

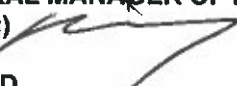

TO: GENERAL COMMITTEE


SUBJECT: DELEGATED AUTHORITY TO EXECUTE STATEMENT OF THE MUNICIPALITY ON ENVIRONMENTAL COMPLIANCE APPROVAL APPLICATIONS

WARD: ALL

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RECOMMENDED MOTION

1. That the Director of Engineering or his/her designate be granted delegated authority on behalf of the Corporation of the City of Barrie to sign Environmental Compliance Approval applications and or electronic submissions for sewage works indicating the Municipality's non-objection to the application, where such projects are deemed satisfactory by the Director of Engineering or his/her designate.
2. That the City of Barrie Fees By-law be amended to add an administration fee of \$200 for the review of Environmental Compliance Approval applications that are outside of the Planning Act.

PURPOSE & BACKGROUND

3. The purpose of this report is to seek Council adoption of the protocol for municipal sign off of non objection to Environmental Compliance Approval applications relating to sewage works, and to seek delegated authority for the Director of Engineering or his/her designate, to sign the declaration under the Statement of the Municipality for Environmental Compliance Approval applications to the Ministry of the Environment (MOE). This would ensure that private applications for MOE approval are expedited without requiring direct approval of Council. This report also seeks to amend the fees by-law to include fees to cover administrative costs relating to the review for the signoff.
4. Amendments to the Environmental Protection Act and the Ontario Water Resources Act came into effect in 2011 resulting in a new environmental approval process known as Environmental Compliance Approval (ECA) that replaced the previous Certificate of Approval (CofA) process.
5. Before the introduction of ECAs, applications for separate Certificates of Approval for air, noise, waste or sewage projects were required. Now applicants can apply for an ECA for multiple activities and projects.

6. The ECA application requires the applicant to confirm that the land use is permitted under the Official Plan and Zoning By-law for the municipality. The application further contains the question "Does the applicant have correspondence from the municipality to confirm that the current zoning of the property permits the proposed use?" Planning Services currently has a process and fee (\$123.00) to provide written confirmation for land use permissions that the applicant can attach to the ECA application.
7. The ECA application form also includes a Statement of the Municipality, which states "I, the undersigned hereby declare on behalf of the Municipality, that the Municipality has no objection to the construction of the works in the Municipality" followed by a signature line. The form's instructions indicate that this declaration should be signed by a municipal official authorized to sign on behalf of the municipality. The instructions further state that the declaration is required to establish the municipality's general concurrence with the proposal, to ensure that the proposed works would not contravene any municipal by-laws or other requirements. The municipal signoff is required only for applications relating to sewage works (sewage includes both sanitary and storm water).
8. The City Clerk currently has the authority to sign this statement on behalf of the municipality for applications brought forward for developments proceeding under the Planning Act (i.e. site plan & plan of subdivision). However, ECA applications brought forward outside the Planning Act process presently would require direct approval from Council to allow staff to sign the Statement of the Municipality as neither the City Clerk or other staff currently have the delegated authority to do so.
9. At the time of writing this report, the City has one ECA application that has been submitted outside of the Planning Act that requires completion of the "Statement of the Municipality". Given that this is a new process, staff anticipate that the City will soon begin to receive more of these applications requiring our review and signature.
10. The MOE is working towards an application form system which will allow declarations to be signed electronically. The delegated authority being sought under this report includes both hard copy and electronic signature formats.

ANALYSIS

12. Currently, there is no staff authority to sign ECA applications that are submitted outside of the Planning Act, so each application would have to be presented to Council for approval. Such a process would require considerable staff time, and extend the ECA approval timeline for the applicant.
13. ECA applications which are submitted to the City that are outside of the Planning Act, require review by several departments, to ensure the City has no objection to the application, including that the proposed works would not contravene any municipal by-laws or other requirements. It is proposed that this review be coordinated by the Engineering Department, and, if the application is deemed to be acceptable, that the Director of Engineering sign the application on behalf of the City.
14. ECA applications which are submitted as part of a process within the Planning Act (e.g. site plans and plans of subdivision) are currently signed by the City Clerk. However, considering that the detailed review process is coordinated by the Engineering Department, and to coordinate the process such that all ECA applications are processed through one Department, it would be more efficient to streamline the process so that all ECA applications are signed in one Department.

15. Therefore, it is recommended that the Director of Engineering be granted delegated authority on behalf of the Corporation of the City of Barrie to sign ECA applications and or electronic submissions for sewage works indicating the City's non-objection to the application, where such projects are deemed satisfactory.

ENVIRONMENTAL MATTERS

16. The new ECA process requiring the "Statement of the Municipality" benefits the Corporation by ensuring that City staff are provided with the opportunity to review applications for sewage (sanitary or storm water) to ensure that the proposed works meet City requirements for protection of the environment.

ALTERNATIVES

17. There is one Alternative available for consideration by General Committee:

Alternative #1

General Committee could choose to not grant delegated authority to the Director of Engineering to sign the declaration on behalf of the City for ECA applications.

This Alternative is not recommended as it would require substantial administrative efforts to attain Council approval for applications outside of the Planning Act. For applications within the Planning Act, internal efficiencies would not be realized.

FINANCIAL

18. It is recommended that the City of Barrie Fees By-law be amended to add an administration fee of \$200 for the review of ECA applications that are outside of the Planning Act. Currently there is no fee associated with these reviews as this is a new process. The proposed fee of \$200 is based on a total of approximately two hours of time required for a Level 8 Union pay scale and Level 17 Non Union pay scale plus benefits and corporate overheads. This fee will be reviewed periodically by staff to ensure that it is in line with the costs incurred by the City in processing these types of applications.

LINKAGE TO 2010 – 2014 COUNCIL STRATEGIC PLAN

19. The recommendations included in this Staff Report support the following goal identified in the 2010-2014 City Council Strategic Plan:

Manage Growth and Protect the Environment

20. The recommendations will help to ensure the timely protection of the environment in ensuring that applications for installations intended to improve the environment (e.g. oil grit separators, private storm ponds, etc.) are processed efficiently with appropriate review by City staff.