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Subject: Niagara Region comments – Environmental Compliance Approval in respect of Sewage Works Regulation (ERO #019-0005)

Date: May 28, 2019

To: Eugenia Chalambalacis, Business Transformation Branch
Ministry of the Environment, Conservation and Parks

From: Phill Lambert, Director
Infrastructure Planning and Development Engineering, Niagara Region

Kindly accept this letter as Niagara Region's comments in response to Ministry of the Environment, Conservation and Parks (MECP) Environmental Registry of Ontario (ERO) posting "Environmental Compliance Approval in respect of Sewage Works Regulation" (<https://ero.ontario.ca/notice/019-0005>).

Niagara Region's comments

In it's current state, Niagara Region has a two-tier water and wastewater system. There are approximately 112 Sewage Pumping Station and 11 Wastewater Treatment Plants (WWTP) owned and operated by the Niagara Region which each have separate individual Environmental Compliance Approvals (ECAs). None of these ECAs have pre-authorizations.

Niagara Region's local area municipalities own and operate the wastewater collection systems/sewers. Older sewers may not have ECAs as they pre-date this approval process. Newer sewers will typically have specific ECAs that are associated with development applications like Draft Plan of Subdivision Applications for new housing and commercial developments.

The proposed regulation does not translate well for a two-tier wastewater system, as Niagara Region has separate ECAs for the sewage pumping stations (SPS) and the local municipalities have ECAs for their separate pieces of the sanitary sewers.

These would need to be combined to be effectively assessed and evaluated with a new ECA for the SPS including all the upstream sewers as well as consideration for the entire sewer system for each WWTP. However, these combined assets have two separate ownership parties, being Niagara Region and the local municipalities. It is not clear how the "prescribed persons" will be applied in this case when there could be joint ownership for a new system-wide ECA with pre-authorizations.

Niagara Region currently completes the technical engineering review and recommends approval for draft ECAs for both new sanitary sewers and storm sewers for all the local municipalities through an agreement with the MECP known as the Transfer of Review Program. The MECP provides the formal approval with an ECA for the new storm and/or sanitary sewers, but the majority, if not all of the engineering review is completed by the Niagara Region. This approval process generally takes on average 5 weeks from draft ECA submittal to MECP to receipt of the hard copy of the final approved ECA.

Regional staff have been informed by the development industry that a direct submission to the MECP for an ECA (not using the Transfer of Review Program) can take up to 6 months to 1 year for receipt of the hard copy of the final approved ECA.

It is regional staff's understanding that this Transfer of Review process will continue until Niagara's municipalities have new ECA with pre-authorization conditions for the sanitary collection system. At this point in time, it is unclear how to achieve this future state, as the standards do not exist yet, nor does the applicable legislation.

Niagara Region recognizes that the MECP will have to undertake additional work on this initiative in order to resolve details and determine additional regulations. Regional staff looks forward to future opportunities to consult with the MECP on these related matters.

Respectfully submitted and signed by



Phill Lambert, P. Eng.

Director, Infrastructure Planning and Development Engineering
Niagara Region

cc.

Catherine Habermehl, Acting Commissioner, Public Works, Niagara Region
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