

March 14, 2024

EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St Clair Ave West
4th Floor
Toronto, ON
M4V 1P5

**Re: Environmental Registry of Ontario (ERO) notice 019-7891
New regulation to focus municipal environmental assessment requirements**

The Ontario Water Works Association (OWWA) represents water professionals across Ontario and provides a voice for municipalities, water system owners and accredited operators engaged in the provision of safe, sufficient and sustainable drinking water. The OWWA is a not-for-profit organization made up of over 1,500 individuals, businesses, academics, consulting firms and more than 90 municipal water providers. We are a Section of the American Water Works Association, the world's oldest and largest drinking water organization founded in 1881.

OWWA understands that the Ministry is proposing to revoke the Municipal Class EA (MCEA) and make a streamlined EA regulation for municipal infrastructure for higher-risk projects. The new regulation is intended to accelerate the delivery of critical public works to support housing infrastructure in Ontario.

The new Municipal Project Assessment Process (MPAP)

In general, the OWWA is supportive of measures that will allow municipalities to plan for the construction, expansion or improvement of water and wastewater infrastructure expeditiously, economically and based on sound science.

Our members are concerned, however, that the 120-day timeline will make meaningful consultation with stakeholders challenging. It also means that the entirety of the technical and pre-consultation work, including the development and consideration of alternative solutions as well as alternative design concepts must precede the issuance of the Notice of Commencement. As a result, consultation essentially occurs after the outcome for the project has been fully determined, and opportunities for the public to provide input will be superficial. Therefore, OWWA recommends that:

1. MECP not only permit municipalities to “continue to carry out master servicing planning under their own processes to assess planned municipal infrastructure” but rather strongly recommend that robust water and wastewater master planning be conducted,

complete with thorough public consultation and stakeholder engagement to facilitate the delivery of identified projects.

2. The new EA process should include clear transition provision that allows for projects approved under the current MCEA to be transitioned to the new approval process.
3. With more projects becoming exempt, MECP should provide clear guidance on Indigenous consultation expectations for projects outside of the MPAP that would have been previously included in the MCEA process, as well as clear consultation expectations for projects under the MPAP.

OWWA also notes that the 30-day Timeout period is unlikely to be sufficient to address any major concerns or issues raised in the formal consultation period. MECP should also provide more rigid timelines on agency reviews in order to streamline the process and to minimize or eliminate approval delays.

The Project List

With respect to the Streamlined Project List, OWWA would like to request clarification on the scope of Drinking Water Systems and Water Supply projects that would or would not be subject to the MPAP, specifically:

1. The document would benefit from a more detailed definition of a “new drinking water systems”, as it relates to “Construct a new drinking water system that includes a new well”, which as proposed would be subject to MPAP, and Projects 9a-9d, which all involve the construction of a new well but would not be subject to municipal EA requirements.
2. Does the provision of new or modified disinfection equipment (e.g. installation of UV) at an existing well constitute the construction of “a new drinking water treatment plant” (Project Type #5, subject to MPAP) or would it be considered “Install chemical or other process equipment or provide additional treatment facilities such as filtration for operational or maintenance purposes in existing treatment plants” (Project Type #14, no municipal EA requirements)?
3. A distinction should also be made for treatment equipment that is provided for aesthetic purposes (e.g. greensand filtration for iron and manganese removal) rather than to comply with minimum requirements for treatment equipment as described in O. Reg. 170/03 (i.e. filtration and/or primary disinfection, and secondary disinfection).

Further, OWWA recommends that minor capacity expansions (e.g. less than 25%) for existing water treatment plants be exempted from MPAP requirements, similar to sewage treatment plants.

Revoking the MCEA and Private Sector Developers Regulation

Currently, the MCEA process is used by municipalities to develop project from concept to approval, and Reg 345/93 is used to impose certain EA requirements on Developers. MECP is proposing to enact MPAP and revoke the MCEA and Reg 345/93. This would result in many complex infrastructure projects (for example a new water tower or pumping station proposed by a municipality, or a new sewage treatment plant proposed by a Developer) becoming exempt.

While there are potential benefits to exempting these types of projects from the MPAP, OWWA recommends:

1. That the process used in the development of these projects include consideration of the local source water protection plan, and any potential impacts on the quality and quantity of the existing/future municipal water supply.
2. That any works constructed by a developer that will later be assumed by a municipality be designed to comply with all applicable regulations, policies and guidelines for municipal water and wastewater works.

The OWWA would like to thank the Ministry for the opportunity to comment on the proposal and would be pleased to provide additional information or clarification upon request.

Sincerely,



Ed Bertolo
President, OWWA