

October 30, 2023

To Whom It May Concern:

Re: ERO #019-6953 Streamlining environmental permissions for water takings for construction site dewatering activities and foundation drains

Introduction

Following is my response to the questions posed regarding streamlining environmental permissions for water takings as noted above. Its purpose is to support the More Homes, Built Faster: Ontario Housing Supply Action Plan 2023 through enabling a greater number of temporary dewatering activities to register on EASR to reduce cost and resources for proponents and help tackle the housing shortage. My response is as follows:

The ERO 019-6853 proposal pertains to EASR regulation (O.Reg 63/16) which removes:

- The requirement for Ministry to review and obtain a Permit to Take Water under the Water Resources Act or for water discharge as per EPA and ECA
- The limit for water taking of 400,000 litres of ground water per day with regard to taking groundwater in relation to one or more dewatered work areas within a construction site
- the role of Conservation Authorities (CA) and the requirement to notify local CAs

The volumetric limit is not expected to have an effect on the environment and will simplify residential drainage by exempting foundation drainage systems up to 379,000 litres per day. A qualified person (engineer or geoscientist), hired by industry is to prepare technical assessments, develop contingency plans for mitigation measures and monitoring if the qualified person predicts there will be impacts to quality or quantity of water

Concerns:

- Simplifying permit-to-rule through removal of limits to water taking and restricting the role of CAs further enables unencumbered industrial development. The approach is short sighted to deal with the long term consequences that can result from unrestricted development and oversight of industrial expansion on a landscape while in conjunction with the changes being proposed related to the movement of excess soils and below water pit development. All these changes together require a comprehensive environmental assessment in order to gain a deeper understanding of groundwater flows and their relationship to aquifer, lake and stream health as well as a better attempt to identify the nuances of habitat alteration and the social impacts that could occur due to depletion of water levels in the vicinity. Uncertainty exists regarding long term or irreversible impacts as well as identifying and addressing cumulative effects.

Do NOT proceed with this proposal due to:

- Its' non alignment with MECP's own Ministry's Statement of Environmental Values which states:
 - o "As it considers the development of Acts, regulations and policies, it will consider the cumulative impacts on the environment, the interdependence of air, land water and

living organisms, and the relationships among the environment, the economic and society'."

- The proposal is non-compliant with the need to meet the 2005 requirements under the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement (WRA). Article 206 of the WRA requires that each party shall set and may modify threshold levels for the regulation of new or increased withdrawals in order to assure an effective and efficient water management program that will ensure that uses overall are reasonable, that withdrawals overall will not result in significant impacts to the water and water dependent natural resources of the basin
- Permitting is a tool used by government to review applications in relation to the cumulative effects of other water taking activities. 700% increase in allowable water taking without a permit threatens watershed stability.
- The dismantling of CA's responsibilities for watershed management and prohibiting municipalities from accessing their services reduces environmental protections for Ontario's natural features and renders the effectiveness and efficiency of decades of CA knowledge, expertise and services unattainable.
- The CAs have a critical role of keeping track of water budgets and contributing to community engagement with the municipal authorities which is an essential component for protection of Ontario's water and natural heritage. There is no other government body considering cumulative effects.
- The downsizing of Ministry staff means there is limited expertise to provide appropriate oversight and enforcement.
- Transferring responsibility to a qualified person paid for by industry leaves no confidence in government institutions or their accountability for the public interest.
- Environmental hazards can occur to the vulnerable surface and ground water, ecosystems and biodiversity which can spread infectious diseases
- Health hazards can stem from contaminated water, diesel spills which effect people and the environment.
- A broad brush to project approvals through permit-by-rule neglects the uniqueness of each context and the interconnectedness of the surrounding area in which impacts could occur.
- Removing public participation violates rights under the Environmental Bill of Rights (1993)

Respectfully submitted:

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