅) means five day biochemical oxygen demand measured in an unfiltered sample and includes carbonaceous and nitrogenous oxygen demand; }
3. "Director" means a person appointed by the Minister pursuant to section 5 of the EPA for the purposes of Part II.1 of the EPA;

[{For privately owned works:](#)
4. "District Manager" means the District Manager of the appropriate local District Office of the Ministry, where the Works are geographically located;

[{For sewage pumping stations:](#)
5. "E. coli" refers to the thermally tolerant forms of Escherichia that can survive at 44.5 degrees Celsius; }
6. "EPA" means the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended;

[{For sewage pumping stations:](#)
7. "Emergency Situation" means a structural, mechanical or electrical failure that causes a temporary reduction in the capacity of the Sewage Pumping Station or an unforeseen flow condition that may result in:
 - a. danger to the health or safety of any person; or
 - b. injury or damage to any property, or serious risk of injury or damage to any property; }
8. "Equivalent Equipment" means a substituted equipment or like-for-like equipment that meets the required quality and performance standards of the approved named equipment;
9. "Event" means an action or occurrence at the Sewage Pumping Station that causes a Sewage Pumping Station Overflow. An Event ends when there is no recurrence of a Sewage Pumping Station Overflow in the 12-hour period following the last Sewage Pumping Station Overflow. Two Events are separated by at least 12 hours during which there has been no recurrence of a Sewage Pumping Station Overflow; }
- [{For interim works:](#)
10. "Interim Works" means the interim Works, described in this Approval and that are to be used for short-term purposes only in accordance with this Approval, until otherwise approval for an extension of this period has been granted; }
- [{For sewage pumping stations:](#)
11. "Limited Operational Flexibility" (LOF) means any modifications that the Owner is permitted to make to the Works under this Approval; }

12. "Ministry" means the ministry of the government of Ontario responsible for the EPA and OWRA and includes all officials, employees or other persons acting on its behalf;

13. "MNRF" means the Ministry of Natural Resources and Forestry of the government of Ontario and includes all officials, employees or other persons acting on its behalf;

{For sewage pumping stations:

14. "Notice of Modification" means the form entitled "Notice of Modification to Sewage Works"; }

15. "Owner" means [X], and includes {its/her/his/their} successors and assignees;

16. "OWRA" means the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended;

{For sewage pumping stations:

17. "Professional Engineer" means a person entitled to practice as a Professional Engineer in the Province of Ontario under a licence issued under the *Professional Engineers Act*;

18. "Sewage Pumping Station Overflow" means any discharge from a Sewage Pumping Station to the environment that does not undergo any treatment or only receives partial treatment before it is discharged to the environment;

19. "Substantial Completion" has the same meaning as "substantial performance" in the *Construction Lien Act*; }

20. "Water Supervisor" means the Water Supervisor of the appropriate local office of the Safe Drinking Water Branch of the Ministry, where the Works are geographically located;

{For all applications **without** sewage pumping stations:

21. "Works" means the sewage works described in the Owner's application, and this Approval.

For all applications **with** sewage pumping stations:

"Works" means the sewage works described in the Owner's application, this Approval, and the modifications made under Limited Operational Flexibility. }

Terms and Conditions:

1. GENERAL CONDITIONS

1. The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
2. Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, and the application for approval of the Works.
3. Where there is a conflict between a provision of any document in the schedule referred to in this Approval and the conditions of this Approval, the conditions in this Approval shall take precedence, and where there is a conflict between the documents in the schedule, the document bearing the most recent date shall prevail.
4. Where there is a conflict between the documents listed in Schedule A and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
5. The conditions of this Approval are severable. If any condition of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such condition to other circumstances and the remainder of this Approval shall not be affected thereby.

[{If the Works discharge to a surface water body and if no Conservation Authority/MNRF approval has been obtained:](#)

6. The issuance of, and compliance with the conditions of, this Approval does not:
 - a. relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including, but not limited to, the obligation to obtain approval from the local conservation authority/MNRF necessary to construct or operate the sewage works; or
 - b. limit in any way the authority of the Ministry to require certain steps be taken to require the Owner to furnish any further information related to compliance with this Approval. }

2. EXPIRY OF APPROVAL

1. This Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.
2. In the event that completion and commissioning of any portion of the Works is anticipated to be delayed beyond the specified expiry period, the Owner shall submit an application of extension to the expiry period, at least twelve (12) months prior to the end of the period. The application for extension shall include the reason(s) for the delay, whether there is any design change(s) and a review of whether the standards applicable at the time of Approval of the Works are still applicable at the time of request for extension, to ensure the ongoing protection of the environment.

{For interim works, use only this sub-condition, not 2(1) and 2(2):

3. This Approval to the Interim Works shall expire and become null and void on [date]. }

3. CHANGE OF OWNER

1. The Owner shall notify the {District Manager/Water Supervisor} and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:
 - a. change of Owner;
 - b. change of address of the Owner;
 - c. change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the *Business Names Act*, R.S.O. 1990, c.B17 shall be included in the notification to the {District Manager/Water Supervisor}; or
 - d. change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the *Corporations Information Act*, R.S.O. 1990, c. C39 shall be included in the notification to the {District Manager/Water Supervisor}.
2. In the event of any change in ownership of the Works, other than a change to a successor municipality, the Owner shall notify in writing the succeeding owner of the existence of this Approval, and a copy of such notice shall be forwarded to the {District Manager/Water Supervisor} and the Director.
3. The Owner shall ensure that all communications made pursuant to this condition refer to the number at the top of this Approval.

{For privately owned, non-industrial works:

4. Notwithstanding any other requirements in this Approval, upon transfer of the ownership or assumption of the Works to a municipality if applicable, any reference to the District Manager shall be replaced with the Water Supervisor. }

{For storm sewers, ditches, culverts and swales, used for conveyance purposes only:

C. OPERATION AND MAINTENANCE

1. If applicable, any proposed storm sewers or other stormwater conveyance in this Approval can be constructed but not operated until the proposed stormwater management facilities in this Approval or any other Approval that are designed to service the storm sewers or other stormwater conveyance are in operation. }

{For sewage pumping stations:

P1. UPON THE SUBSTANTIAL COMPLETION OF THE WORKS

1. Upon the Substantial Completion of the Works, the Owner shall prepare a statement, certified by a Professional Engineer, that the works are constructed in accordance with this Approval, and upon request, shall make the written statement available for inspection by Ministry personnel.

2. Within six (6) months of the Substantial Completion of the Works, a set of as-built drawings showing the works “as constructed” shall be prepared. These drawings shall be kept up to date through revisions undertaken from time to time and a copy shall be retained at the Works for the operational life of the Works.

P2. SEWAGE PUMPING STATION OVERFLOW

1. Any Sewage Pumping Station Overflow is prohibited, except:
 - a. in an Emergency Situation; and
 - b. where the Sewage Pumping Station Overflow is a direct and unavoidable result of a planned maintenance procedure, the Owner having notified the {District Manager/Water Supervisor} at least fifteen (15) days prior to the occurrence of the Sewage Pumping Station Overflow and the {District Manager/Water Supervisor} having given written consent of the Sewage Pumping Station Overflow.
2. The Owner shall forthwith notify the Spills Action Centre (SAC) and the Medical Officer of Health of all Events as soon as possible. This notice shall include, at a minimum, the following information:
 - a. the date, time, and duration of the Event;
 - b. the location of the Sewage Pumping Station Overflow and the receiver;
 - c. the measured or estimated volume of the Event (unless the Event is ongoing); and
 - d. the reason for the Event.
3. The Owner shall submit a summary report of the Sewage Pumping Station Overflow Events to the {District Manager/Water Supervisor} on a quarterly basis, no later than each of the following dates for each calendar year: February 14, May 15, August 14, and November 15. The summary reports shall be in a format specified by the Ministry, which shall include, at a minimum, the following information on any Events that occurred during the preceding quarter:
 - a. the date of the Event(s);
 - b. the measured or estimated volume of the Event(s);
 - c. the duration of the Event(s);
 - d. the location of the Sewage Pumping Station Overflow and the receiver;
 - e. the reason for the Event(s); and
 - f. the impact of the Event(s) on the receiver(s).
4. The Owner shall use best efforts to collect a representative sample consisting of a minimum of two (2) grab samples of the Sewage Pumping Station Overflow and have it analyzed for the parameters outlined in [Condition P4](#) using the protocols specified in [Condition P4](#), one at the

beginning of the Event and the second approximately near the end of the Event, to best reflect the effluent quality of the Sewage Pumping Station Overflow.

5. The Owner shall maintain a logbook of all Sewage Pumping Station Overflows, which shall contain, at a minimum, the types of information set out in sub-conditions 2(a) to 2(d) in respect of each Sewage Pumping Station Overflow.

P3. OPERATION AND MAINTENANCE

1. The Owner shall exercise due diligence in ensuring that, at all times, the Works and the related equipment and appurtenances used to achieve compliance with this Approval are properly operated and maintained. Proper operation and maintenance shall include effective performance, adequate funding, adequate operator staffing and training, including training in all procedures and other requirements of this Approval and the EPA and regulations, adequate laboratory facilities, process controls and alarms and the use of process chemicals and other substances used in the Works.
2. The Owner shall prepare an operations manual [{prior to the commencement of operation of the Works/within six \(6\) months of Substantial Completion of the Works}](#), that includes, but is not necessarily limited to, the following information:
 - a. operating and maintenance procedures for routine operation of the Works;
 - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
 - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 - d. procedures for the inspection and calibration of monitoring equipment;
 - e. a spill prevention control and countermeasures plan, consisting of contingency plans and procedures for dealing with equipment breakdowns, potential spills and any other abnormal situations, including notification to the Spills Action Centre (SAC), the Medical Officer of Health, and the [{District Manager/Water Supervisor}](#); and
 - f. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
3. The Owner shall maintain the operations manual current and retain a copy at the location of the Works for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.
4. The Owner shall provide for the overall operation of the Works an operator who holds a licence that is applicable to that type of facility and that is of the same class as or higher than the class of the facility in accordance with Ontario Regulation 129/04.

[{If the Works are in an area where they are considered a significant threat to sources of drinking water :](#)
5. The Owner shall develop a Response Plan in the event of unplanned Sewage Pumping Station Overflows, consisting of measures to mitigate and prevent the contamination of drinking water. }

P4. MONITORING AND RECORDING

1. The Owner shall, upon commencement of operation of the Works, carry out the following monitoring program:
 - a. All samples and measurements taken for the purposes of this Approval are to be taken at a time and in a location characteristic of the quality and quantity of the Sewage Pumping Station Overflow stream over the time period being monitored.
 - b. Samples shall be collected at the following sampling points, at the frequency specified, by means of the specified sample type and analyzed for each parameter listed and all results recorded, as outlined in [Schedule X](#).
 - c. The methods and protocols for sampling, analysis and recording shall conform, in order of precedence, to the methods and protocols specified in the following:
 - i. the Ministry's Procedure F-10-1, "Procedures for Sampling and Analysis Requirements for Municipal and Private Sewage Treatment Works (Liquid Waste Streams Only)", as amended from time to time by more recently published editions;
 - ii. the Ministry's publication "Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater" (January 1999), ISBN 0-7778-1880-9, as amended from time to time by more recently published editions; and
 - iii. the publication "Standard Methods for the Examination of Water and Wastewater" (21st edition), as amended from time to time by more recently published editions.

P5. REPORTING

1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the [{District Manager/Water Supervisor}](#) (in writing) of the pending start-up date.
2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the [{District Manager/Water Supervisor}](#) when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:
 - a. a summary and interpretation of all monitoring data, including an overview of the success and adequacy of the Works;
 - b. a description of any operating problems encountered and corrective actions taken;

- c. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works;
 - d. a summary of the calibration and maintenance carried out on all monitoring equipment;
 - e. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
 - f. a summary of all Sewage Pumping Station Overflows, spill or abnormal discharge events;
 - g. a copy of all Notices of Modification submitted to the {District Manager/Water Supervisor} as a result of Schedule Y, Section 1, with a status report on the implementation of each modification;
 - h. a report summarizing all modifications completed as a result of Schedule Y, Section 3; and
 - i. any other information the {District Manager/Water Supervisor} requires from time to time.
4. The Owner shall, within thirty (30) calendar days of issuance of this Approval, submit a Municipal Wastewater System Profile Information Form, and shall resubmit the updated document every time a notification is provided to the {District Manager/Water Supervisor} in compliance with requirements of change of ownership under this Approval.

P6. LIMITED OPERATIONAL FLEXIBILITY

- 1. The Owner may make modifications to the Works in accordance with the Terms and Conditions of this Approval and subject to the Ministry's "Limited Operational Flexibility Criteria for Modifications to Sewage Works", included under Schedule Y of this Approval, as amended.
- 2. Sewage works proposed under Limited Operational Flexibility shall adhere to the design guidelines contained within the Ministry's publication "Design Guidelines for Sewage Works 2008", as amended.
- 3. The Owner shall ensure at all times, that the Works, related equipment and appurtenances which are installed or used to achieve compliance are operated in accordance with all Terms and Conditions of this Approval.
- 4. For greater certainty, the following are not permitted as part of Limited Operational Flexibility:
 - a. modifications to the Works that result in an increase of the approved Rated Capacity of the Works;
 - b. modifications to the Works that may adversely affect the approved effluent quality criteria or the location of the discharge/outfall;
 - c. modifications to the treatment process technology of the Works, or modifications that involve construction of new reactors (tanks) or alter the treatment train process design;

- d. modifications to the Works approved under s.9 of the EPA; and
 - e. modifications to the Works pursuant to an order issued by the Ministry.
5. Implementation of Limited Operational Flexibility is not intended to be used for piecemeal measures that result in major alterations or expansions.
 6. If the implementation of Limited Operational Flexibility requires changes to be made to the Emergency Response, Spill Reporting and Contingency Plan, the Owner shall, as deemed necessary in consultation with the {District Manager/Water Supervisor}, provide a revised copy of this plan to the local fire services authority prior to implementing Limited Operational Flexibility.
 7. For greater certainty, any modification made under the Limited Operational Flexibility may only be carried out after other legal obligations have been complied with, including those arising from the *Environmental Protection Act, Niagara Escarpment Planning and Development Act, Oak Ridges Moraine Conservation Act, Lake Simcoe Protection Act and Greenbelt Act*.
 8. Prior to implementing Limited Operational Flexibility, the Owner shall complete a Notice of Modification describing any proposed modifications to the Works and submit it to the {District Manager/Water Supervisor}.

{For oil and grit separators:

S1. OPERATION AND MAINTENANCE

1. If applicable, any proposed storm sewers or other stormwater conveyance in this Approval can be constructed but not operated until the proposed stormwater management facilities in this Approval or any other Approval that are designed to service the storm sewers or other stormwater conveyance are in operation.
2. The Owner shall make all necessary investigations, take all necessary steps and obtain all necessary approvals so as to ensure that the physical structure, siting and operations of the Works do not constitute a safety or health hazard to the general public.
3. The Owner shall undertake an inspection of the condition of the Works, at least once a year, and undertake any necessary cleaning and maintenance to ensure that sediment, debris and excessive decaying vegetation are removed from the Works to prevent the excessive build-up of sediment, oil/grit, debris and/or decaying vegetation, to avoid reduction of the capacity and/or permeability of the Works, as applicable. The Owner shall also regularly inspect and clean out the inlet to and outlet from the Works to ensure that these are not obstructed.
4. The Owner shall construct, operate and maintain the Works with the objective that the effluent from the Works is essentially free of floating and settleable solids and does not contain oil or any other substance in amounts sufficient to create a visible film, sheen, foam or discoloration on the receiving waters.
5. The Owner shall maintain a logbook to record the results of these inspections and any cleaning and maintenance operations undertaken, and shall keep the logbook at the Owner's administrative office for inspection by the Ministry. The logbook shall include the following:

- a. the name of the Works; and
 - b. the date and results of each inspection, maintenance and cleaning, including an estimate of the quantity of any materials removed and method of clean-out of the Works.
6. The Owner shall prepare an operations manual prior to the commencement of operation of the Works that includes, but is not necessarily limited to, the following information:
- a. operating and maintenance procedures for routine operation of the Works;
 - b. inspection programs, including frequency of inspection, for the Works and the methods or tests employed to detect when maintenance is necessary;
 - c. repair and maintenance programs, including the frequency of repair and maintenance for the Works;
 - d. contingency plans and procedures for dealing with potential spills and any other abnormal situations and for notifying the {District Manager/Water Supervisor}; and
 - e. procedures for receiving, responding and recording public complaints, including recording any follow-up actions taken.
7. The Owner shall maintain the operations manual current and retain a copy at the Owner's administrative office for the operational life of the Works. Upon request, the Owner shall make the manual available to Ministry staff.

S2. TEMPORARY EROSION AND SEDIMENT CONTROL

- 1. The Owner shall install and maintain temporary sediment and erosion control measures during construction and conduct inspections once every two (2) weeks and after each significant storm event (a significant storm event is defined as a minimum of 25 mm of rain in any 24 hours period). The inspections and maintenance of the temporary sediment and erosion control measures shall continue until they are no longer required and at which time they shall be removed and all disturbed areas reinstated properly.
- 2. The Owner shall maintain records of inspections and maintenance which shall be made available for inspection by the Ministry, upon request. The record shall include the name of the inspector, date of inspection, and the remedial measures, if any, undertaken to maintain the temporary sediment and erosion control measures.

S3. REPORTING

- 1. One (1) week prior to the start-up of the operation of the Works, the Owner shall notify the {District Manager/Water Supervisor} (in writing) of the pending start-up date.
- 2. The Owner shall, upon request, make all reports, manuals, plans, records, data, procedures and supporting documentation available to Ministry staff.
- 3. The Owner shall prepare a performance report within ninety (90) days following the end of the period being reported upon, and submit the report(s) to the {District Manager/Water Supervisor}

when requested. The first such report shall cover the first annual period following the commencement of operation of the Works and subsequent reports shall be prepared to cover successive annual periods following thereafter. The reports shall contain, but shall not be limited to, the following information:

- a. a description of any operating problems encountered and corrective actions taken;
- b. a summary of all maintenance carried out on any major structure, equipment, apparatus, mechanism or thing forming part of the Works, including an estimate of the quantity of any materials removed from the Works;
- c. a summary of any complaints received during the reporting period and any steps taken to address the complaints;
- d. a summary of all spill or abnormal discharge events; and
- e. any other information the {District Manager/Water Supervisor} requires from time to time. }

R. RECORD KEEPING

1. The Owner shall retain for a minimum of five (5) years from the date of their creation, all records and information related to or resulting from the operation, maintenance and monitoring activities required by this Approval.

Schedule A forms part of this Approval and contains a list of supporting documentation / information received, reviewed and relied upon in the issuance of this Approval.

Schedule A

1. Application for Environmental Compliance Approval, dated **Date**, received on **Date**, submitted by **Applicant Name**;
2. Transfer of Review Letter of Recommendation, dated **Date** and signed by **Name, P.Eng., Title, Review Department, Municipality**;
3. Emails dated **Date** from...

[{For sewage pumping stations:](#)

Schedule X

Table 1 - Monitoring during a Sewage Pumping Station Overflow Event
(Samples to be collected from the Sewage Pumping Station Overflow stream)

Sample Type	Grab
Frequency	One sample at the beginning of the Event and the second sample approximately near the end of the Event
Parameters	BOD5, Total Suspended Solids, Total Phosphorus, Total Ammonia Nitrogen, E. coli (Note 1 see below), and pH

Note 1: Sampling and analysis shall be performed only for Events that occur between April 1 and October 31 inclusive

Schedule Y

Limited Operational Flexibility Criteria for Modifications to Municipal Sewage Works

1. The modifications to sewage Works approved under an Environmental Compliance Approval (Approval) that are permitted under the Limited Operational Flexibility (LOF), are outlined below and are subject to the LOF conditions in the Approval, and require the submission of the Notice of Modification. If there is a conflict between the sewage Works listed below and the Terms and Conditions in the Approval, the Terms and Conditions in the Approval shall take precedence.
 1. Sewage Pumping Stations
 - a. Alter pumping capacity by adding or replacing equipment where new equipment is located within an existing sewage pumping station site, provided that the modifications do not result in an increase of the pumping station's Rated Capacity and the existing flow process and/or treatment train are maintained, as applicable.
 - b. Forcemain relining and replacement with similar pipe size where the nominal diameter is not greater than 1,200 millimetres.
 2. Pilot Systems
 - a. Installation of pilot systems for new or existing technologies provided that:
 - i. any effluent from the pilot system is discharged to the inlet of the sewage pumping station or hauled off-site for proper disposal;
 - ii. any effluent from the pilot system discharged to the inlet of the sewage pumping station or sewage conveyance system does not significantly alter the composition/concentration of the influent sewage to be treated in the downstream process; and that it does not add any inhibiting substances to the downstream process; and
 - iii. the pilot system's duration does not exceed a maximum of two (2) years; and a report with results is submitted to the Director and Water Supervisor three (3) months after the completion of the pilot project.
2. Sewage Works that are exempt from section 53 of the OWRA by O. Reg. 525/98 continue to be exempt and are not required to follow the notification process under this Limited Operational Flexibility.
3. Normal or emergency operational modifications, such as repairs, reconstructions, or other improvements that are part of maintenance activities, including cleaning, renovations to existing approved sewage Works equipment, provided that the modification is made with Equivalent Equipment, are considered pre-approved.

4. The modifications noted in section (3) above are not required to follow the notification protocols under Limited Operational Flexibility, provided that the number of pieces and description of the equipment as described in the Approval does not change.

Notice of Modification to Sewage Works

RETAIN COPY OF COMPLETED FORM AS PART OF THE ECA AND SEND A COPY TO THE WATER SUPERVISOR (FOR MUNICIPAL) OR DISTRICT MANAGER (FOR NON-MUNICIPAL SYSTEMS)

Part 1 – Environmental Compliance Approval (ECA) with Limited Operational Flexibility

(Insert the ECA's owner, number, issuance date and notice number, which should start with "01" and consecutive numbers thereafter)

ECA Number	Issuance Date (mm/dd/yy)	Notice number (if applicable)
ECA Owner		Municipality

Part 2: Description of the modifications as part of the Limited Operational Flexibility

(Attach a detailed description of the sewage works)

Description shall include:

1. A detail description of the modifications and/or operations to the sewage works (e.g. sewage work component, location, size, equipment type/model, material, process name, etc.)
2. Confirmation that the anticipated environmental effects are negligible.
3. List of updated versions of, or amendments to, all relevant technical documents that are affected by the modifications as applicable, i.e. submission of documentation is not required, but the listing of updated documents is (design brief, drawings, emergency plan, etc.)

Part 3 – Declaration by Professional Engineer

I hereby declare that I have verified the scope and technical aspects of this modification and confirm that the design:

1. Has been prepared or reviewed by a Professional Engineer who is licensed to practice in the Province of Ontario;
2. Conforms with the Limited Operational Flexibility as per the ECA;
3. Has been designed consistent with Ministry's Design Guidelines, adhering to engineering standards, industry's best management practices, and demonstrating ongoing compliance with s.53 of the Ontario Water Resources Act; and other appropriate regulations.

I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate.

Name (Print)	PEO License Number
Signature	Date (mm/dd/yy)
Name of Employer	

Part 4 – Declaration by Owner

I hereby declare that:

1. I am authorized by the Owner to complete this Declaration;
2. The Owner consents to the modification; and
3. These modifications to the sewage works are proposed in accordance with the Limited Operational Flexibility as described in the ECA,
4. The Owner has fulfilled all applicable requirements of the *Environmental Assessment Act*.

I hereby declare that to the best of my knowledge, information and belief the information contained in this form is complete and accurate.

Name of Owner Representative (Print)	Owner representative's title (Print)
Owner Representative's Signature	Date (mm/dd/yy)

Reasons:

1. Condition 1 is imposed to ensure that the Works are constructed and operated in the manner in which they were described and upon which approval was granted. This condition is also included to emphasize the precedence of conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. {Condition 1.6 is included to emphasize that the issuance of this Approval does not diminish any other statutory and regulatory obligations to which the Owner is subject in the construction, maintenance and operation of the Works. The Condition specifically highlights the need to obtain any necessary conservation authority approvals. The Condition also emphasizes the fact that this Approval doesn't limit the authority of the Ministry to require further information.}
 2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
 3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to the approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.
- C. Condition C is included to prevent the operation of stormwater pipes and other conveyance until such time that their required associated stormwater management Works are also constructed.
- P1. Condition P1 is included to ensure that the Works are constructed in accordance with the Approval and that record drawings of the Works "as constructed" are updated and maintained for future references.
- P2. Condition P2 is included to indicate that Sewage Pumping Station Overflows are prohibited, except in circumstances where the failure to overflow could result in greater injury to the public interest than the Sewage Pumping Station Overflow itself. The notification and documentation requirements allow the Ministry to take action in an informed manner and ensure that the Owner is aware of the extent and frequency of Events.
- P3. Condition P3 is included to ensure that the Works are properly operated, maintained, funded, staffed and equipped such that the environment is protected and deterioration, loss, injury or damage to any person or property is prevented. The Condition also ensures that a comprehensive operations manual governing all significant areas of operation, maintenance and repair is prepared, implemented and kept up-to-date by the Owner and is made available to the Ministry. Such a manual is an integral part of the operation of the Works. Its compilation and use should assist the Owner in staff training, proper plant operation, and identification and planning for contingencies during abnormal conditions. The manual will also act as a benchmark for Ministry staff when reviewing the operation of the Works.
- P4. Condition P4 is included to provide additional details on the monitoring of Sewage Pumping Station Overflows.
- P5. Condition P5 is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.

- P6. **Condition P6** is included to ensure that the Works are operated in accordance with the application and supporting documentation submitted by the Owner, and not in a manner which the Director has not been asked to consider. These conditions are also included to ensure that a Professional Engineer has reviewed the proposed modifications and attests that the modifications are in line with that of Limited Operational Flexibility, and provide assurance that the proposed modifications comply with the Ministry's requirements stipulated in the terms and conditions of this Approval, Ministry policies, guidelines, and industry engineering standards and best management practices.
- S1. **Condition S1** is included as regular inspection and necessary removal of sediment and excessive decaying vegetation from the Works are required to mitigate the impact of sediment, debris and/or decaying vegetation on the treatment capacity of the Works. The Condition also ensures that adequate storage is maintained in the Works at all times as required by the design. Furthermore, this Condition is included to ensure that the Works are operated and maintained to function as designed.
- S2. **Condition S2** is included as installation, regular inspection and maintenance of the temporary sediment and erosion control measures is required to mitigate the impact on the downstream receiving watercourse during construction until they are no longer required.
- S3. **Condition S3** is included to provide a performance record for future references, to ensure that the Ministry is made aware of problems as they arise, and to provide a compliance record for all the terms and conditions outlined in this Approval, so that the Ministry can work with the Owner in resolving any problems in a timely manner.
- R. **Condition R** is included to require that all records are required for a sufficient time period to adequately evaluate the long-term operation and maintenance of the Works.