Greater Ottawa Home Builders' Association
Association des constructeurs d'habitations **d'Ottawa**

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Permissions Modernization Team
Ministry of the Environment, Conservation and Parks
Client Services and Permissions Branch (Policy and Program Development Section)
135 St Clair Ave West 1st Floor
Toronto, ON, M4V 1P5
To: permissions.modernization@ontario.ca

Re: ERO Number: 019-6928 – Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry (ERO Number: 019-6928).

In addition to our comments, we support those submitted by the Ontario Home Builders' Association and our fellow municipal HBAs across the province.

Detailed Feedback

GOHBA continues to support provincial actions which streamline processes, permissions, and approvals to facilitate the implementation of infrastructure required to support housing availability and new housing supply in the province. We are strongly supportive of the provincial goal to build 1.5 million new homes across Ontario over the next decade. Achieving such an ambitious goal will require cooperation from all three levels of government and smarter public policy adjustments to expedite both infrastructure and housing.

Through our provincial association (OHBA), the residential construction industry has participated in and supported the general direction of several initiatives over the past few years to streamline permissions for storm water management, as well as expanding opportunities for low-risk activities to be self-registered on the Environmental Activity and Sector Registry (EASR), otherwise known as a "rules-in-regulation" approach.

GOHBA notes that this initiative (019-6928) represents the province's ongoing work to modernize environmental approvals. Our provincial association (OHBA) has been working with MECP staff in this regard to seek efficiencies in the approval processes that reduce unnecessary regulatory burdens and promote housing choice for residents of Ontario, while continuing to provide Ontarians with strong environmental protections.

GOHBA notes that the proposed amendments in the ERO (019-6928) posting will support the *More Homes, Built Faster: Ontario's Housing Supply Action Plan* 2022-2023, as they will create smarter and more efficient environmental permissions processes that reduce unnecessary burden to support housing and build critical infrastructure.

GOHBA agrees with MECP that stormwater run-off must be managed effectively to minimize any negative impacts on the quality of our waterways and groundwater, including drinking water sources. The proposal is a very good initiative that would have an immediate impact on delivering housing and employment sites more efficiently with less red tape.

GOHBA has a number of specific technical recommendations and feedback for the Ministry:

- Discussion Question 2b: contemplating additional exemptions for multi-unit residential developments that discharge to the natural environment. There should be no limits of an exemption for multi-unit residential developments based on the size of a development as the characteristics and design criteria for stormwater for all sizes and types of multi-unit residential development are the same.

- Pre-registration requirements (and last bullet of Step 2 on Page 9):

    - Item 3 requires any other regulators' approval prior to registration. This adds red tape as it means that a proponent cannot pursue registration before all other approvals are obtained, so it adds to the bureaucracy. Owners are obligated to obtain all necessary approvals prior to construction; we strongly recommend that there should be no mandated order to obtain approvals.

- Effluent limits: For all of the 3 bulleted items listed below – it will require monitoring for every single private SWM measure. This is not a practical solution – the focus should be on designing a facility based on proven attributes of a given facility, and then certification of the installation and proper operations and maintenance.

    - Item 1: The proposal states that TSS concentration may not exceed 25 mg/L. Stormwater management criteria for TSS removal per the Stormwater Management Planning and Design Manual is measured in a long-term removal percentage, not an effluent concentration. Most SWM measures are designed based on volumetric or flow parameters to achieve a long term TSS removal percentage and not an effluent concentration. We recommend changing this to: "The design long term total suspended solids (TSS) removal rate must be a minimum of 80%".

    - Item 2: We're unsure how the design will target an oil and grease maximum effluent concentration. Design guidance may be required if this is carried forward. Otherwise, it may be appropriate to implement these effluent criteria for the operating stage (not design) to ensure that the effluent is monitored and there is not an unmitigated source of oil and grease contributing to the effluent.

- pH is not an item that is typically part of SWM design. Design guidance may be required if this is carried forward. We recommend this item be deleted.

- Discussion question 3: it is not practical to monitor every stormwater management facility. Once proven effective, a stormwater management device or facility should be deemed approved and the focus should be on proper design, certification and operation and maintenance of the facility to ensure proper controls are achieved.

- Design Aspects Item 7 should be deleted as proponents should not need to update the report after receiving all other agency approvals just for the purpose of attaching those approvals, which is an added and unnecessary layer of red tape.

- Engineering Drawings Item 1: Catchment areas are typically shown on a Figure as part of a Stormwater Management Report, not necessarily a drawing. We recommend adding and changing the title of this section to "Engineering Figures and Drawings."

- Spill Contingency Plan:

  - Item 6: suggested revision in red: "A description of spill response training, which must be provided, at least once a year, to all employees assigned to work ~~in the area serviced by~~ with the stormwater management works, the date(s) on which the training was provided and by whom." It can't be expected to train all employees of a commercial center who work in the area of a SWM works, but only to train the management staff who may be responsible for maintaining the works.

- Transition Provisions for Existing ECA holders:

  - It appears to be onerous to require all existing owners to hire a LEP within 5 years to complete the EASR registration, including the required assessments. We recommend that the Ministry consider allowing them to maintain their current ECA. If one of the stated purposes of this proposal is to reduce red-tape and bureaucracy for new development rather than providing new regulations for existing owners to comply to. Either way, the facilities need to be operated and maintained.

For SWM works on private sites, we note that multiple steps are to be undertaken prior to registration on the EASR. Some of these items are over and above the requirements today for application and issuance of an ECA.

For example, preparation of an Operation and Maintenance Manual (OMM) & preparation of a Spill Contingency Plan. Municipal approvals are required prior to posting on the EASR. The Municipality may interpret their approval to include review of the additional documentation,

which is not part of current municipal submission requirements. This should be flagged by the Ministry to ensure no duplication occurs.

Conclusion

In closing, GOHBA strongly believes that there continue to be opportunities for the province to streamline Ontario's environmental approvals process to ensure that Ontario is open for business while balancing environmental protections.

Our provincial association (OHBA) has previously recommended that the MECP modernize approvals processes by taking a risk-based approach, eliminate duplication, improve customer service, eliminate regulations, or take a rules-in-regulation approach to low-risk activities.

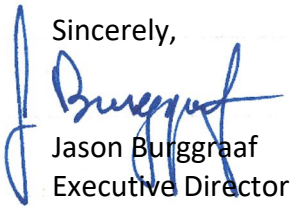
A modernized risk-based approvals process will make it easier and more affordable to live and conduct business in Ontario while protecting people and resources. GOHBA believes we can maintain the integrity of the approvals process, while finding efficiencies in process.

GOHBA also believes the current proposal by the MECP is another positive step to further reduce the regulatory burden on low-risk activities related to managing storm water.

On behalf of GOHBA's 415+ member companies, we appreciate the opportunity to provide the provincial government with our feedback and recommendations for short-term water takings.

We are pleased to answer questions or provide further information as requested. In coordination with Ontario Home Builders' Association and our fellow municipal HBAs, we would be pleased to meet directly with MECP officials to discuss further.

Sincerely,



Jason Burggraaf
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