

# Transfer of Review

Presentation for Wastewater Practitioners Group

November 29, 2017

# Outline of Presentation

- Transfer of Review (TOR) Program Context
- TOR Background
- TOR Process vs Direct Submission
- Other Salient Program Features
- Program Status and Realized Benefits
- Concerns and Areas for Improvement
- Proposed Updated Agreements
- New Initiatives
- Next Steps

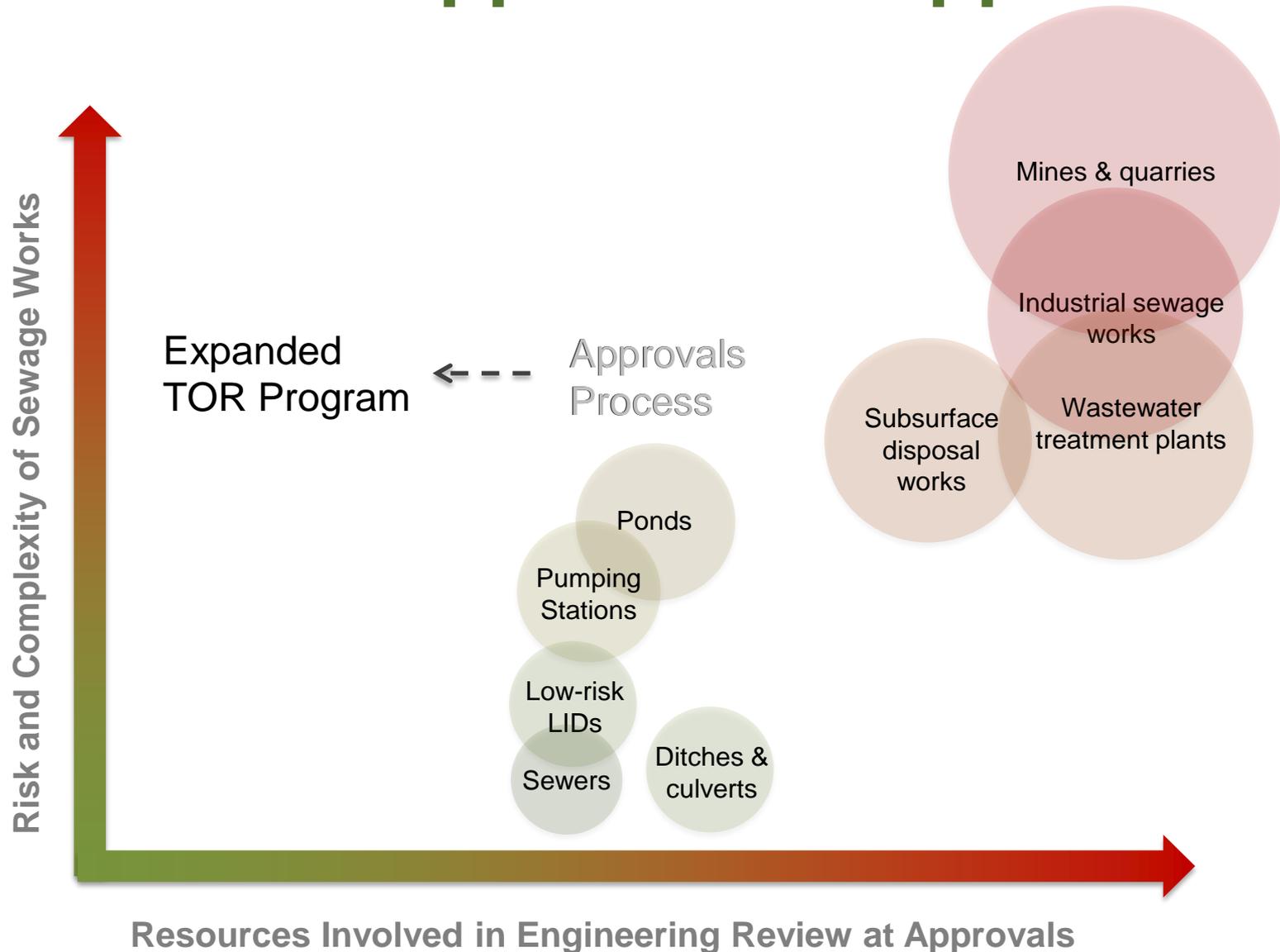
# Program Context:

## MOECC Approvals Framework

- Environmental Compliance Approval (ECA) applications for sewage works are reviewed by two branches within the Ministry of the Environment and Climate Change (ministry).

Environmental Approvals Services (EAB)	Environmental Approvals Access and Service Integration Branch (EAASIB)
<ul style="list-style-type: none"><li>• <b>Detailed</b> engineering review</li><li>• Applications with <b>higher</b> risk of adverse impacts</li><li>• Sanitary conveyance systems that discharge directly to wastewater treatment plants, wastewater treatment plants, subsurface disposal works, complex industrial stormwater management works, applications requiring effluent criteria and monitoring</li></ul>	<ul style="list-style-type: none"><li>• <b>Streamlined</b> engineering review</li><li>• Applications with <b>lower</b> risk and relatively predictable impacts</li><li>• Conveyance systems, pumping stations, municipal and private stormwater management works, and less complex industrial stormwater management works</li></ul>

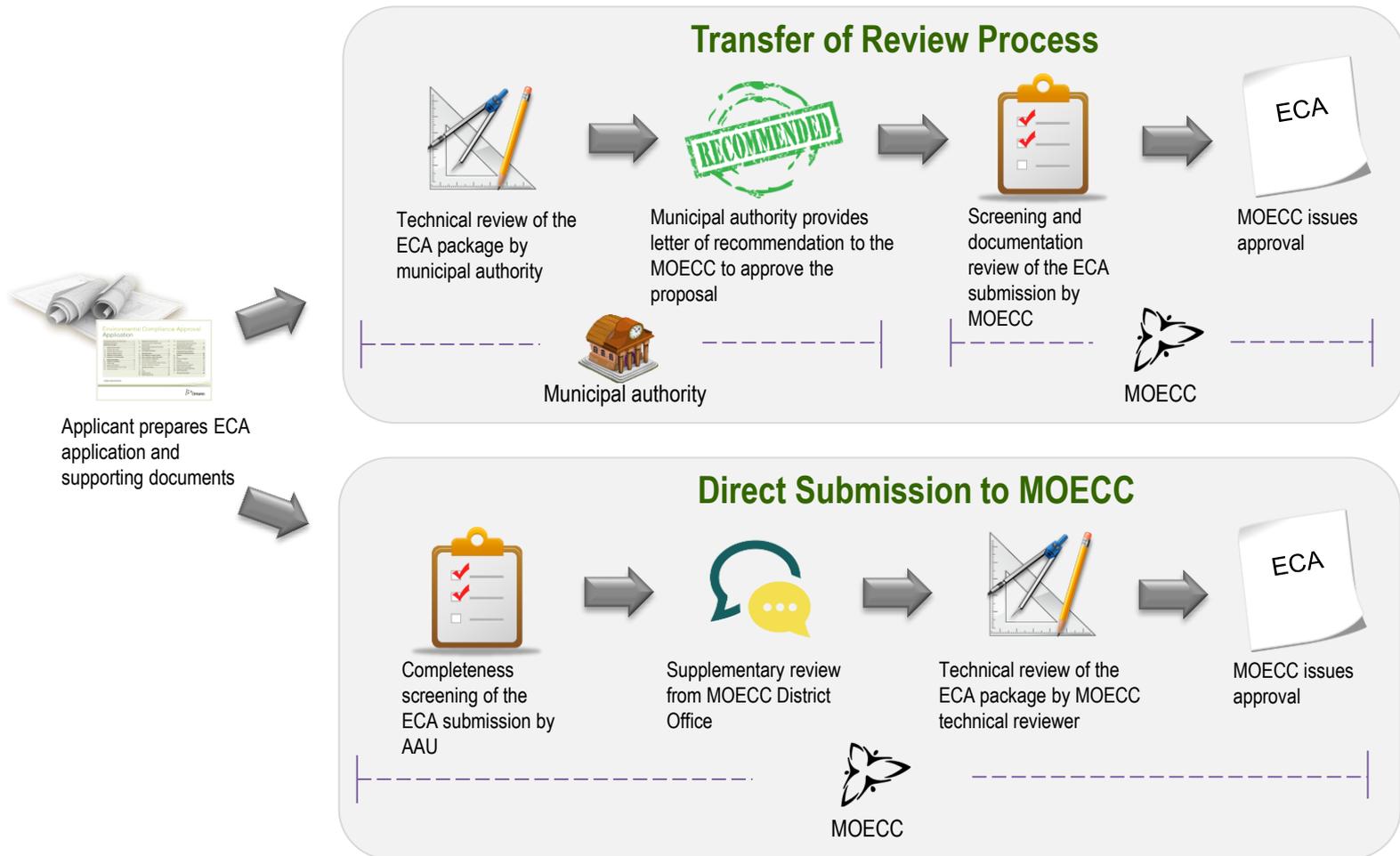
# Risk-Based Approach to Approvals



# Background of the TOR Program

- The Transfer of Review (TOR) Program is a voluntary program implemented in 1978 to create efficiencies in the review of environmental approval applications for certain low-complexity sewage works (e.g. pipes).
- Some of the goals of the TOR Program:
  - Allow the ministry to focus resources on more complex applications
  - Reduce overlaps between municipal and provincial approvals processes
  - Improve approval timelines to enable municipalities to better plan their infrastructure investments
- Under the TOR Program, partner municipalities and the ministry enter into an agreement which allows qualified/designated municipal engineers to conduct, on behalf of the ministry, the administrative and technical review of ECA applications for a defined range of sewage works.
  - For eligible sewage works proposed in a participating municipality, an applicant may submit their ECA application to the municipality for review instead of the ministry.
  - The ECA is still issued by the ministry.
- The TOR Program recognizes that the municipality assumes ownership of these sewage works and is consequently highly involved in the development process to ensure they are properly designed and constructed.

# TOR Process vs Direct Submission



# Other Salient Program Features

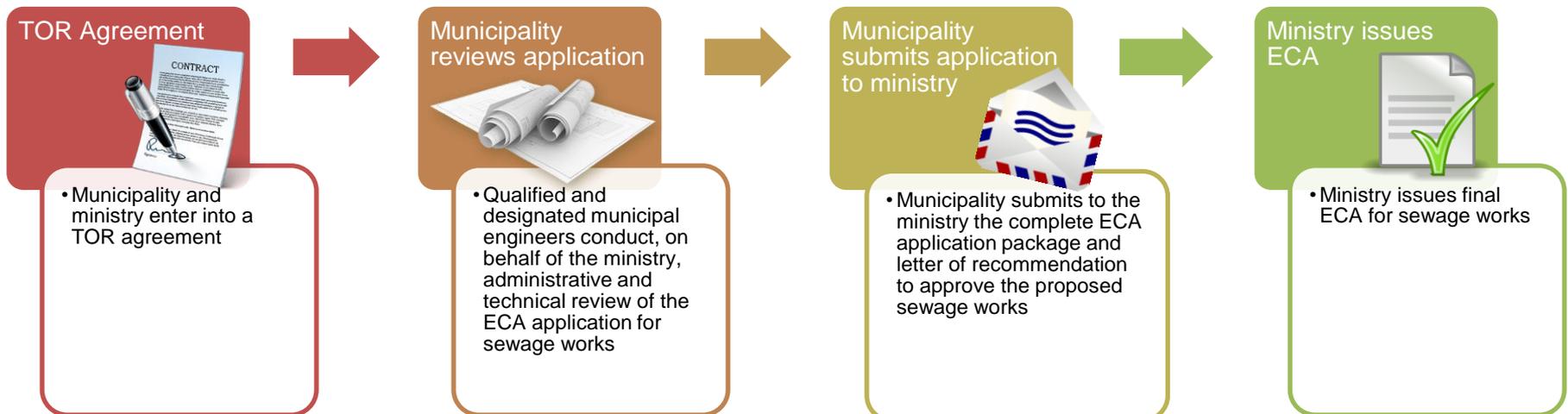
- Participating upper-tier municipalities may provide TOR Program-related services to all their respective lower-tier municipalities.
- Municipalities collect and retain application fees as per the ministry's current fee schedule.
- Currently, only licensed professional engineers on municipal staff are authorized to conduct the reviews.
- Ministry performs audits to ensure participants are complying with requirements.
- Ministry turnaround times are shorter allowing for better municipal and project planning.
- The ministry does not have a service guarantee for TOR application review, but they are typically processed quickly due to the work already completed by the partner municipality.
- The ministry will endeavor to issue the ECA within 30 business days from the date the application is deemed complete.
  - In 2016-2017, the average turnaround time for processing TOR applications in the ministry was 13 business days.
  - The ministry has committed to reduce the average turnaround time as a result of discussions at the Development Approval Roundtable.

# Joining the Program

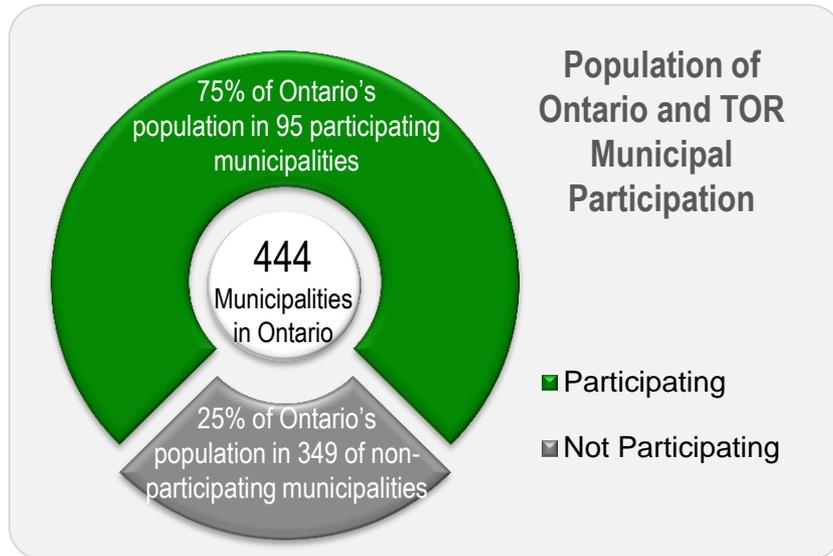
Entry into the TOR Program is a simple process:

- ☑ Municipal staff must have sufficient engineering expertise (i.e. licensed engineers on staff who can review ECA applications)
- ☑ Either the municipality (through sending a letter of interest to the Ministry) or the Ministry (through sending a letter of invitation to a municipality) can initiate the participation process
- ☑ Once the process is initiated, a series of meetings will be held to facilitate a common understanding of the program

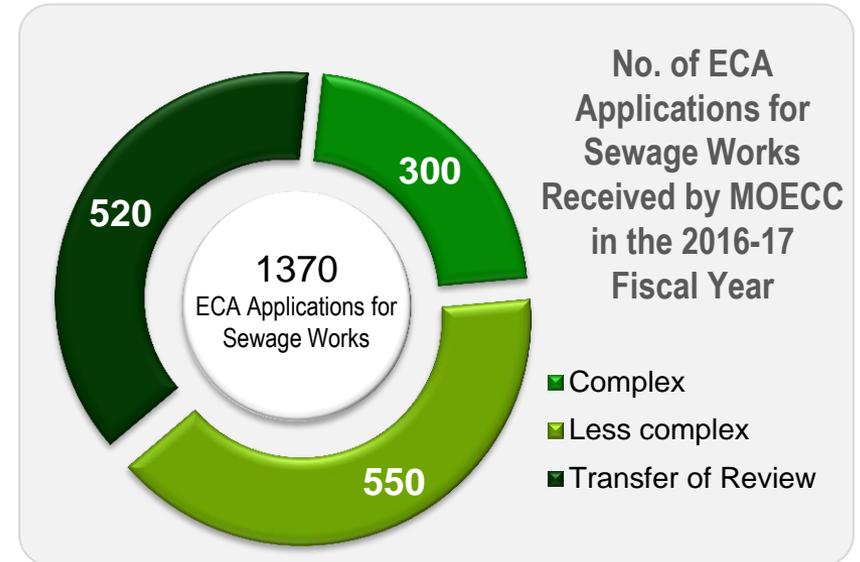
Based on this understanding, a TOR agreement is drafted and signed



# Program Status



Currently, 37 TOR agreements cover 95 municipalities that serve 75% of Ontario's population.



The ministry issues about 500-600 ECAs under this program annually.

Examples of Sewage Works	
Complex	Less Complex
Municipal sewage treatment plants and combined sewers	Storm and sanitary sewers, pump stations
Industrial wastewater treatment plants	Low Impact Development
Industrial stormwater management works	Municipal stormwater management works including wet and dry ponds

# Realized Program Benefits

- **Increased review efficiency** of ECAs, allowing the ministry to focus resources on more complex applications
- **Improved timelines** of issuing such ECAs to allow better municipal planning
- **Reduced overlap** between municipal and ministry approval processes
- **Municipalities able to** ensure proper design and construction of sewage works

# Updating the TOR Program

- The ministry is implementing enhancements to the TOR Program to **create efficiencies** in program delivery and find opportunities to **broaden the program**
  - introduce more rigor to the program
  - attract new municipalities
  - allow additional works to be reviewed
  - focus ministry resources on higher risk applications

# Concerns and Areas for Improvement

- The last update to the TOR Program was in 2009
- Number of issues driving need to introduce program updates include:
  - Outdated legislation and regulatory references in existing agreements
  - Lack of clarity on program scope (eligible and ineligible works)
  - No formal acknowledgement/acceptance of TOR agreement (e.g. no sign-off required by participating municipality)
  - No defined process for handling changes to TOR agreements
  - Ad hoc record keeping and custodianship of agreements
  - Lack of municipal reporting to support effective program monitoring, and
  - Lack of defined audit process & service standards for issue of TOR ECAs.
- List of eligible works has largely remained static for life of the TOR Program

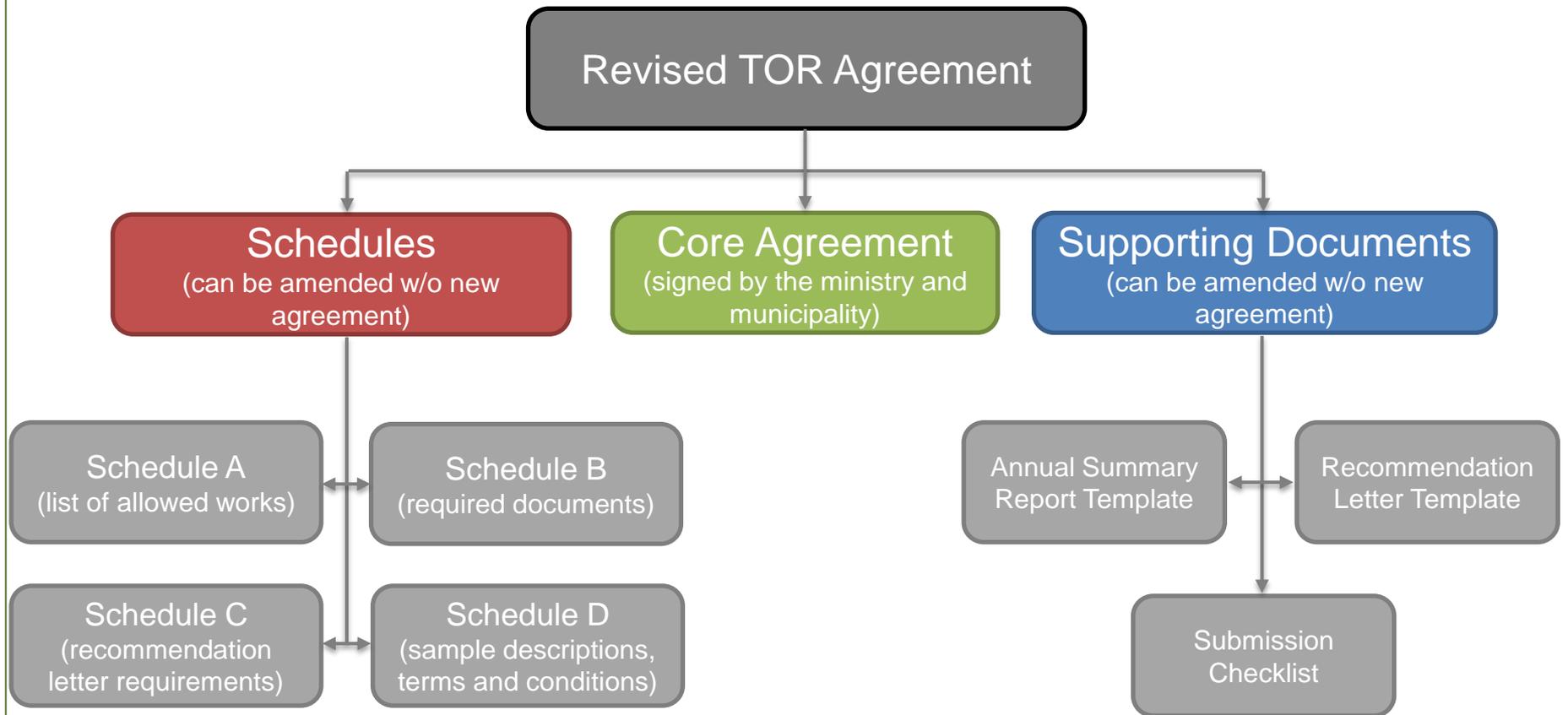
# Why Update TOR Agreements?

- In addition to the need to address current issues/concerns, updating and promoting TOR agreements has following benefits/advantages:
  - Supports a number of initiatives and sub-initiatives in the Ministry's Strategic Plan
  - Will further help ministry achieve one-year service standard for higher risk approvals as per 2015 Fall Economic Statement by expanding list of eligible works and reducing the number of applications needing direct Ministry review
  - Can be used to incentivise and promote use of new/emerging technologies and innovative design (e.g. low impact development, enhanced quality control)
  - Can be used to promote/facilitate related ministry initiatives (e.g. Lake Simcoe protection initiatives)
  - Provides opportunity for ministry to explore partnerships with various Qualified Persons to facilitate application reviews (e.g. municipal engineers, Conservation Authority engineers)
  - Provides ability for ministry to become aware of projects earlier in the process if pre-application consultation is deemed necessary

# Proposed Updates & Rationale

- Proposed changes to the agreement are designed to bring greater integrity & efficiency to the program by:
  - Providing additional guidance about ministry expectations on quality of applications/municipal reviews
  - Simplification of certain requirements (e.g. requirement for submission of signing officers) & introduction of rigor into other processes (i.e. audits)
  - Establishing clear roles & accountabilities (controllership & custodianship)
  - Improving tracking/monitoring of program performance (e.g. requiring municipalities to submit to ministry a list of completed projects periodically)
  - Providing tools & templates to facilitate reviews/approvals
  - Allowing for amendments & expansion of agreements

# Updated TOR Agreement Structure



# Updated TOR Agreement - Highlights

Existing Agreement	Updated Agreement
A letter issued by the ministry with no signature other than ministry's on the agreement letter	Formalized agreement, requiring signatures from the municipality and the ministry
No reporting, record keeping and auditing provisions	Includes record keeping requirements, annual reporting of projects to the ministry and auditing requirements
Requires municipalities to submit list of individuals allowed to conduct reviews to ministry	Requires the person that conducted the review to attest and sign their review and recommendation
Lack of clarity in works allowed due to outdated descriptions	Includes definitions consistent with current guidelines, clearly outlines allowable sewage works under the TOR program along with eligibility criteria
Lack of clarity on minimum quality of submitted applications and municipal reviews	Details minimum submission requirements and minimum quality of municipal reviews
Minimal terms and conditions in ECAs	ECAs will have same terms and conditions as those reviewed by the ministry
The agreement covers Standard Works	Agreement structure is flexible to facilitate addition/removal of allowed works

# Updated TOR Agreement: Standard and Additional Works

- Must be designed in accordance with the ministry's guidance documents *Design Guidelines for Sewage Works, 2008* (PIBS 6879) and *Stormwater Management Planning and Design Manual, 2003* (PIBS 4329e), as amended
- A detailed list of eligibility criteria and limitations is included in the agreement

Standard Works	Additional Works
Sanitary sewers, forcemains and siphons	Rehabilitation of existing combined sewers
Sanitary sewage pumping stations	Wet/dry/hybrid ponds, wetlands (incl. stormwater outfalls)*
Storm sewers, ditches, culverts, grassed swales	Stormwater pumping stations
Oil/grit separators	Lot level and conveyance control (LID) measures (incl. stormwater outfalls)*

\*Enhanced level water quality control (80% TSS removal) and erosion protection required

# Updated TOR Agreement: Excluded Works

Works that meet any of the following will not be allowed under the program:

- If works are located on industrial land or are designed to service industrial land;
- If works are identified as being within zone of influence of a landfill area;
- Sanitary sewage works that provide any treatment of sanitary sewage;
- Applications for Regional Stormwater Control Facilities or Regional Flood Control Facilities consisting of storm water management ponds that are designed to provide quality control or contain floods greater than the 100 year flood event;
- Applications that are for airports or airparks;
- Applications that are for pumping stations that service combined sewer systems;
- Applications for projects that have received a Part II Order request;
- Applications for projects that have undertaken an individual Environmental Assessment;
- Applications that are likely to trigger the Duty to Consult; and
- Applications where the municipality determines that the works have been constructed or are being constructed before an ECA has been issued.

# New Initiative: Partnership with Lake Simcoe Region Conservation Authority

- In September 2017, Lake Simcoe Region Conservation Authority (LSRCA) launched the Lake Simcoe Phosphorus Offsetting Program (LSPOP)
- The LSPOP will address nutrient contributions from residential development sources and help finance phosphorus reduction activity across a broad range of opportunities
- Currently, the LSRCA currently reviews municipal stormwater management projects as part of the development planning process.
  - Allowing LSRCA to be a 3rd party reviewer under the TOR Program would result in a faster approval timeframe and simplify the process thereby providing an incentive for developers to participate in the LSPOP pilot
- It will also help promote use of low impact development (LID) or other innovative lot-level stormwater technologies vs. traditional methods (e.g. ponds) to help reduce phosphorus entering the watershed
- To enable LSRCA to conduct the engineering review, MOECC would need to prepare new TOR agreements with municipalities to allow this – currently 15 of the 20 municipalities within Lake Simcoe Watershed have a TOR agreement

# Next Steps

- Notification of TOR Program updates and enhancements to all municipalities including invitation to webinars 
- Webinars for participating and non-participating municipalities
- Development/ transition to new agreements for participating municipalities

# Thank you



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# Appendix 1: General Limitations

General limitations for all eligible works:

- The works must be designed in accordance with **ministry documents**
  - Design Guidelines for Sewage Works, 2008 (PIBS 6879)
  - Stormwater Management Planning and Design Manual, 2003 (PIBS 4329e)
- The works must receive drainage from only **non-industrial lands**
- For drainage works under the *Drainage Act*, **approval of a petition** must be obtained under the *Drainage Act* prior to submitting an ECA application

# Appendix 1: General Limitations

(continued)

- The application must not have received an **elevation request**, undertaken an **individual environmental assessment**, or triggered the **Duty to Consult**
- The site must not be within the zone of influence of a **landfill area**
- **Pre-application consultation** with the local ministry District Office is recommended where appropriate
- Consultation with the **local Conservation Authority** and clearance, if applicable
- Works must not already be constructed or under construction

# Appendix 2: Updated TOR Agreement for Standard Works

Table 1: Standard Works

Types of Works	Eligibility Criteria	Limitations
New or modified sanitary sewers, forcemains and siphons		<ul style="list-style-type: none"> <li>No combined sewers</li> <li>No direct discharge to a sewage treatment plant</li> <li>No treatment of sanitary sewage</li> </ul>
New or modified sanitary pumping stations		<ul style="list-style-type: none"> <li>Do not service combined sewer systems</li> <li>No direct discharge to a sewage treatment plant</li> <li>No treatment of sanitary sewage</li> </ul>
New or modified storm sewers, ditches, culverts and grassed swales	<ul style="list-style-type: none"> <li>Designed primarily for the collection and transmission of stormwater</li> <li>Discharge to existing, previously approved stormwater conveyance works or stormwater management works, or to a Municipal Drain</li> </ul>	<ul style="list-style-type: none"> <li>No combined sewers or superpipes</li> <li>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</li> <li>No direct discharge to a surface water body</li> <li>Does not require establishment and monitoring of effluent quality criteria</li> </ul>

# Appendix 2: Updated TOR Agreement for Standard Works

(continued)

**Table 1: Standard Works**

Types of Works	Eligibility Criteria	Limitations
<b>Oil/grit separators</b>	<ul style="list-style-type: none"> <li>Discharge to existing, previously approved stormwater conveyance works or stormwater management works, or to a Municipal Drain</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>No direct discharge to a surface water body</li> <li>Do not require establishment and monitoring of effluent quality criteria</li> </ul>

# Appendix 3: Updated TOR Agreement for Additional Works

**Table 2: Additional Works**

Types of Works	Eligibility Criteria	Limitations
<b>Combined sewer overflows</b>	<ul style="list-style-type: none"> <li>Rehabilitation of existing combined sewers</li> </ul>	<ul style="list-style-type: none"> <li>No increase in combined sewage overflow (CSO)</li> <li>Conform to Ministry Procedure F-5-5, Determination of Treatment Requirements for Municipal and Private Combined and Partially Separated Sewer Systems, as amended</li> </ul>
<b>Stormwater Management Facilities (wet pond, wetlands, hybrid ponds, dry ponds)</b>	<ul style="list-style-type: none"> <li>Altering, modifying, adding, optimizing or expanding the retention capacity for existing approved stormwater management facilities, including stormwater outfalls</li> <li>New stormwater management facilities, including stormwater outfalls</li> </ul>	<ul style="list-style-type: none"> <li>If required to provide quality control, Enhanced Level water quality control and erosion protection (i.e. 80% TSS removal) provided</li> <li>Any attenuation design requirements are satisfied</li> <li>Not used as a snowmelt facility</li> </ul>

# Appendix 3: Updated TOR Agreement for Additional Works

(continued)

**Table 2: Additional Works (cont'd)**

Types of Works	Eligibility Criteria	Limitations
<b>Stormwater Pumping Stations</b>		<ul style="list-style-type: none"> <li>High level alarm systems, appropriate response time during emergency conditions, and redundancy in pumping arrangement must be provided</li> </ul>
<b>Lot Level and Conveyance Controls (Low Impact Development) Measures</b>	<ul style="list-style-type: none"> <li>Altering, modifying, adding, optimizing or expanding the retention capacity for existing approved LID measures, including stormwater outfalls</li> <li>Installing new LID measures, including stormwater outfalls</li> <li>Rooftop, surface and underground storage with inlet control devices</li> </ul>	<ul style="list-style-type: none"> <li>For existing and new LID measures, if required to provide quality control, Enhanced Level water quality control and erosion protection (i.e. 80% TSS removal) provided</li> <li>For existing and new LID measures, any attenuation design requirements are satisfied</li> <li>For new LID measures, the design considers corrective and remediation measures in the event of lack of performance of the LID measures;</li> </ul>

# Appendix 3: Updated TOR Agreement for Additional Works

(continued)

**Table 2: Additional Works (cont'd)**

Types of Works	Eligibility Criteria	Limitations
<b>Lot Level and Conveyance Controls (Low Impact Development) Measures</b>	<p>Infiltration or exfiltration stormwater works include:</p> <ul style="list-style-type: none"> <li>• pervious pipes and catch-basins</li> <li>• filtering systems, and infiltration trenches, such as, soak away pits attached to pervious catch-basins and sand filter beds</li> <li>• infiltration basins</li> <li>• pervious pipes and catch-basins with infiltration trench systems, rainwater and snow melt into the surrounding soils during high flow conditions</li> <li>• open channels, ditches, swale drainage systems, bio-swales, tree pits, and infiltration trenches on public roads, or right-of-ways, designed to exfiltrate part or all of the stormwater runoff from the adjacent road into the surrounding soils. These types of works are to include vegetative surfaces</li> </ul>	<p>Infiltration or exfiltration stormwater works:</p> <ul style="list-style-type: none"> <li>• Based on the type of works, the vertical separation distance between the highest groundwater table (i.e. spring runoff) and the lowest elevation of the works shall adhere to Table 4.1 of the Ministry document Stormwater Management Planning and Design Manual, 2003 (PIBS 4329e)</li> <li>• Groundwater must not be utilized as a potable water resource anywhere drainage is captured by the stormwater management works;</li> </ul>

# Additional Guidance and Resources

- Design Guidelines for Sewage Works, 2008 (PIBS 6879)
- Stormwater Management Planning and Design Manual, 2003 (PIBS 4329e)
- Ministry Procedure F-5-5 Determination of Treatment Requirements for Municipal and Private Combined and Partially Separated Sewer Systems
- Guide to Applying for an Environmental Compliance Approval (PIBS 8527e)
- Source Protection Information Atlas  
<https://www.gisapplication.lrc.gov.on.ca/SourceWaterProtection/Index.html?site=SourceWaterProtection&viewer=SWPViewer&locale=en-US>