Appendix: Supporting information for exempting low-risk activities from requiring environmental permissions

This document provides more details about the low-risk sewage works, water taking activities, waste activities and air and noise emissions or activities that are proposed to be exempt from requiring environmental permissions.

Details are provided about each proposed activity according to the permission type:
Sewage approvals
Air and noise approvals
Waste approvals
Permit to Take Water (PTTW)

Sewage works exemptions (Amendments to O. Reg. 525/98 under the *Ontario Water Resources Act*)

1. Private sewers servicing up to 5 residential properties that discharge to a municipal sewer service connection.

Proponents currently do not require an Environmental Compliance Approval (ECA) for the discharge of sewage from a single property through a municipal sewer connection. The proposed change would allow proponents to establish sewage collection systems that serve up to 5 single private residences (not condominiums, apartment buildings with more than 5 units for example) and share a connection leading to the main sewer without an ECA. Proponents would continue to require an ECA for sewage works that serve residential developments of 6 or more residences on one or more properties.

Some examples include:

- four homes connecting their plumbing to the municipal sewer via a single pipe
- sewer connection for 5 townhomes

2. Temporary stormwater works related to construction projects at a site where construction occurs but does not include a site that is located on the following sites: mines, mine development, mine reclamation, pits or quarries.

a. **Proponents would still be required to have erosion and sediment control measures in place for any direct discharge to the natural environment.**
b. **If these temporary works are planned to become permanent works in the future, an ECA would be required prior to their permanent operation.**

This proposed exemption would eliminate the need for proponents to obtain an ECA for temporary storm water management works throughout the duration of a construction project. These works are typically established to reduce the risk of flooding, prevent undesirable erosion and protect water quality by controlling contaminants such as suspended solids and sediments. Proponents would continue to require an ECA for

permanent storm water management works prior to those works being incorporated into the final stormwater management system. This exemption is for the sewage works related to construction projects.

Some examples include:

- temporary diversion channel to redirect runoff away from the construction site and protect the surrounding area
- temporary sediment control basin to capture runoff and slow or hold the water to allow the sediment to settle before cleaner water can flow downstream, even if that control basin will become part of the permanent works in the future

3. The replacement of an existing storm sewer with a new sewer that has similar dimensions and performance criteria [expanding s.2(1)4., which exempts sewers, to clarify that the exemption includes storm sewers].

Currently, O. Reg. 525/98 exempts proponents from requiring an ECA for the replacement of an existing sewer that is used, operated, established, altered, extended or replaced in accordance with an approval with a new sewer that has similar dimensions and performance criteria. The ministry has heard that there is a lack of clarity whether this exemption applies to storm sewers. The proposed amendment will clarify that the sewer in the existing exemption refers to sewers used for storm water or sanitary sewage. This exemption would be for the replacement of existing infrastructure at the same location and would not allow the construction of new sewers on undisturbed land without an ECA for sewage works.

An example of the exemption is:

- an ECA is not required for the replacement of an existing sewer, including storm sewers, with a new sewer that has similar dimensions and performance criteria and that is in the same or approximately the same location, if the existing sewer was used, operated, established, altered or extended in accordance with an approval granted by a director

4. Expanding an existing exemption related to a storm water management works that is designed to service one lot or parcel of non-industrial land to include discharge to a conveyance ditch [expanding s.3(b), which currently exempts discharge to a storm sewer].

Currently, O. Reg. 525/98 exempts proponents from requiring an ECA for stormwater management works designed to service one lot or parcel of non-industrial land that discharges into a storm sewer that is not a combined sewer. The current regulation limits the storm sewer to a system of pipes, drains and appurtenances used for the collection or transmission of sewage.

However, for storm water management works, the conveyance system often includes sewers, swales, ditches or other channels or systems designed to transport storm water

from its source to a discharge point. The proposed amendment will clarify that the exemption applies to the full range of conveyance methods.

An example of the potential exemption is:

- the use, operation, establishment, alteration, extension or replacement of or a change in a storm water management works that:
  (a) is designed to service one lot or parcel of land
  (b) discharges into a ditch, swale or storm sewer that is not a combined sewer
  (c) does not service industrial land or a structure located on industrial land
  (d) is not located on industrial land

5. Publicly owned sewage works that discharge partially treated sewage into a sanitary sewer via a service connection [currently only privately owned providing partial treatment are exempt under the *Ontario Water Resources Act* s.53(6)(b)].

Under the *Ontario Water Resources Act* (OWRA), proponents are not required to obtain an ECA for privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer. The proposed amendment would extend this exemption to cover the same publicly owned sewage works since the environmental impact of the exempt sewage works is the same whether it is publicly or privately-owned.

An example of the wording of the potential exemption is:

- a sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer

Some examples include:

- a municipal pumping station that pre-conditions sewage for further treatment downstream (this might include the addition of coagulants, flocculants, disinfectants or pH adjustment)
- a municipal waste processing site that partially treats contaminated water from operations and discharges into the sanitary sewer

6. Sanitary sewage pumping stations serving one lot or parcel of land that discharge to a sanitary sewer.

This proposed exemption would allow proponents to install a sanitary sewage pumping station when the property cannot rely on gravity to transport their sewage to the municipal sanitary sewer. The pumping station can move sewage uphill or horizontally into the main sewer. These are small sewage works used to connect a property to the municipal sewer and treatment system.

An example is:

- a commercial building is located on lower elevation than the nearest municipal sanitary sewer. The pumping station will collect sewage and pump it uphill to the main sewer

7. Discharge of water from splash pads, swimming pools, water fountains, and water features located in schools, parks and community centres.

This proposed exemption would eliminate the requirement to obtain an ECA for splash pads, swimming pools, water fountains, and water features at schools, parks and community centers. Currently, proponents do not require an ECA for sewage works if the water is not discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse under OWRA s.53(6)(a). An example of this is when a proponent discharges the water to a municipal sewer, where the proponent does not require an ECA. Discharges from recirculating water fountains, water features, and splashpads can be managed through best practices to mitigate impacts and prevent potential adverse impacts on water resources. These systems typically use disinfectants such as UV treatment systems.

Swimming pool operators must follow local laws for proper discharge, such as discharge to sewers. Discharge from saltwater pools is typically hauled by an approved hauler.

Some examples include:

- decorative water feature at a community center
- splash pad at a park

8. Sand filtration equipment that filters water that is taken for use in a manufacturing or industrial operation.

This proposed exemption would allow proponents operating manufacturing or industrial facilities to filter raw water before it is used in the process without an ECA for sewage works. It would be limited to equipment that re-circulates the water, or discharges process water to a municipal sanitary sewer or approved sewage works. Sand filtration equipment removes suspended solids from the water through mechanical means. Proponents would require an ECA for sewage works if using chemical treatment. This proposed exemption is for the sand filtration equipment only and the proponent would have to obtain any additional permits if required, such as a PTTW.

Sand filtration equipment used for a drinking water system is already exempt from requiring a sewage ECA. Proponents would continue to require an ECA for any sewage works with direct discharge to a storm water sewer, water or natural environment.

An example is:

- A company needs to reduce the solids in the raw water intake before it can be used in the manufacturing process. The proposed changes would allow

companies to use sand filtration equipment to filter out suspended solids without a permission. Process water will be discharged to settling pond operating under an ECA.

9. Sewage works that are not designed to directly or indirectly discharge to land, surface water or ground water.

Currently, proponents require an ECA for sewage works that do not drain or discharge to water if the sewage works have a capacity greater than 10,000 litres per day.

The proposed regulatory amendment would exempt proponents from requiring an ECA for sewage works that are not designed to directly or indirectly discharge to land, surface water or ground water. There would be no limit on the design capacity of the sewage works to qualify for the exemption. The proposal would also clarify that any discharge to a storm sewer, combined sewer, unlined pond or leaky pond would not qualify for this exemption. Any treated water resulting from the works, would be required to be used on site while ensuring public health and safety.

An example of where the proposed exemption would apply is a root vegetable washing facility that treats 100,000 litres of water per day. The facility has installed treatment technology to meet water quality standards for reuse in washing and does not discharge washwater to land, surface water or groundwater, such as through spray irrigation.

For further clarity, the proposed exemption would not apply to systems that discharge to the subsurface (e.g., greywater pit systems, cesspools, leaching bed systems, septic systems); hauled sewage holding tanks; and sanitary sewage works that treat human body waste. Proponents would continue to require ECAs for these systems, unless the sewage works is governed by the Building Code and therefore exempt under the OWRA.

Discussion Questions:

1. Should the ministry require verification by a qualified professional that the sewage works has been adequately designed?
2. Are there other sewage works that do not discharge directly or indirectly to land, surface water or groundwater, such as those at mining operations, that should or should not be included in this proposed exemption?

Air and Noise Emissions Exemptions (Amendments to O. Reg. 524/98 under the *Environmental Protection Act*)

10. Small kilns used primarily to fire ceramicware at pottery studios.

- **a. This exemption would apply to small kilns, such as those commonly found in pottery studios or educational institutions that are used to fire ceramicware like pottery and dinnerware.**

b. Businesses using larger kilns such as those used in manufacturing or industrial operations would continue to require environmental permissions.

Kilns are used to create visual art and craft works using a studio-based method of production, made in small quantities. This exemption will not apply to proponents operating kilns used for the manufacturing of pottery, ceramics and plumbing fixtures.

Kilns used at a school or a private school are already exempt. Educational institutions refers to universities, community colleges, and other post-secondary institutions.

Some examples include:

- a kiln used at a college for educational purposes
- a kiln used at a pottery studio where customers can handmake pottery

11. Equipment used for the warehousing, packaging and distribution of goods, which includes receiving, temporary storage and redistribution and shipping of the goods to their next destination.

a. This exemption would not include warehousing facilities located on a property where additional activities require an environmental permission such as a manufacturing facility. In these cases, proponents would continue to require environmental permissions.

This proposed exemption would exempt proponents operating general warehousing, refrigerated warehousing and storage facilities from requiring an ECA or registering on the Environmental Activity and Sector Registry (EASR) for air and noise emissions. The goods handled are packaged to prevent volatile emissions and fugitive dust. Activities with air and noise emissions at these facilities could include forklifts, battery chargers, truck traffic, equipment designed to keep goods frozen or refrigerated, maintenance welding and room ventilation.

This proposed exemption does not exempt proponents operating facilities such as bulk receiving of grains, grain transfer and storage, oil and gasoline storage or natural gas storage.

Some examples include:

- grocery distribution center
- merchandise warehousing and order fulfillment center

12. Equipment (e.g., stop log lifters) that is used to manage water levels by adding or removing logs at a dam as defined under the *Lakes and Rivers Improvement Act*, if they meet the following criteria:

a. equipment that uses diesel or biodiesel must be designed to meet at a minimum, Tier 1 Emission Standards set out in Table 1 of 40 CFR 89.112 (United States).

b. equipment that uses propane or natural gas must be designed to discharge less than 9.2 grams of nitrogen oxides per kWh.

This proposed exemption would allow proponents to use combustion equipment to construct dams (the dams themselves are approved by the Ministry of Natural Resources under the *Lakes and Rivers Improvement Act*) without an ECA or registering on EASR for air and noise emissions from the combustion equipment used to construct dams, provided the engine meets minimum emission standards identified above.

13. Equipment (e.g., heating systems, boilers) related to de-icing systems at transit station platforms and switch heaters on railways.

This proposed exemption would allow proponents to use combustion equipment that is used to prevent snow and ice from freezing on railways without an ECA or registering on EASR for air and noise emissions. This equipment prevents service disruptions and safety hazards like derailments. A switch refers to a device used to route equipment or a track unit from one rail track to another. Switch heaters prevent or remove ice and snow on switches and at switch point areas.

14. Expand the existing exemption for standby power systems under Ontario Regulation 524/98.

Currently, O. Reg. 524/98 exempts proponents from requiring an ECA or registering on EASR for standby power systems used for emergency situations subject to certain criteria. The proposed amendment would expand this existing exemption by removing certain criteria that need to be met to qualify for the exemption to align the definition of standby power systems in the exemption regulation (O. Reg. 524/98) with the definition of standby power sources in Ontario's local air quality regulation (O. Reg. 419/05: Air Pollution – Local Air Quality) for consistency.

This would mean that, to qualify for the proposed exemption, standby power systems would be required to meet the following criteria which are consistent with O. Reg. 419/05:

1. Testing and maintenance of the standby power source is done in accordance with any applicable manufacturer's recommendations and generally accepted standards.

2. The discharge occurs during one of the following periods:

    i. A period in which the standby power source is operated solely for testing or maintenance purposes.

    ii. A period in which the standby power source is used for its intended purpose.

3. The standby power source has not been operated for testing or maintenance purposes for more than 60 hours in the 12 months before the discharge.

This proposed exemption would allow proponents to have a standby power system for emergency situations and testing without requiring an ECA or REA, registering on EASR or assessing air and noise emissions. Standby power systems used for non-emergency use would continue to require an ECA or REA or register on EASR.

Waste Management Exemptions (Amendments to O. Reg. 347. under EPA)

15. Small-scale community composting.

The proposed exemption would allow neighborhoods and educational institutions to establish and operate non-profit community composting facilities without requiring an ECA for a waste disposal or processing site. To qualify for the exemption, the following requirements would have to be met:

- waste that is composted must be primarily from community gardens or community kitchens,
- the composting facility shall not receive more than 750 kilograms of waste a week,
- waste that is composted must be limited to plant-based food, paper cardboard, clean woodchips and yard wastes (excluding grass clippings and plastics),
- the community composting facility must not receive dairy or animal food waste,
- the finished compost is utilized within the community,
- a best management plan must be developed to meet these requirements and manage odors and pests.

The proposed exemption would not override any local requirements for appropriate municipal approvals and zoning.

16. Upgrading biogas to renewable natural gas for injection into natural gas distribution infrastructure when the gas is received from a landfill site or from an organic waste anaerobic digestion facility.

Currently, proponents that operate facilities that receive biogas from a landfill site or an anaerobic digestion facility that upgrades that biogas to renewable natural gas (RNG) for injection into the natural gas distribution network, require multiple approvals from the ministry. These may include ECAs for waste, air and noise emissions and sewage works. The waste ECA is required as the biogas received at the site is considered a waste.

The proposed changes would exempt proponents from requiring a waste ECA for upgrading biogas to RNG, clarifying that biogas is not considered a waste in this specific circumstance. Proponents would continue to require ECAs for air and noise emissions and sewage works.

For further clarity, the proposed exemption would not apply to renewable energy facilities that require a Renewable Energy Approval as there is no separate waste approval for these sites.

Water taking exemptions (Amendment to O. Reg. 387/04 under OWRA)

17. All foundation drainage systems that are used to maintain dry building foundations when taking up to a maximum of 379,000 liters per day.

- **Currently, only residential foundation drainage systems that take up to a maximum of 379,000 litres per day of water are exempt.**

Currently, O. Reg. 387/04 exempts proponents who take less than 379,000 litres of water per day from the foundation of a residential building using foundation drainage systems from requiring a PTTW. Foundation drainage systems protect buildings from water damage and basement flooding. Storm water and ground water is collected in a drain installed at the foundation of a structure and taken away from the structure. The proposed amendments would expand the existing exemption to exempt proponents from requiring a PTTW for all foundation drainage systems that take up to 379,000 litres per day of water.

18. Amendments to clarify that dewatering within cofferdams is exempt under s.4.2 (3) and (4) of O. Reg. 387/04: Water Taking and Transfer

A cofferdam is a temporary enclosure built within a body of water to allow the enclosed area to be pumped out, creating a dry work environment. Currently, s.4.2(3) and (4) of O. Reg. 387/04 exempts proponents from requiring a PTTW when they divert water around these structures. The regulation is not specific that water within these structures is also exempt from requiring a PTTW. The proposed regulatory amendments would clarify that a PTTW is not required for dewatering within the cofferdam to align with the water taking and transfer user guide, which states that the exemption applies to both the diverted water in the water body and any water from the water body that is enclosed within the cofferdam/construction site.

Conditions set out in regulation will continue to apply for these activities to be exempt, such as requirements for erosion and control measures. If the conditions cannot be met, then the proponent would be required to get a PTTW.

Some examples include:

- removing water entering a construction site from leaking walls
- water trapped between two coffer dams