

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

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DATE 26 August 1997

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Regional Solicitor
 Environment and Transportation Commissioner

SUBJECT/OBJET **RESPONSE TO OUTSTANDING INQUIRY NO. P&E 30 -
REGIONAL PREPARATIONS FOR ASSUMPTION OF
ADDITIONAL RESPONSIBILITIES AS A RESULT OF
PROVINCIAL DELEGATION**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee receive this report for information.

INTRODUCTION

At Planning and Environment Committee on January 14, 1997, Councillor Legendre requested that staff provide a report on what the Region is doing to prepare itself for the assumption of additional responsibilities as a result of Provincial delegation. The following is a summary of the legislative initiatives taken by the Ontario legislature in matters of the environment.

BACKGROUND

MOEE Regulatory Review

The Ministry of the Environment and Energy (MOEE) released, July 31, 1996 a discussion paper entitled *Responsive Environmental Protection*. The MOEE undertook an internal assessment of the regulations it administers in the fall of 1995.

The Regional Municipality of Ottawa-Carleton forwarded submissions adopted by the Planning and Environment Committee on September 10, 1996 and by the Regional Council, September 25, 1996, as amended, with respect to the MOEE Regulatory Review Project.

The public consultation period ended September 15, 1996, and we understand the Ministry is in the process of undertaking the detailed technical and legal work necessary to obtain Government and Legislature approvals to proceed with the suggested reforms.

As this Ministry of the Environment and Energy initiative is not yet completed, the Region cannot comment at this time on the implications that these new regulations may have on Regional activities.

STATUS OF LEGISLATION

1. *Bill 57 - Environmental Approvals Improvement Act, 1996*

Third reading of this Bill was debated on December 11, 1996. The most significant proposed change is to reduce the requirements for certificates of approval through a "Permit by Rule" process. The Bill proposes to allow certain activities with "predictable and controllable environmental impacts" to proceed without the need for applying for a certificate of approval, as long as the activity is carried out in accordance with the rules that will be established by regulation.

In addition, some activities are to be designated by regulation as completely exempt from the certificate of approval process in the EPA, while other classes of activity still need a certificate of approval. Some activities will still require MOEE notification and the payment of a yet-to-be-determined fee.

This Bill received Royal Assent June 5, 1997. Staff have been in contact with the local MOEE office and have volunteered their assistance in drafting the regulations pursuant to this legislation.

2. *Bill 66 - Government Process Simplification Act (MOEE) 1996*

First Reading was given to Bill 66 on June 5, 1996, Second Reading on June 25, 1996 and was ordered referred to the Committee of the Whole House and ordered for Third Reading on December 3, 1996. The proposed Act is intended to "cut red tape and provide for more flexible operations of the boards that administer the acts in question." The five acts are the *Consolidated Hearings Act*, R.S.O. 1990, c. C.29, the EPA, the OWRA, the *Ontario Energy Board Act*, R.S.O. 1990 c. O.13, and the *Pesticides Act*, R.S.O. 1990 c. P.11. The proposed changes give the joint Board and the Environmental Appeal Board the power to designate one person to represent a group of people having the same interest. It allows pesticides to be classified by the Minister or his designate, rather than by means of regulation. In addition, the Bill provides the MOEE with the authority to classify pesticides in harmony with the federal classification system.

Again, this Bill has yet to be enacted therefore, we are uncertain of its impact on the Region.

3. *Bill 76 - Environmental Assessment and Consultation Improvement Act, 1996*

Bill 76, the *Environmental Assessment and Consultation Improvement Act*, 1996 [hereinafter Bill 76] was proclaimed into force on January 1, 1997.

The legislative amendments are designed to change the process for obtaining approval to proceed with an undertaking where it is subject to the *Ontario Environmental Assessment Act*. In addition, the amendments are designed to accomplish several objectives such as: guarantee public consultation from the beginning of the process, provide clear direction for the kind of information proponents must submit, place timelines for all key steps in the decision making process, harmonize Ontario's environmental assessment process with federal legislation and direct matters to be addressed at a hearing and the date for a decision.

Information sessions for the staff involved in the service delivery are being contemplated at this time and the impact of this legislation is currently being evaluated.

4. *Bill 107 - The Water and Sewage Services Improvement Act, 1997*

The *Water and Sewage Improvement Act, 1997* (Bill 107) received First Reading on January 20, 1997, Second Reading was debated February 11, 1997 and has been referred to a Standing Committee of the Ontario Legislature and has been ordered for Third Reading on May 6, 1997. This Bill will amend the *Environmental Protection Act*, R.S.O. 1990 E. 10, the *Capital Investment Plan Act, 1993* and enact the *Municipal Water and Sewage Transfer Act, 1997*.

Regional Council at a meeting held 12 March 1997 considered the recommendations of the Planning and Environment Committee contained in Report 53, Item 1.

CONSULTATION

The release of these legislative proposals was subject to the Environmental Bill of Rights Registry public consultation requirements. As well, the three Government Bills listed above were all open to public consultation by virtue of their referral to a Standing Committee of the Ontario Legislature.

FINANCIAL IMPLICATIONS

The financial implications of such environmental delegation to the Region are difficult to assess at this time.

CONCLUSION

As most of these legislative proposals are yet to be enacted, staff is uncertain at this time of the impact of this legislation on the Regional Corporation.

This report is respectfully submitted.

Approved by
Timothy C. Marc on behalf of
J. Douglas Cameron
Regional Solicitor

Approved by
M.J.E. Sheflin, P. Eng.
Environment and Transportation Commissioner