




COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	November 11, 2024
SUBJECT:	Hamilton Water’s Response to the Proposed Amendments to Ontario Regulation 208/19 and Ontario Regulation 172/03 – HW2405
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Nick Winters Director, Hamilton Water Public Works Department
SIGNATURE:	

This update provides Council with an overview of regulatory amendments being proposed by the Ministry of the Environment, Conservation and Parks (Ministry) under Environmental Registry of Ontario (ERO) 019-8728, along with Hamilton Water’s submission to the Ministry in response to the proposed amendments.

The Ministry is proposing amendments to *Ontario Regulation 208/19: Environmental Compliance Approval in Respect of Sewage Works (O. Reg. 208/19)* and *Ontario Regulation 172/03: Definition of “Deficiency” and “Municipal Drinking-Water System,” (O. Reg. 172/03)*. These amendments would give Metrolinx and other transit authorities conditional authorization to make changes to municipal water distribution or sewage system works that are part of transit projects more easily. The purpose is to help deliver critical transportation and infrastructure faster while maintaining environmental safeguards.

Summary of Proposed Changes

Currently, transit authorities such as Metrolinx are not designated as “prescribed persons” under *O.Reg. 208/19*, and water distribution works constructed by transit authorities are not defined as part of a municipal drinking water system under *O.Reg. 172/03*. This means transit authorities are not pre-authorized to do this type of work and must apply to the Ministry for approval.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

The proposed amendments will expand the category of “prescribed persons” under *O. Reg. 208/19* to include transit authorities such as Metrolinx. They will also define water distribution works that transit authorities construct as part of a municipal drinking water system under *O. Reg 172/03*.

These changes would provide transit authorities with the necessary authorization to make certain modifications to drinking water or sewage system works for transit projects under the City's Consolidated Linear Infrastructure (CLI) Environmental Compliance Approval (ECA) and drinking water works permit. This would expedite approvals and eliminate the need for separate Ministry approval on routine or low-risk alterations. Any alterations under this process would still need to be approved and verified by the City.

The intent is that these changes would save time, money and resources by streamlining processes and reducing delays for routine, low-risk activities.

Consultation

Hamilton Water staff spoke with several Ontario municipalities within which transit authorities are leading projects that include replacement and/or relocation of water, wastewater and stormwater infrastructure. The consensus from that outreach is that the proposed amendments to Ontario Regulation 208/19: Environmental Compliance Approval in Respect of Sewage Works (*O. Reg. 208/19*) and Ontario Regulation 172/03: Definition of “Deficiency” and “Municipal Drinking-Water System,” (*O. Reg. 172/03*), will provide a benefit by correcting gaps in the existing legislation.

Hamilton Water's Response

Hamilton Water supports the proposed changes and has submitted comments to the Ministry of the Environment, Conservation and Parks via the Environmental Registry of Ontario (ERO) posting 019-8728 indicating the City's support.

Hamilton Water will monitor updates on the amendments and participate in further consultations as needed. If passed, protocols for handling transit authority requests will be established to ensure smooth implementation.

APPENDICES AND SCHEDULES ATTACHED

Not applicable