



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES  
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**DEVELOPMENT AND INFRASTRUCTURE SERVICES - ENGINEERING SERVICES  
INFORMATION REPORT ES 2016-49**

TO: Mayor Van Bynen and Members of Council

COPY: R.N. Shelton, Chief Administrative Officer  
P. Noehammer, Commissioner, Development & Infrastructure Services  
I. McDougall, Commissioner, Community Services  
E. Armchuk, Commissioner, Corporate Services  
Members of OLT

SUBJECT: **STORMWATER REVIEW PILOT PROJECT IN PARTNERSHIP WITH LAKE  
SIMCOE REGION CONSERVATION AUTHORITY (LSRCA) AND MINISTRY OF  
THE ENVIRONMENT AND CLIMATE CHANGE (MOECC)**

ORIGIN: Director, Engineering Services

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**PREAMBLE**

In accordance with the Procedure By-law, any Member of Council may request this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

**BACKGROUND AND COMMENTS**

Since February 2014, Town staff has actively participated in the Lake Simcoe Region Conservation Authority's (LSRCA's) Stormwater Management Policy Working Group, which later became the LSRCA Stormwater Management Technical Working Group. The groups are composed of representatives from all municipalities in the Lake Simcoe watershed, as well as developers, consultants and academics. The purpose of the two groups is to discuss all matters related to stormwater management, to address the more stringent regulations of the new Lake Simcoe Protection Plan, and to develop guidelines and sample policies, strategies and by-laws that can be used as models by municipalities as they implement Low Impact Development (LID) and phosphorus reduction initiatives.

For almost three years, one of the numerous topics discussed at the table has been the transfer of responsibility for reviewing applications for Environmental Compliance Approvals (ECA) for stormwater facilities. The hope was to transfer the responsibility for the reviews from the Ministry of the Environment and Climate Change (MOECC) to the LSRCA for the entire Lake Simcoe watershed. This transfer of duties would provide operational efficiencies and reduce review timelines and wait times, as well as eliminate duplication of processes and associated resources.

In December, 2015, the LSRCA sought input from all municipalities in the Lake Simcoe watershed on whether they would support the transfer of review responsibilities for stormwater ECA's from MOECC to the Conservation Authority. Armed with many letters of support from local municipalities, including one written by the Town of Newmarket, dated December 22, 2015, the LSRCA's Board Chair and CAO were able to meet with the Minister of the Environment and Climate Change on June 23, 2016, to discuss such transfer of review responsibilities. The meeting was a success, with the Minister giving the LSRCA the approval to move forward with MOECC staff to put in place a process for the transfer.

Talks continued between the LSRCA and MOECC staff and it was determined that a pilot project to test the new review process would be undertaken. Under the pilot project, the LSRCA would become responsible for reviews, thereby greatly reducing wait times. The MOECC would still issue the final ECA, but would no longer conduct the reviews. The parties agreed that the best way to proceed would be for the MOECC to enter into transfer agreements directly with individual municipalities, who would then designate the LSRCA as their review "Authority" through a separate agreement. The LSRCA agreement would state that the LSRCA is accepting full and sole liability for all ECA reviews and that the Town would be held harmless of any responsibility in the review. To ensure full compliance and quality control, the MOECC would conduct periodic audits.

The Town is very pleased that we (among few choice others) have been invited by the LSRCA to be one of the first municipalities in Ontario to participate in this innovative pilot project. It is believed that the Minister of the Environment and Climate Change would like to announce the commencement of a pilot project as soon as possible. Town staff is working closely with the LSRCA to place Newmarket as the first municipality in Ontario to undertake such a pilot project.

### **EFFICIENCY AND EFFECTIVENESS IMPACTS**

This pilot project will provide considerable operational efficiencies that are conducive to attracting development and making municipal capital works more efficient and effective. More specifically, the transfer of review responsibilities will result in dramatically reduced review timelines and wait times, as well as the elimination of duplication of processes and associated resources.

The MOECC currently receives a large number of applications for ECA's. As a result, there is a backlog that requires time to review. Currently, waiting times by developers and municipalities can be up to 9 months or more for an ECA; however, with this pilot project, it is expected that review times would be reduced to approximately 5 days. There would still be a waiting period for the MOECC to issue the ECA, but it would be several months less than the current waiting period.

Another operational efficiency is that with this project, the Town will be able to submit and review (through the LSRCA) applications for our own municipal works projects, such as road reconstruction projects that require stormwater works. The Town will also be able to submit applications on behalf of developers whose projects are entirely located within our municipal boundary. These applications would be prepared by the developers' consultants at no cost to the Town. Although the MOECC would still have the final say on whether or not an ECA will be issued, much of the groundwork would have been done by the LSRCA and the Town in advance of the application reaching the MOECC.

### **NEXT STEPS**

The LSRCA and MOECC have drafted preliminary documents to help facilitate the agreement processes. The Town's legal department is currently reviewing the agreements and will provide any edits required. The Director of Engineering Services has scheduled a meeting with the LSRCA to go over the documents and plan their proper execution. Documents will be forwarded to the MOECC for final signature.

### **HUMAN RESOURCES IMPACTS**

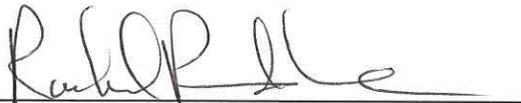
There are no human resources impacts of this pilot project.

### **BUDGET IMPACTS**

There are no budget impacts as a result of this pilot project.

### **CONTACT**

For more information on this report, please contact: Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services at ext: 2501 or via email at [rprudhomme@newmarket.ca](mailto:rprudhomme@newmarket.ca)



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