



**DEVELOPMENT AND INTERFERENCE WITH WETLANDS AND WATERCOURSES
REGULATION - POLICIES AND PROCEDURES MANUAL
For Planning Act Applications**

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(administrative edits)

Executive Board Motions

QC 54/06, June 22, 2006 - Approval of Planning Act Policies & Procedures Manual.
Moved by: Teresa Whitmore, and Seconded by: Doug Bearance. MOTION CARRIED

QUINTE CONSERVATION PLANNING APPLICATION REVIEW POLICY

This document represents the policies by which Quinte Conservation staff will review all applications made under the Ontario Planning Act. These policies are intended to reflect the Quinte Conservation Authority's responsibility for public safety and natural resource conservation.

1.0 BACKGROUND

The Ministry of Natural Resources retains the provincial responsibility for the development of flood, erosion, and hazard land management policies, programs and standards in Ontario. The Conservation Authorities of Ontario have been delegated responsibility for the 'Natural Hazards' section of the Provincial Policy statement by means of a delegation letter between the Minister of Natural Resources and Conservation Ontario (1995), and as such represent Provincial interest for the policies which surround 'Natural Hazards' and Planning Act applications. The provision of planning advisory services to member municipalities is implemented through a service agreement with the participating municipality. A fee is applied for the review of planning act applications, at the expense of the applicant. Quinte Conservation reviews all municipal Official Plans, Secondary Plans, Zoning By-laws, Variances, Site Plans, Plans of Subdivision and all other Planning Act applications with respect to the most current technical guidelines, studies and professional opinions in order to ensure that applications are consistent with the 'Natural Hazard' policies of the Provincial Policy Statement. If necessary, Quinte Conservation may initiate an appeal to the Ontario Municipal Board if it is deemed that an approval authority has not been consistent with the 'Natural Hazard' policies of the Provincial Policy Statement.

Quinte Conservation is also involved in the conservation of natural resources, which is established by the wording of the Ontario Conservation Authorities Act, "The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals." Generally, Quinte Conservation will consider both a site-specific and a cumulative watershed based, ecological approach to the conservation of natural resources. Any comments made on Planning Act applications will reflect any concerns related to the conservation of natural resources.

In addition, Quinte Conservation (the former Moira River, Napanee Region and Prince Edward Region Conservation Authorities) have a regulation enacted under subsection 28 (1) of the Conservation Authorities Act (DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES, O. Reg. 97/04) which allows the authority to require permission through a permit process for development, interference with wetlands, and alterations to shorelines and watercourses.

Specifically, this regulation (Ont. Regulation #319/09) outlines the areas which are regulated,

including areas subject to flooding and associated wave uprush, ice jamming and ice piling, erosion, dynamic beaches, hazardous land (karst topography, organic soils, sensitive marine clays, unstable bedrock), wetlands and other areas which in the opinion of the Minister of Natural Resources should be regulated by the Authority.

The natural hazard policies of the current Provincial Policy Statement will be supported through assisting Quinte Conservation member Municipalities and upper tier Municipalities in the identification of regulated areas (including areas subject to flooding and associated wave uprush, ice jamming and ice piling, erosion, dynamic beaches, hazardous land (karst topography, organic soils, sensitive marine clays, unstable bedrock, and wetlands) in all municipal planning documents (Official Plans, Secondary Plans, Zoning By-laws) and other Planning Act applications.

Planning Act applications will be considered in light of the policies and regulations of the Provincial Policy Statement; Ontario Regulation 97/04: Development, Interference With Wetlands and Alterations to Shorelines and Watercourses; and any other supportive environmental legislation, acts or policies which exist at the time of application.

2.0 POLICIES FOR PLANNING ACT APPLICATIONS

Quinte Conservation (QC) staff provide plan review services on development applications. The primary functions of such reviews include:

- To screen development applications to determine if and where a Provincial natural hazard interest may be affected
- To identify the need for technical reports
- To specify conditions of approval

It is also expected that QC staff will be responsible for assessing technical reports submitted by an applicant to determine if the reports have been prepared in accordance with Provincial guidelines and standards for addressing natural hazards.

Wherever possible the conditions for each application will be determined on a site-specific basis and be reflective of the features of the individual property. Where necessary, QC planning staff will consult with the appropriate technical staff in application reviews. Applications and supporting documents should be reviewed within two weeks, although this timeline may be increased or decreased depending on the nature of the work proposed and the area that it may affect.

Should QC staff wish to formally appeal a decision made by a Municipal Council or a Committee of Adjustment to the Ontario Municipal Board (OMB) based on the requirements of the PPS and these guidelines, QC staff shall issue a formal OMB appeal in order to meet the appeal timeline. A formal request regarding that appeal shall then be taken to the next QC board meeting to seek formal endorsement from the Board of Directors.

Official Plans & Official Plan Amendments

Municipalities maintain their Official Plans (OP) to provide general direction for the development of their land base and to meet the needs of their population. On occasion the OP will require that amendments are made to it or that the entire plan be re-written in order to address those amendments and any major changes that have occurred over the course of the existing OP.

Under the Planning Act, municipal councils must provide agencies that are considered to have an interest in the OP adequate information & opportunity to submit comments to all proposed changes. In reviewing such proposals, QC staff should ensure that the Authority's policies are reflected in reviews of proposed land use plans and that in all responses to the municipality the Authority's position & concerns are clearly stated. Wherever appropriate, recommendations should be made that municipal documents reference identified natural hazards in accordance with the Provincial Policy Statement.

Zoning By-laws/Amendments

Zoning By-laws put Official Plans into effect through the control of land uses in the municipality. This occurs by detailing exactly how land may be used, where buildings and other structures can be located, the types of buildings that may be erected and their permitted uses, and lot sizes and dimensions, parking requirements, building heights, and setbacks.

The review of Zoning Bylaws and Bylaw Amendment applications provides the Authority staff with the opportunity to monitor & comment on development activities in or adjacent to hazardous lands, and ensure that Authority policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by the Authority.

Minor Variances

In instances where only minor changes are required to the zoning provisions that exist on a property (i.e. a small reduction in a yard setback for a structure) a landowner may apply for relief on a site-specific basis. Applications of this nature are minor variances (MV).

The review of MV applications provides the Authority staff with the opportunity to monitor & comment on development activities in or adjacent to hazardous lands, and ensure that Authority policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by the Authority.

Consents (Severances)

A consent or severance is the authorized separation of a piece of land to form two new adjoining properties. If several severances are intended for the same property, the consent granting authority may decide that a plan of subdivision is necessary.

The review of consent applications provides the Authority staff with the opportunity to monitor & comment on development activities in or adjacent to hazardous lands, and ensure that Authority policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by the Authority.

Subdivision & Condominium Plans

Plans of subdivision will normally have conditions of approval attached to them by various consent granting authorities (i.e. Conservation Authorities, Commissions, and/or Municipalities). A condominium is a form of subdivision in which the title to a unit is held by an individual with a share in the rest of the property that is common to all of the owners.

The Authority's concerns are to be addressed on a site-specific basis and should be reflective of the natural features of the property. Concerns regarding the management of natural hazard lands will be reviewed by staff.

If Authority staff has concerns regarding the proposal they may:

- Propose revisions to the existing plan;
- Suggest that the Plan is premature as further studies are required
- Clearly indicate that the Authority is unable to support the Plan due to its lack of conformity with Provincial Natural Hazard policies

Site Plan Controls

Site plans detail the specifics of the development proposed for a parcel of land, illustrating the details required by Zoning Bylaws. Generally speaking, site plan controls are used to ensure that: developments are built & maintained in a manner that has been agreed on by the approval granting body, proposed developments meet certain standards of quality & appearance, there is safe & easy access for pedestrians/vehicles, there is adequate parking, landscaping & drainage, and that nearby properties are protected from incompatible development. The review of site plan applications provides the Authority staff with the opportunity to monitor & comment on development activities in or adjacent to hazardous lands, and ensure that Authority policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by the Authority.

General Policies

In general development proposals shall not adversely affect, individually or cumulatively, the flood elevations or velocities upstream or downstream of the proposal; shall not result in any new or increased erosion or sedimentation problems; shall retain or improve water quality parameters such as sediment, nutrient, bacterial and chemical loading; shall retain existing base flow and thermal regimes within a waterbody, watercourse or wetland; and shall not adversely affect fish habitat.

For the purpose of this policy, hazardous lands are areas subject to flooding during the 1:100 year event (flood plains), potential wave uprush areas (on the Bay of Quinte and Lake Ontario shorelines), erosion prone areas (slopes greater than 5:1 [h:v] or 20 degrees), dynamic beaches, wetlands (marsh, swamp, fen, & bog), karst topography or any other area identified as a hazardous land. **A vegetated setback of 15 metres where the extent of the hazard is known, or 30 metres if the extent of the hazard is not known, will be a requirement for all Planning Act applications.**

The following policy items will assist in addressing these potential concerns:

- 1) The Authority shall object to any application where any proposed parcel will not have a building envelope (the area of a lot which is intended to contain a structure and any associated infrastructure ie. well and septic system) which is suitable for development outside of the hazardous lands, the appropriate setback, plus any other setback applied by the municipality.
- 2) A 'site plan' (prepared by an Ontario Land Surveyor, at the expense of the proponent), which indicates hazard land area, and the appropriate setbacks applied to the development (both by Quinte Conservation or Municipal setbacks) may be required prior to approval of the planning application.
- 3) The Authority shall object to any application which requires traversing any hazard land area, in order to reach developable lands.
- 4) Draft plans of subdivision shall illustrate the limits of hazardous land and the appropriate setback to the satisfaction of Quinte Conservation prior to draft plan approval. These areas may be delineated in the field in consultation with the Authority staff (at the expense of the proponent), and be incorporated in the lot layout shown on the draft plan of subdivision. The lot lines of any proposed lot within the development should be outside of the appropriate setback area.
- 5) For any development application which is greater than 1 hectare in size, Quinte Conservation shall require the proponent to submit a storm water management report (prepared by a qualified professional engineer at the expense of the proponent). Any new development on the subject land must demonstrate that post-development flows do not exceed pre-development levels for design storms from the 5-year to 100-year events.
- 6) Applications for Site Plan approval should illustrate the extent of hazardous lands, any appropriate setback requirements (applied by Quinte Conservation and/or the Municipality), stormwater control facilities and sedimentation & erosion control measures on the submitted drawings.
- 7) In support of any application, a geotechnical or slope stability analysis may be required in order to assess the 100 year stability and erosion factors of any unstable hazardous lands (eg. bluffs, escarpments, karst topography, organic soils, dynamic beaches) which may present a potential hazard to development. A geotechnical study should be

prepared by a qualified geotechnical engineer (at the expense of the proponent) and the geotechnical or slope stability analysis should include:

- The potential for slope failure in two forms; deep rotational failure and wedge failure. The rotational failure is experienced by cohesive soils (clays) whereas the wedge failure is commonly experienced in cohesionless soils (sands).
 - An analysis of whether the slope is presently stable (F.S. > 1.5).
 - An analysis of evidence of past or present slope movement, particularly for tensile cracking on the top of slopes for cohesive soils.
 - An analysis of the factor of safety against rotational failure.
 - An analysis of the factor of safety for wedge failure.
 - An analysis of whether the stability of the slope is influenced by porewater (with the determination of the porewater pressure being made on worst case conditions). Earthquake loadings should also be applied, which can be determined from the Ontario Building Code.
 - An analysis of the factor of safety of the slope during construction activities (F.S. > 1.3) and a determination of the final condition of the factor of safety of the slope (must be greater than 1.5).
 - And, guidance should be provided on how to mitigate erosion of the slope during and after construction.
- 8) For any plan of subdivision or other large development application which is greater than 1 hectare in size and where adjacent properties are serviced by private wells, Quinte Conservation may recommend to the municipality that a hydrogeological study be conducted (by a qualified professional hydrogeologist at the expense of the proponent). Hydrogeological studies should include:
- The base line condition of the drinking water (quantity and quality) extracted from existing wells within the vicinity of the development.
 - Guidance on how to mitigate the effect that development will have on the post-development recharge/discharge quantity and quality of water will not be significantly altered.
 - For plans of subdivision which will utilize private services, proponents shall utilize the guidelines set forth in the Ministry of Environment (MOE) document titled 'Hydrogeological technical information requirements for land development applications (April, 1995)' and the appendices D-5-4 and D-5-5 (August, 1996).
 - In addition, any existing wells on the property should be decommissioned or upgraded to meet the standards outlined in Ontario Regulation 903/04.
- 9) Quinte Conservation may require an environmental impact study (prepared by a qualified professional with expertise in biology, ecology, landscape ecology or any other relevant fields of study and at the expense of the proponent) prior to approval of any planning act application within 120 metres of a Provincially evaluated wetland and wetlands greater than 2 hectares in size, or an Provincially evaluated Area of Natural Scientific Interest. An environmental impact study should:
- For areas on and adjacent to the site, include descriptions and clearly legible scaled maps of the existing land uses, and the proposed development and site alteration, including all proposed buildings, structures, driveways and parking areas, and sources of human intrusion;
 - Provide a thorough inventory of flora and fauna and related habitat features

(field data collected during at least 3 field visits at varying times of the year), as well as relevant information on soils and geology, slope, hydrology and hydrogeology;

- Review the ecological functions of the natural features identified above, including the habitat needs of species that utilize adjacent lands;
- Predict the impacts of the proposed development and site alteration on the various attributes of the environment on and adjacent to the site, such as habitat, vegetation, soil, surface and ground water, air, and any other relevant attributes;
- Evaluate the significance of all predicted positive and negative impacts on the environment;
- Recommend extents of land where: disturbance must be avoided, or where disturbance must be limited in order to maintain the natural features and ecological functions of the area, supported by a detailed rationale;
- Review alternative development options and recommend measures that could be implemented to avoid or mitigate the predicted negative impacts;
- Identify any measures needed to monitor the mitigation measures and to assess the long-term impacts associated with the proposal;
- Conclude with an independent professional opinion as to whether or not the development and site alteration is appropriate, and consistent with the intent of the Provincial Policy Statement.

10) At the discretion of the Authority, other conditions shall be recommended to the Municipality prior to the endorsement of the application. In addition, advice may be sought from any other agency regarding their area of expertise and regulation.

Bay of Quinte Remedial Action Plan (BQRAP) – Stormwater Management Guidelines

This section provides guidance on requirements for planning, design & approvals of new urban stormwater management (SWM) systems in new urban development area in the BQRAP Implementation Area (see map). It also provides guidance with respect to design and approvals of retrofit stormwater treatment facilities within existing built-up areas. This document is intended to assist development proponents and local municipalities by helping define approval requirements.

This information supersedes and replaces the previous BQRAP SWM guidelines document of May 1993.

SWM in the Municipal Context

It is widely recognized that effective SWM involves a hierarchy of planning & management techniques.

The need for environmental protection, including water quality protection, is generally directed

by policies within the Municipal Official Plan. To assist with proper planning of drainage infrastructure as part of land development planning, watershed plans or subwatershed plans are suggested for development areas. Watershed/subwatershed plans help support the development of secondary plans.

To identify the necessary stormwater (SW) control measures or works within a designated development area, a master drainage plan is required. This provides design guidelines and defines proposed locations and estimated costs for any centralized SW control facilities. In general, planning of drainage systems for new development areas should strive to minimize the number of separate stormwater facilities, since the proliferation of relatively small on-site facilities can significantly increase the costs to local municipalities for monitoring and maintenance. Furthermore, large centralized facilities have a superior water quality treatment performance when compared to smaller facilities.

Once a plan is in place, municipalities typically set up a “cash-in-lieu” fund to allow the municipality to accumulate the funds needed to build the required SW facilities as needed. A policy of allowing a percentage of the development area to proceed in advance of facility construction can be implemented by the municipality, provided that regulatory agencies such as the Ministry of Environment (MOE) provide approval of such an arrangement. Typically, a temporary water quality treatment system would need to be installed to meet MOE & CA approval standards under this arrangement.

Since the original BQRAP SW guidelines have been in effect, a number of issues related to SW planning have been identified. For example, not all Official Plans for Bay of Quinte municipalities contain the foregoing provisions, and the Master Drainage Plan/cash-in-lieu approach is not consistent. Most smaller municipalities are allowing development with small on-site facilities, and this may be creating unforeseen maintenance requirements and unforeseen costs and poor water quality treatment performance. A consistent and comprehensive approach for SWM is needed for new development areas in the BQRAP area, and these guidelines reflect that need.

General SW Drainage Guidelines - Role of the Local Municipality

- Municipal Official Plans should recognize SWM in the hierarchy of planning & management techniques for new development and contain provisions for watershed plans, sub-watershed plans & master drainage plans as part of secondary plans.
- Having identified strategies for accommodating new development via centralized SW facilities, municipalities should establish “cash-in-lieu” arrangements to support the construction of the required facilities when needed.

Development Design Requirements

1. Adhere to the guidelines provided in the most recent version of the MOE’s “SWM Planning & Design Manual” (current version dated March 2003).
2. New developments should be designed to incorporate all reasonable & practical means of minimizing direct surface runoff, including:

- Minimize the amount of impervious area.
 - Maximize the amount of existing vegetated area (treed areas, grasses areas) that is retained within the development design to help maximize opportunity for infiltration (soak away) of surface water.
 - Roof drainage should be diverted on vegetated areas to give the water opportunity to soak into the ground.
3. Drainage systems for new development should be designed using the “minor and major system” approach. The minor system typically conveys all drainage flows generated by precipitation events up to the 5 year return period, and many include ditches, culverts, catch basins, and storm sewers. The major system conveys flows in excess of the capacity of the minor system in such a way as to minimize risk to life or property. The major system may include ditches, swales and other overland flow paths (including roadways).
 4. Development proponents are responsible for ensuring that the design of the drainage system complies with current municipal design standards of the local municipality.
 5. Small on-site facilities are discouraged and contribution to centralized works as identified in Watershed or Master Drainage Plans are encouraged.

Stormwater Quality Control - New Urban or Rural Development

This section applies to all developments of an area equal to or greater than one hectare.

1. The development proponent is responsible for checking with the local Municipality and with the Conservation Authority to ensure that the design of the drainage system is consistent with applicable Watershed Plans, Subwatershed Plans or Master Drainage Plans.
2. Plan and design the new development in accordance with the MOE SWM Manual, including the following steps:
 - Define & describe the type of development in terms of land use, total imperviousness, directly-connected imperviousness (i.e. how much of the total impervious area will drain directly into the minor system, versus the amount of impervious area that will drain onto vegetated area).
 - Define physical site constraints affecting drainage design and quality control options. These may include geotechnical properties of the local soil including permeability, depth to bedrock, and high-water table levels.
 - To address SW quality concerns, follow the “treatment train” approach. Examine options for source control, conveyance control and, if necessary, end of pipe controls. The MOE SWM Manual provides considerable guidance on options to consider and how to evaluate them.
3. Where the development will include curbed roadways or paved parking areas drained by catch basins and storm sewers, or otherwise include collection of surface drainage in pipe systems, the end-of-pipe treatment of the storm sewer outflows will be needed.
4. Any required end-of-pipe SW treatment facilities must be designed as follows:
 - Examine option for end-of-pipe SW treatment using guidance provided in the MOE SWM Manual.
 - Design the end-of-pipe facility in accordance with the MOE SWM Manual. **End-of-pipe SW facilities must be designed to provide MOE “Enhanced” level of SW treatment (formerly referred to as “Level 1”) as defined in the MOE SWM Manual (March 2003).**
 - If the end-of-pipe facility is to be a treatment pond, then it must be designed to allow routine clean-out of accumulated sediment and debris, including vehicle

access to allow the clean-out operation and removal of sediments for off-site disposal. The pond should be designed such it can be hydraulically isolated to allow it to be pumped out if necessary to allow maintenance or clean-out.

- As a general requirement in the BQRAP Implementation Area, end of pipe SW facilities do not need to include active effluent disinfection using UV technology or equivalent technology.
- If the storm pipe outfall to local watercourse or waterbody can reasonably be expected to have a direct impact on water quality at a swimming beach, then active effluent disinfection may be required at the outfall. The development proponent is responsible for determining if disinfection is required through consultation with the Authority and the MOE Regional Office.

Retrofit Measures in Existing Built-Up Areas

1. In general, it is expected that local municipalities will be the proponents in any undertakings to implement retrofit SW treatment within existing built-up areas.
2. Planning & design of retrofit strategies should adhere to the same guidelines as listed above for new development situations, with the following exception:
 - Retrofit end-of-pipe treatment facilities should be designed to provide the MOE “Enhanced” (Level 1) treatment level if possible and practical. Designing to achieve the MOE “Normal” (Level 2) treatment level will generally be considered as an acceptable option. Lower levels of treatment may also be considered if the proposed location for retrofit installation poses specific site constraints or issues that make Level 1 or Level 2 treatment not feasible or practical to implement.
3. Retrofit strategies should be developed in close consultation with the Authority and the MOE to ensure that final designs are acceptable from the regulatory standpoint.

Stormwater Quantity Control for New Development

Development design requirements:

1. SW quantity control is necessary to ensure that flows released from the development property do not have any adverse downstream impacts on flooding or watercourse erosion.
2. New developments must be designed to adhere to the requirements of the PPS under Section 3 of the Planning Act. The PPS includes requirements for protecting public health and safety by restricting land development within areas affected by flood hazards, erosion hazards or dynamic beach hazards. Refer to the PPS for specific definitions & requirements.
3. Unless there is in place a Watershed Plan, Subwatershed Plan or Master Drainage Plan that stipulates otherwise, peak flows released from the development property are not to exceed the “pre-development” peak flows released from the site, for all return periods from 2 years to 100 years. The Regional Storm in the Authority’s jurisdiction is the 100 year storm. Water quantity control that provides attenuation greater than simply ‘pre-to-post’ development control (overcontrol) may be required if the Municipality identifies that the receiving drainage system has existing flooding and/or drainage conditions. As such, a pre-consultation meeting with the Municipality is recommended to screen this possibility.

4. If the development proponent believes that higher peak flows can be released from the site without any adverse upstream or downstream impacts on flood risk or watercourse erosion, then the development proponent will be responsible for conducting all necessary hydrologic and hydraulic studies to prove that this is so to the satisfaction of regulatory authorities including the local municipality and the Authority. Prior to making any such submission, the development proponent should consult with the Authority to determine the specific technical analyses that will be required to support higher site release flows.

Approval Submission & Process

1. Application for approval of proposed drainage systems for new land developments must be made to the local municipality as part of the overall development approval process administered by the municipality.
2. The Authority will assist the municipality by reviewing proposed development plans with respect to drainage & SWM requirements set out in these guidelines.
3. Additional approvals may be required depending on the specific design and type of drainage system being proposed. See below.
4. Submissions to the municipality with respect to the proposed development's drainage system must include the following information:
 - Design & location of the "minor" drainage system and the "major" drainage system. Plans & drawings showing the engineering design, location and elevation or elevation profile of all system components including ditches, culverts, catch basins, pipes, manholes, and other structures, in accordance with the local municipalities design standards. The development proponent is responsible for obtaining and understanding the local municipal design standards.
 - Plan showing all contributing drainage areas and showing drainage direction for all impervious areas, including all paved surfaces, roofs and other impervious surfaces. Indicate surface drainage direction along roadways and within commercial/industrial parking areas.
 - In the case of the major drainage system, provide details including: location of all overland flow routes including locations of outlet to storage facilities or outlets to local watercourses or waterbodies; information on estimated flow depth and flow velocity at peak flow in the regional Storm event, at critical locations within the major system including road intersections or other critical locations within the development area.
 - Clear description of how pre-development peak flows were determined or calculated, with an accompanying pre-development drainage area map.
 - A plan or plans showing any and all proposed facilities for controlling site release flows to the pre-development level, including location and size of any runoff storage facilities. Provide information on maximum water storage volume and water levels in such facilities at each of the design return periods.
5. For proposed facilities for end-of-pipe SW treatment, the following requirements apply:
 - Generally, ownership and operation end-of-pipe SW facilities will be assumed by the local municipality once the facility has been completed to the municipality's satisfaction and all necessary approvals for operation of the facility have been acquired. The development proponent must confirm specific requirements with the local municipality.

- The development proponent is responsible for obtaining any and all necessary approvals on behalf of the local municipality as the eventual owner/operator. These approvals will include but are not necessarily limited to MOE approval (Section 53 approval under Ontario Water Resources Act) (OWRA). The development proponent is responsible for determining the approval requirements through discussion with the Authority, the local municipality, and the MOE.
- The MOE s.53 OWRA approval will result in MOE issuing a Certificate of Approval to the municipality for the proposed facility. Generally the MOE C. of A will define specific monitoring and reporting requirements. Prior to making application to MOE for this approval, the development proponent is responsible for “pre-consultation” with the MOE Regional office to determine the likely C. of A. conditions. Prior to making the C. of A. application, the development proponent must advise the local municipality of the outcome of the MOE pre-consultation and obtain the local municipality’s authorization to proceed with the C. of A. application.
- The development proponent is responsible for completing any necessary environmental assessment (EA) that may be required under the Ontario Environmental Assessment Act or the Canadian Environmental Assessment Act. The development proponent is responsible for determining what EA requirements apply to the project.
- Prior to final acceptance of the facility by the municipality, the development proponent must submit to the municipality an Operations & Maintenance Manual for the facility. This manual must clearly describe all operational and maintenance requirements, including all procedures needed to maintain compliance with the MOE C. of A. The manual should include details of any required sampling or testing of facility effluent or facility performance as may be required by the C. of A. and provide standard forms for recording and reporting necessary information. As well, the O&M Manual must include any and all relevant user manuals for any equipment necessary for operation and maintenance of the SWM facility.