

GUIDE

Application Costs for Water Works, s. 52 *Ontario Water Resources Act*

August 1998

INTRODUCTION

The Ministry of the Environment has revised the cost structure for Certificates of Approval. Two new regulations, Regulation 363/98, entitled “*Regulation Made Under the Environmental Protection Act - Fees - Certificates of Approval*”, (Reg. 363) and Regulation 364/98 entitled “*Regulations Made Under the Ontario Water Resources Act - Fees Approvals*”, (Reg. 364), will be in place October 1, 1998. All applications received prior to October 1, 1998 will be subject to the existing cost structure as set out in regulation under the *Environmental Protection Act*, (EPA) - Regulation 502/92 and under the (OWRA) -Regulation 503/92, as amended.

The approval costs apply to the following types of applications:

1. EPA s. 9 - air emissions
2. EPA s. 27 - waste management
3. OWRA s. 52 - water works
4. OWRA s. 53 - sewage works

This guide is intended to assist in determining the costs associated with applications under s. 52 of the OWRA. Guides are also available for OWRA s. 53 (sewage) approvals, EPA s. 9 (air emissions) and EPA s. 27 (waste sites and systems).

Although every effort has been made to ensure accuracy of information, the guide should not be construed as legal advice. Copies and any revisions or updates to this guide are available at the address noted below:

Document	Paper copies	Electronic copies (send e-mail to the following addresses)
<i>Reg. 363/98, EPA</i>	Environmental Assessment & Approvals Branch Ministry of the Environment 2 St. Clair Avenue West, Floor 12A Toronto, ON M4V 1L5 Phone: (416) 314-8001/or 1-800- 461-6290 Fax: (416) 314-8452	FEES@ENE.GOV.ON.CA , in the subject line type EPA
<i>Reg. 364/98, OWRA</i>		FEES@ENE.GOV.ON.CA , in the subject line type OWRA
Guides to <i>Reg. 363/98, EPA and Reg. 364/98, OWRA</i>		EPA guides: GetGuides@ENE.GOV.ON.CA , in the subject line type GUIDES-EPA OWRA guides: GetGuides@ENE.GOV.ON.CA , in the subject line type GUIDES-OWRA

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GENERAL

The authority for water works approval is contained in subsection 52(1) of the OWRA. This subsection requires that:

No person shall establish, alter, extend or replace new or existing water works except under and in accordance with an approval granted by a Director.

Applications may be submitted for the following:

- I APPROVALS;**
- II AMENDMENTS TO EXISTING APPROVALS; OR**
- III REVOCATIONS OF EXISTING APPROVALS.**

The associated costs are set out under Reg. 364 and explained in the first three sections of this guide. The fourth section of the guide addresses refunds while the last section provides examples of how to calculate the costs for specific situations. **A summary table is attached at the end.** This table is also included in the guide for completing applications for OWRA s. 52 approvals and can be used as a quick reference in determining the applicable costs for applications.

SECTION 1: APPROVALS

Section 2 or Reg. 364 addresses costs for initial applications for approval. These are applications for “new” works or equipment, meaning that there are no related existing approvals. The cost to process these applications consists of three levels, as follows:

- (A) **Administrative processing cost**
- (B) **Fixed cost for the general technical review**
- (C) **Review of a hydrogeological assessment cost**

The total cost = (A) + (B) + ((C) if “C” applies)

(A) **Administrative Processing Cost**

Under subsection 2 (2)(1), all applications for “new” or initial approvals under s. 52, OWRA are subject to a \$200 processing charge. This is a **non-refundable** fixed cost that covers administrative processing as well as pre-application consultation costs.

(B) **Fixed Cost for the General Technical Review**

The fixed cost applies to the type of works or equipment applied for and **is in addition to the Administrative Processing cost**. The fixed costs are listed on the next page, Table 1 (Schedule 1 of Reg.364):

TABLE 1: Fixed Cost for the General Technical Review (Schedule 1 of Reg. 364)

Type of Application	Cost
The new intake or extraction of surface or ground water, together with treatment other than disinfection, or the expansion of the capacity of an existing intake or extraction of surface or ground water, together with treatment other than disinfection.	\$5,000, if the maximum design capacity is not more than 4,550 cubic metres per day \$10,000, if the maximum design capacity is more than 4,550 cubic metres per day
A facility for the extraction and supply of ground water with no treatment other than disinfection.	\$2,000
Watermains and appurtenances, including hydrants.	\$1,000
Highlift and booster pumping stations, reservoirs or elevated tanks.	\$2,000

Note: The fixed cost for general technical review for applications dealing with expansion of the capacity of existing facilities is based on the magnitude of the proposed expansion rather than the capacity of the existing facilities or the capacity of the facilities after expansion, e.g., for an application to expand an existing plant from 8,000 m³/d to 10,000 m³/d, the cost is \$5,000 (i.e., it applies to the net capacity increase of 2,000 m³/d).

(C) Review of Hydrogeological Assessment Cost

Subsection 2 (2)(3) of Reg. 364, states the following applicable cost:

\$3,000, if, in the opinion of the Director, a review of a hydrogeological assessment is required in connection with the application.

This cost applies to all applications for approval of groundwater supply works requiring a new or amended permit to take water (PTTW), except where the Ministry's office issuing the PTTW did not require submission of a hydrogeological study report for the assessment of potential impact of the proposed watertaking on other users of the aquifer.

SECTION 2: AMENDMENTS TO EXISTING APPROVALS

The costs for amendments to existing approvals are under s. 3 of Reg. 364. The costs depend on the type of amendment required. There are 3 categories of amendments:

- I Administrative amendments
- II Amendments requiring a technical review
- III Amendments required as a result of a condition on an existing approval.

I. ADMINISTRATIVE AMENDMENTS

Subsection 3 (2) of Reg. 364 states that:

If the application is an administrative application, the amount of fee payable under subsection (1) is \$100.

This means that an application for an amendment that does not require a technical review is subject to a cost of \$100.00. **(The \$200 charge for administrative processing does not apply).**

The type of amendments that are considered as “administrative” include:

- changes to conditions on existing approvals that do not require a technical review (e.g. extension of a deadline for submission of a report, extension of a deadline for undertaking any other action required by the approval where a technical review is not required, etc.)
- name changes on existing approvals unless required by condition on an existing approval (ie there is a new owner).

II AMENDMENTS REQUIRING A TECHNICAL REVIEW

If the application for an amendment does not fall in the first category - ie administrative amendments, then a technical review is required and the cost to process these applications consists of three levels, as follows:

- (A) **Administrative processing cost**
- (B) **Fixed cost for the general technical review**
- (C) **Review of a hydrogeological assessment cost**

The total cost = (A) + (B) + ((C) if “C” applies)

(A) **Administrative Processing Cost**

Subsection 3(3) (1) of Reg. 364 states that the following cost applies to amendments:

\$200, for administrative processing.

All applications for approvals under s. 52, OWRA are subject to this \$200 processing charge. This is a **non-refundable** fixed cost that covers administrative processing as well as pre-application consultation costs.

(B) **Fixed Costs for the General Technical Review**

The fixed cost applies to the type of works or equipment applied for and **is in addition to the Administrative Processing cost**. The fixed costs are outlined in subsection 3(3)(2) Reg. 364 depending on the type of application. Table 2 on the next page provides a summary of these costs.

(C) **Review of Hydrogeological Assessment Cost**

Subsection 3 (3)(3) states the following applicable cost:

\$3,000, if, in the opinion of the Director, a review of a hydrogeological assessment is required in connection with the application.

This cost applies to all applications for approval of groundwater supply works requiring a new or amended permit to take water (PTTW), except where the Ministry’s office issuing the PTTW did not require submission of a hydrogeological study report for the assessment of potential impact of the proposed watertaking on other users of the aquifer.

An amendment to existing approval of groundwater supply works, which is not an expansion of the works but may still require a PTTW, is an approval for upgrading of a groundwater supply system involving connection of a new stand-by well.

TABLE 2: Fixed Costs for Amendments

Type of Amendment	Cost
<p>a treatment plant upgrade, including new treatment (such as chemical coagulation and flocculation, settling, granular media filtration, membrane filtration, or contaminant absorption or disinfection) at existing water supply plants, new plant process waste stream treatment and disposal facilities, additional or replacement treatment modules, and the establishment, alteration, expansion or replacement of an intake facility,</p> <p>or</p> <p>a process modification, including the alteration, extension or replacement of an existing pumping system or chemical storage or application system (such as a change of chemical filter media or a standby power supply system) and the provision of additional points of process chemical application.</p>	\$3,000
<p>if the application relates to the alteration, extension or replacement of an existing well, including provision of an additional well to serve as a standby and the provision of disinfection and disinfection control facilities.</p>	\$1,200
<p>all other amendments.</p>	\$600

III. AMENDMENTS REQUIRED AS A RESULT OF A CONDITION ON AN EXISTING APPROVAL.

Subsection 3(4) of Reg. 364/98, states that costs associated with amendments to existing approvals do not apply.

“.... in respect of an application to amend an approval if the application is necessary as a result of action that the applicant has been required to take by the Director pursuant to a condition contained in the approval .

This means that the costs for amendments, as listed under (A), (B) and (C), would not apply if the application was being filed as a result of a condition on an existing approval.

Some examples of when this could occur include:

- amendment to incorporate into the description of the approved works the final street names which were not established at the time of the issuance of the approval;
- approval of design report, final plans and specifications for any works approved in principle subject to obtaining such an approval or approvals (multi-stage projects), if the detailed design represented by the submitted final plans and specifications follows the design concept approved in principle [if the design report, final plans and specifications introduce any changes to the approved design concept, the application is considered an “amendment requiring a technical review” and the applicable cost is as described in Section 2(II)];
- removal of a temporary restriction on the approved capacity of a water treatment system imposed on the approval pending acceptance of a capacity analysis of the system required to be undertaken after commissioning of the approved works.

SECTION 3. REVOCATIONS

Costs for applications or requests for revocations depend on the Ministry's efforts to issue the revocation and are as follows:

1. As per subsection 4(2) of Reg 364 , for administrative amendments, where there is no technical review required, the revocation is free of charge.
2. Subsection 4(3) of Reg. 364 outlines the costs if the revocation requires a technical review. These costs are identical to those listed and explained under "SECTION 1. APPROVALS", and apply as follows:
 - (A) **Administrative processing cost**
 - (B) **Fixed cost for general technical review**
 - (C) **Review of a hydrogeological assessment cost**

The total cost = (A) + (B) + ((C) if "C" applies)

Please refer to Section 1 for details of these costs.

**** It is expected that most applications for revocations will be administrative in nature - that is, there is no technical review required. If a technical review is required, then likely the application is for an amendment - as an example, one part of a plant is to close down, but the rest is to remain in operation. In the case of an amendment the application costs are detailed under Section 2.**

COST EXEMPTIONS FOR REVOCATIONS

Subsection 4(4) states that the costs do not apply:

...in respect of an application to revoke an approval if the application is necessary as a result of action that the applicant has been required to take by the Director pursuant to a condition contained in the approval.

Therefore, if the revocation is required as a result of a condition on an existing approval, the revocation cost will not apply.

SECTION 4: REFUNDS

The requirements for refunds are under section 9 of Reg. 364. This section allows the Director to refund any or part of the costs associated with a particular application. Refunds apply to:

- 1. Initial approvals**
- 2. Amendments to existing approvals**
- 3. Revocations of existing approvals**

when:

- 1. The application is withdrawn by the client before the Director makes a decision on the applications; or**
- 2. The Director refuses the application in whole or part**

In determining the amount of money, if any, to be refunded, the Director will consider the amount of time involved in the review of the application up to the time that the application was withdrawn or refused. The refund will be based on the difference between the application cost submitted and the cost of the staff time expended in the review of the application.

Under subsection 9(2), of Reg. 364, the administrative processing fee of \$200.00 is not subject to refunds.

SECTION 5: EXAMPLES

The following are examples of costs for different types of applications (the category numbers are from the summary table at the end of the guide):

Example 1:

A new surface water supply system including a water intake and treatment plant (high lift pumping station part of the plant) rated at more than 4,550 m³/d [Category 3 - \$10,000], watermains [Category 5 - \$1000] and an elevated water storage tank [Category 6 - 2000]:

$$(\$200)[A] + (\$10,000 + \$1,000 + \$2,000)[B] = \$13,200$$

Example 2:

A new groundwater supply system including a groundwater well with in-line chlorination system [Category 4 - \$2000] and watermains [Category 5 - \$1000], where obtaining of the PTTW did not require any hydrogeological assessment of the impact of watertaking [\$0]:

$$(\$200)[A] + (\$2,000 + \$1,000)[B] + \$0[C] = \$3,200$$

Example 3:

The connection of an additional water production well (system capacity increase) to a groundwater supply system [Category 4 - \$2000], where obtaining of the PTTW for the new well required a hydrogeological assessment of the impact of the watertaking on other users of the aquifer [Category 7 - \$3000]:

$$(\$200)[A] + (\$2,000)[B] + (\$3,000)[C] = \$5,200$$

Example 4:

The connection of a stand-by well to a groundwater supply system (no system capacity increase) [Category 10 - \$1200], where obtaining of the PTTW for the new stand-by well required a hydrogeological assessment of the impact of the watertaking on other users of the aquifer [Category 7 - \$3000]:

$$(\$200)[A] + (\$1,200)[B] + (\$3,000)[C] = \$4,400$$

Example 5:

An additional filter (for flexibility of operation only - no plant capacity increase) and a new filter backwash treatment and disposal facility at a water filtration plant (Category 9 - \$3000):

$$(\$200)[A] + (\$3,000)[B] = \$3,200$$

Example 6:

Approval of final plans and specifications for Phase II of a water treatment plant expansion where the submitted detailed design follows the design concept for Phase II approved in principle together with the approval of Phase I expansion (Category 100 - \$0):

No cost [\$0]

Example 7:

Approval of final plans and specifications for a new water treatment plant approved in principle as a conventional filtration plant, where the submitted detailed design involves membrane technology (amendment requiring technical review) [Category 9 - \$3000]:

$$(\$200)[A] + (\$3,000)[B] = \$3,200$$

SUMMARY OF OWRA s. 52 COSTS

CATEGORY	TYPE OF APPLICATION	COST (\$)
APPROVALS (for new works or equipment)		
TOTAL COST = 1 (always) + (Total of one or any combination of 2, 3, 4, 5, 6) + 7 (if applicable)		
1	Administrative processing (applies to all applications for new works or equipment)	200
2	The new intake or extraction of surface or ground water, together with treatment other than disinfection, or the expansion of the capacity of an existing intake or extraction of surface or ground water, together with treatment other than disinfection.	5,000, if the maximum design capacity is not more than 4,550 cubic metres per day
3	The new intake or extraction of surface or ground water, together with treatment other than disinfection, or the expansion of the capacity of an existing intake or extraction of surface or ground water, together with treatment other than disinfection	10,000, if the maximum design capacity is more than 4,550 cubic metres per day
4	A facility for the extraction and supply of ground water with no treatment other than disinfection.	2000
5	Watermains and appurtenances, including hydrants.	1000
6	Highlift and booster pumping stations, reservoirs or elevated tanks.	2000
7	Review of Hydrogeological Assessment	3000
AMENDMENTS (ADMINISTRATIVE)		
8	Administrative amendments (no technical review involved)	100
100	Amendment required as a result of a condition on a existing approval.	0
AMENDMENTS (TECHNICAL)		
TOTAL COST = 1(always) + (Total of one or any combination of categories 9, 10, 11) + 7 (if applicable)		
1	Administrative processing (applies to all amendment, except administrative amendments)	200
9	<p>A. a treatment plant upgrade, including new treatment (such as chemical coagulation and flocculation, settling, granular media filtration, membrane filtration, or contaminant absorption or disinfection) at existing water supply plants, new plant process waste stream treatment and disposal facilities, additional or replacement treatment modules, and the establishment, alteration, expansion or replacement of an intake facility, or</p> <p>B. a process modification, including the alteration, extension or replacement of an existing pumping system or chemical storage or application system (such as a change of chemical filter media or a standby power supply system) and the provision of additional points of process chemical application.</p>	3000

SUMMARY OF OWRA s. 52 COSTS

CATEGORY	TYPE OF APPLICATION	COST (\$)
10	if the application relates to the alteration, extension or replacement of an existing well, including provision of an additional well to serve as a standby and the provision of disinfection and disinfection control facilities	1200
11	in any other case	600
7	Review of Hydrogeological Assessment	3000
100	Amendment required as a result of a condition on an existing approval	0
REVOCATIONS		
12	Administrative revocations (no technical review involved)	0
200	Revocation required as a result of a condition on an existing approval	0
500	If a technical review is involved in reviewing the application for the revocation, the applicable costs are outlined under APPROVALS (for new works or equipment) , above, where TOTAL COST = 1 (always) + (Total of one or any combination of 2, 3, 4, 5, 6) + 7 (if applicable)	as calculated