

Enclosure 2 – Provincial Regulator Advice Record – Designation Request under the IAA – Baldwin East Aerodrome Project – Wastewater

Response requested by **March 3, 2023**

Ministry	Ministry of Environment, Conservation and Parks (MECP)
Lead Contact	Fariha Pannu, Manager Industrial and Private Wastewater, Approvals Services Section, Environmental Permissions Branch (only for any future sewage works related approvals).
Full Address	135 St. Clair Avenue West, 7 th Floor, Toronto, ON
Email	Fariha.pannu@ontario.ca
Telephone	416 892-7604
Alternate Ministry Contact	Yuefeng Zhang / yuefeng.zhang@ontario.ca / 437-221-1417

1. In general terms, please confirm and describe your ministry's role (if applicable) in the Project.

MECP's Environmental Permissions Branch issues sewage works Environmental Compliance Approvals (ECAs) under Ontario Water Resources Act. This project would require an ECA for stormwater management at the site and for management of sanitary sewage if that does not fall under the jurisdiction of the Ontario Building Code.

2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

Fariha Pannu can be the contact for sewage works related aspects of this Project. She holds no responsibility for managing MECP's oversight of the Project for any other aspects.

3. Describe the provincial policy, legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project (e.g., Ontario Regulation 406/19: On-Site and Excess Soil Management). For each mechanism or approval, please provide information regarding the following:
 - Name of the process or authorization (e.g., certificate, license, permit or approval) and the associated policy or legislative framework;
 - Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
 - Whether (for each) the authorization would require public and/or Indigenous consultation¹ and if yes, provide information on the approach to be taken; and
 - Whether (for each) your ministry has guidance material that would be helpful to the Proponent or the Agency (please provide these as attachments or hyperlinks in your response).
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Sewage Works ECAs are issued under Section 53 of the Ontario Water Resources Act. [Ontario Water Resources Act, R.S.O. 1990, c. O.40](#)

O. Reg. 525/98: APPROVAL EXEMPTIONS outlines exemptions from requiring an ECA. Seeking an ECA is a proponent driven process and the proponent should review this regulation with their legal advisor to determine if they require an ECA. [O. Reg. 525/98: APPROVAL EXEMPTIONS \(ontario.ca\)](#)

MECP has a Stormwater Management Planning and Design Manual that provides guidance for design of stormwater management works requiring an ECA. [Stormwater Management Planning and Design Manual | Ontario.ca](#)

Determination of jurisdiction with respect to sanitary sewage is typically initiated with the local Chief Building Official of the municipality and MECP's local District Office. If discharge of treated effluent is through subsurface disposal, Building Code may cover systems designed with capacity of 10,000 L/day and less. Larger systems would require ECA from MECP. If discharge is not via subsurface disposal and may be to waters of Ontario, MECP ECA is required.

If an ECA is required, relevant Ontario documents include:

Design Guidelines For Sewage Works [Design Guidelines For Sewage Works | Ontario.ca](#)

B-1-5 Deriving Receiving Water Based Point Source Effluent Requirements for Ontario Waters [B-1-5 Deriving Receiving Water Based Point Source Effluent Requirements for Ontario Waters | ontario.ca](#)

ECAs include Terms and Conditions for the operation, maintenance, monitoring and reporting related to the approved sewage works. Site specific effluent discharge criteria may also be included in an ECA. Failure to meet the criteria may lead to compliance related actions by MECP.

ECA applications submitted to MECP that have not gone through the Environmental Assessment process are posted on Ontario's Environmental Registry under the Environmental Bill of Rights for a public comment period of 45 to 60 days. Any provided public comments are considered during the ECA review process.

ECA applications often trigger Indigenous Duty to Consult. Notification or Consultation may be undertaken per advice provided by MECP's Indigenous Advisors.

4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):
- Expected impacts to fish and fish habitat (e.g., from runoff into Lake Simcoe via the Burnie Creek);
 - Expected impacts to species at risk and/or their habitat (e.g., from changes to, or loss of, critical habitat);
 - Expected impacts to migratory birds and/or their habitat (e.g., from changes to, or loss of, habitat);
 - Expected impacts to wetlands and wetland function, or other areas of such as the Ontario Greenbelt;
 - Expected impacts to surface water and/or groundwater quality, including drinking water;
 - Expected impacts from the use of contaminated soil fill, including on human health;
 - Expected impacts on air quality, including potential impacts on human health; and
 - Expected impacts on Indigenous peoples on the following:
 - health, social or economic conditions;
 - current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping, gathering); and
 - any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

Scope of MECP review of Sewage Works ECA applications is focused on the impacts to surface/ground water, and any potential impacts to Indigenous communities. These applications are typically made towards the tail end of development project once a site is secured and planning approvals are in place. On the stormwater side, ECAs ensure that works are sized adequately so that post-development flows from the site do not exceed pre-development flows and quality of discharge

takes receiver requirements into account. Typically, stormwater quality control design criteria are established based on ensuring 60, 70 or 80% removal of Total Suspended Solids (TSS) from stormwater based on sensitivity of the receiver, with 80% removal for higher sensitivity receivers such as creeks etc. Additional monitoring parameters such as oil and grease, pH, metals etc. should also be included in the monitoring conditions of an ECA. On sanitary sewage side, if discharge is through subsurface disposal, MECP may impose Nitrate-Nitrogen criteria to be met in the groundwater at the property boundary. For situations where discharge is to surface waters, site specific effluent discharge criteria may be established. Generally, these include discharge criteria for Total Phosphorus and "E. coli" bacteria. Sewage Works ECA review process does not address any aspects outside the above outlined scope.

5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed). If no comments/concerns were received to date, provide an overview of how your ministry would manage any future public comments/concerns.

No comments have been received related to sewage works by the Environmental Permissions Branch as the proposal has yet to be posted on the ERO, however MECP expects this project would raise public concern. All comments received by MECP during ERO posting will be considered. If specific to sewage works, proponent would be asked to address them and ECA may include site specific conditions developed taking the comments into consideration.

6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed). If no comments/concerns were received to date, provide an overview of how your ministry would manage any future comments/concerns.

The ministry has not received any applications related to sewage works, and therefore no comments have been received. MECP expects this project to raise concerns from Indigenous communities. Once received, any comment received by MECP during the ECA application review will be considered. If specific to sewage works, proponent would be asked to address them and ECA may include site specific conditions developed taking the comments into consideration.

7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*? If yes, please specify.

No

Fariha Pannu

Name of responder

Manager Industrial and Private Wastewater

Title of responder

March 15, 2023

Date