

Ontario Ministry of Agriculture, Food and Rural Affairs

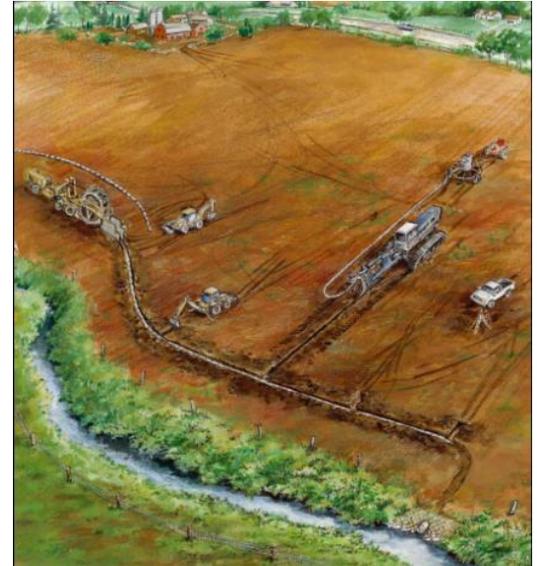
# *Drainage Act* Amendment Proposal

Stakeholder Consultation

January 31 and February 7, 2020

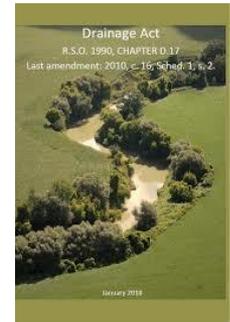
# Agenda

- Welcome and Introductions
- Background
- Proposed Changes
  - Discussion & Feedback
- Next Steps and Closing Remarks



# Background

- Three Acts regulate drainage in rural communities: *Drainage Act*, *Agricultural Tile Drainage Installation Act*, *Tile Drainage Act*. The *Drainage Act* is a long established piece of legislation that has not been significantly updated since 1975.
- Over the past several years, opportunities for burden reduction have been identified by stakeholders and through internal review.
- The Ministry is proposing enabling amendments to the *Drainage Act* that would, if passed:
  - Create a new streamlined *Drainage Act* process for minor improvements to drainage systems;
  - Enable a simplified process to update the engineer's report to account for changes to the design made during construction; and
  - Provide the minister with legislative authority to adopt technical protocols such as the DART Protocol by reference in regulation.
- These proposals are expected to reduce administrative burden, streamline approvals and address stakeholder concerns while maintaining environmental standards.
- This is the beginning of a consultation process. Further consultation would occur on the proposed regulation which would include details on the minor improvement process and the process to update the engineer's report.



# Streamlining Approvals

# Creating a New Process for Minor Improvements

## Current

The *Drainage Act* doesn't enable a streamlined process for simple drain improvement projects that have a minimal impact on the environment and other properties.

## Why Consider a Change

The current process involves all landowners assessed during the original development of the entire municipal drain, creating unnecessary cost and burden, and can result in delaying or avoiding improvement activities on an individual property.

## Proposal

Create a new *Drainage Act* process for minor improvements so projects can be completed in a less costly and more efficient way while maintaining environmental protections. A new regulation would be developed to define minor improvements and describe the process.

- Examples of minor improvements could include: creating or widening a crossing, relocating a drain on an individual property, or the addition of a feature with environmental benefits (e.g. buffer, water retention area).

# **Simplifying Administrative Processes**

# Accounting for Changes to Drain Design during Construction

## Current

Drainage systems built under the *Drainage Act* sometimes deviate from the design plans because of unforeseen site conditions in the field. These changes are not recognized in the engineer's report since there is no authority or defined process to do so under the Act.

## Why Consider a Change

Without a process to recognize changes in the engineer's report, the municipality doesn't have the authority to maintain the drain "as built". This can lead to a lack of clarity for municipal superintendents who plan and implement maintenance and repair activity in accordance with the engineer's report.

## Proposal

Amend the *Drainage Act* to enable a simplified process to update the engineer's report to account for any changes made during construction. A new regulation would be developed to outline the process.

# Supporting Technical Protocols

# Authority to Adopt Protocols by Reference in Regulation

## Current

There is one technical protocol for drain maintenance and repair activities (*Drainage Act and Conservation Authorities Act Protocol* (DART Protocol)) which is currently implemented voluntarily. The Protocol includes general and activity specific environmental mitigation requirements.

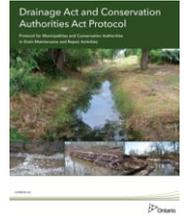
The Ministry of Natural Resources and Forestry (MNRF) proposed changes to development permit regulations under the *Conservation Authorities Act* in April 2019. These proposed changes included exempting, across all CAs, certain drain repair and maintenance activities that are undertaken in accordance with the DART Protocol.

## Why Consider a Change

Stakeholders such as the Ontario Federation of Agriculture and the Land Drainage Committee have suggested new protocols, which could be developed collaboratively by the DART team.

## Proposal

Amend the *Drainage Act* to enable the incorporation of technical protocols by reference in regulation. Any new Protocols would need to ensure that environmental protections are maintained.



# Proposal Recap

## Proposals

### **Streamlining Approvals**

Create a new process for minor improvements

### **Simplifying Administrative Processes**

Enable a simplified process to update the engineer's report and to account for changes to drain design during construction

### **Supporting Technical Proposals**

Incorporation of protocols by reference in a regulation

## Intended Benefits

The proposed amendments have the intended benefits of:

- Supporting economic competitiveness by making it easier and more cost effective to ensure existing drains perform well
- Increasing opportunity for collaboration in the development of protocols to ensure environmental protections are maintained
- Enhancing climate resiliency by encouraging the uptake of new technologies and approaches

# Discussion and Feedback

## Discussion Paper Questions

1. Beyond the DART Protocol, what additional protocols could be established to help streamline approvals?
2. What projects should be included in the definition of minor improvements? What else would you like a minor process to achieve?
3. Do you have any specific concerns with any of the items discussed in the paper?
4. Do you have any additional suggestions to reduce burden or contribute to additional opportunities for your business?

# Next Steps

- Access the full proposal at [www.ero.Ontario.ca](http://www.ero.Ontario.ca)
- Provide your comments by February 18, 2020.
- Feedback gathered will be used in finalizing the proposed changes.
- To implement the proposed *Drainage Act* amendments, OMAFRA will be developing a regulatory proposal. We will consult separately on this proposal.

# Contact Information

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Thank you for your  
participation