**CITY OF MISSISSAUGA**

**Council Endorsed Comments On *Endangered Species Act, Environmental Protection Act, Environmental Assessment Act***

| **ACT / REGULATION** | **SUMMARY OF PROPOSED CHANGES** | **STAFF COMMENTS** |
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| **Environmental Protection Act – Enforcement Tools** | 1. **Vehicle Permits and Number Plates**
* Proposes to re-enact Part V.1 of the EPA to allow provincial officers to seize vehicle permits and numbered plates (including out-of-province vehicle plates) if it is reasonably believed that the vehicle was or is being used in connection with the commission of an offence under the *EPA, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Safe Drinking Water Act or Toxics Reduction Act*.
* This proposed enforcement tool is being re-enacted primarily to enhance enforcement of the proposed Excess Soil Regulatory proposal that is also currently posted on the Environmental Bill of Rights registry for public comment until May 31, 2019.
* The proposed legislation will ensure that no new vehicle licence permit and plates can be issued to the permit holder of the vehicle until further notice or until the prescribed prohibition period (ending no later than 30 days following the day on which the vehicle plates were seized).
* Further, no person can apply for, obtain or have in possession a vehicle permit or plates for a vehicle that would result in a contravention of a notice of seizure, made under s. 49, or a court order issued under s. 50.
* Provincial officers may dispose of the seized vehicle plates and section 158.2 of the Provincial Offences Act does not apply to this type of seizure. (s.158.2 of POA relates to seizure under a warrant.)
* When a seizure is undertaken under this provision of the EPA, the Ministry is required to give notice to the Registrar.
* The court may issue an order under this section in addition to any other penalty imposed.
 | NO COMMENTS.*(No issues identified or any significant changes that may affect the City.)* |
| **Environmental Protection Act – Enforcement Tools** | 1. **Administrative Penalties**
* Propose to repeal s.182.3 of the Act and replace with a revised section on Administrative Penalties, which has been broadened in scope to apply to any requirements or orders made under this Act, instead of a more limited list of circumstances.
* A subsection on “prescribed contraventions” has been added, which may be in respect of,
	1. A provision of this Act or the regulations;
	2. A provision of an order under this Act; or
	3. A term or condition of an environmental compliance approval, certificate of property use, renewable energy approval, licence or permit under this Act.
* Exception to issuing an order for the above prescribed contraventions if the Director is able to issue an environmental penalty order to the person in respect of the same contravention.
* The total penalty has been increased from $100,000 to $200,000 for each contravention. Total amount of the administrative penalty may be increased by an amount equal to the amount of monetary benefit acquired or accrued by the person as a result of the contravention.
* The existing subsection that provides the contents of a notice has been removed and is replaced with a subsection prescribing contents of an order made under s. 182.3.
* A new provision for an annual report will be required regarding orders made under s. 182.3.
* The subsection on regulations has been expanded to include regulations on prescribing circumstances where a provincial officer is authorized or prohibited from issuing an order, the amount of administrative penalties, including the maximum amount relating to monetary benefits, prescribing procedures related to administrative penalties, and payment of interest and late payment penalties.
 | NO COMMENTS.*(No issues identified or any significant changes that may affect the City.)* |
| **Environmental Protection Act - ECA** | **Environmental Compliance Approval (ECA) in Respect of Sewage Works*** Overview: The proposed regulation would allow developers who enter into an agreement with the municipality to construct sewage works that the municipality may owner under the municipality’s ECA. This would apply to municipalities who have ECAs with pre-authorizations and would enable developers to construct works that the municipality may owner under the municipality’s ECAs, if specific conditions are met (see details below).
* For the purposes of clause 20.6 (1) (c) of the Environmental Protection Act (EPA), *Prescribed Persons* are defined as, any person who alters, extends, enlarges or replaces a sewage work, if both conditions below are met:
* The altering, extending, enlarging or replacing is carried out under an agreement with a municipality, entered into under the *Planning Act* or the *Development Charges Act*, *1997.*
* The agreement provides that ownership of the sewage works may be transferred to: 1) the municipality; 2) a public utility commission deemed to be a municipal service board under the *Municipal Act, 2001*; 3) a municipal service board established under the *Municipal Act, 2001* or a city board as defined in the *City of Toronto Act, 2006*; or 4) a corporation established under the *Municipal Act, 2001* or under the *City of Toronto Act, 2006*.
 | NO COMMENTS.*(No issues identified or any significant changes that may affect the City.)* |
| **Conservation Authorities Act** | **--** | * It is unclear what the impact on municipalities would be from potential new fees for Conservation Authority programs and services
* Further clarification of all mandatory and non-mandatory Conservation Authority programs and services will assist in identifying which services/programs are desirable to the municipality and to establish agreements moving forward including transparent recovery of capital costs and operating expenses (as applicable)
* It is unclear how new provisions of the Act will impact municipalities with regards to regulation of areas/development permitting
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| **Ontario Regulation 97/04 – CA’s** | **--** | * It is unclear if updating definitions for key regulatory terms, including: “wetland”, “watercourse” and “pollution” would have impact on the development applications received by the municipality
* It is unclear what qualifies as low-risk development allowing conservation authorities to further exempt activities from requiring a permit and what impact this would have on the municipalities development application process
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| **Environmental Assessment Act** | * **Section 5**:
	+ Section 5 amends the Act to make room for future modifications surrounding exempt projects, and exempts the Province from a number of EA requirements related to transit, mines, parks and real estate transactions, as well as Schedule A and A+ municipal class EAs.
	+ Section 5 also adds language to the act that will provide a mechanism for the Minister to amend an approved class environmental assessment. The addition of Section 15.4 allows for both administrative amendments and more substantive amendments to approved Class EAs.
* **Section 6**:
	+ **Part 4** is the addition of a sub-section for grounds for order. The addition of subsection 4.1 implies that an order will only be issued when minister is of the opinion that the order may prevent, mitigate or remedy adverse impacts on;
		- The existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the constitution Act, 1982; or
		- A prescribed matter of provincial importance
	+ **Parts 6 and 7** are adding language to deadlines set to request an order as well as to respond to an order. This part also adds the review of request by Director. The new act will require that the Director shall review an order request to determine its validity ahead of presenting to the Minister
	+ **Part 8** allows the Minister to delegate order request issuance to a tribunal
 | * Section 5 - It is unclear at this time how this will impact the City. This could be a housekeeping modification, or further regulations could provide more contexts for this modification.
* Section 6, Part 4 - It is unclear at this time how this will impact the City. We would like clarification on the implication of restricting orders in this manner.
* Section 6, Parts 6 & 7 - It is our hope that this improves timelines on responses to Part II orders. Effectively creating a screening process for Order requests will mitigate the volume issues the Ministry is experiencing.
* Section 6, Part 8 - It is our hope that this will alleviate what is perceived as a staffing issue at the Ministry. Staff support this decision and are optimistic that this modification to the EAA will benefit the City.
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