



October 30, 2023

Office of the Commissioner
Public Works
Halton Region
1151 Bronte Road
Oakville, ON L6M 3L1

Permissions Modernization Team
Client Services and Permissions Branch
135 St Clair Avenue West, Floor 1
Toronto, ON M4V 1P5

Dear Permissions Modernization Team,

RE: Streamlining Permissions for Water Takings for Construction Site Dewatering Activities and Foundation drains - ERO 019-6853

The Region of Halton ("Halton Region") has received notice through the Environmental Registry of Ontario (ERO 019-6853 - <https://ero.ontario.ca/notice/019-6853>) related to the streamlining permissions for water takings for construction site dewatering activities and foundation drains.

The Ministry of Environment, Conservation and Parks ("the Ministry") is proposing changes to the [Ontario Water Resources Act \(OWRA\) O. Reg. 63/16](#) (Registrations under Part II.2 of the Act – Water Taking) and [O. Reg. 387/04](#) (Water Taking and Transfer Regulations) to further reduce the burden related to water takings for construction site dewatering activities and foundation drains.

The Ministry's notice consists of two components:

- **Construction Dewatering:** For construction dewatering, these changes include removing the current volumetric water taking limit of 400,000 litres of ground water per day (L/day) with regards to taking ground water in relation to one or more dewatered work areas within a construction site. This would allow someone to self-register on the Environmental Activity and Sector Registry (EASR) for the taking of any quantity of ground water or storm water from a dewatered work area(s) at a construction site if all other current eligibility requirements are met. The existing exemption from a permission for water takings of 50,000 L/day or less remains in place. Furthermore, the Ministry is proposing to remove the current requirements to notify the local conservation authority of the water taking to align with changes to the *Conservation Authorities Act*.

Regional Municipality of Halton

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- **Foundation Drainage:** For foundation drains, the Ministry is also proposing changes to simplify permissions for residential foundation drainage, such as those for houses and multi-residential buildings. The Ministry states that foundation drains are required to keep buildings dry when their foundations are constructed below the water table and that these buildings cannot be constructed without these drains in place; they must be operated for the lifetime of the building. The Ministry is proposing to make residential foundation drainage systems exempt from requiring a Permit to Take Water (PTTW) for water takings of up to 379,000 L/day. For water taking of more than 379,000 L/day from residential foundation drainage systems, a PTTW will still be required.

Halton Region has a strong interest in ensuring that this proposal does not negatively impact well water takings for Halton Residents and does not lead to capacity exceedances of the municipal stormwater system.

Construction Site Dewatering

Halton Region recommends defining and limiting the length of time that a project could be considered as temporary dewatering. When an extension for dewatering is required, a requirement should be enforced that requires follow up from the Qualified Professional (QP) for an extension which should require additional oversight or potentially a PTTW submission. QPs should also have a duty to report inconsistencies between the plan and execution.

Halton Region recommends the Ministry make water taking data and discharge plans publicly accessible through the EASR web page and publish metrics for the number of EASR registrations being audited each year. The Ministry should also publish annual reports of the audit results. To assist Conservation Authorities and Source Protection Authorities with assessing water balance, the Ministry should enforce, promptly collect, and make water taking data available on the EASR.

Stormwater System

Halton Region's stormwater system is designed to capture and manage stormwater run-off from roads and prevent flooding during significant rainfall events. Halton Region is concerned that this Ministry Proposal does not establish any measures to mitigate developers' dewatering activities during significant wet weather events. The continuation of dewatering activities by developers could result in potential flooding and safety risks for the public due to the capacity limitations of the stormwater infrastructure.

Halton Region recommends an expanded requirement for notification to the municipality anytime water takings are being discharged to its stormwater system, and not exclusively when the water taking is longer than 365 days. It is also recommended that the requirement to notify the local Conservation Authorities remain in place in order to better manage the concerns described above.

Municipal By-Laws

The Ministry should require that water takings discharging into the stormwater system comply with municipal by-laws, including where applicable for developers to monitor water takings and implement water quality analysis, implement erosion and sediment control measures, develop

contingency plans, record keeping and provide notifications. All records and reports should be available to municipalities upon request. By-laws are essential to protect the infrastructure, and as the owner of the stormwater system, municipalities are responsible for maintaining the system and assume the risk when developers discharge into the stormwater system.

Well Water Supply

Halton Region has residents who receive their water supply from private wells. Halton Region is concerned that dewatering activities can have a negative impact on resident's well water levels and have greater implications on the overall groundwater table. Halton Region has historical experience with projects activities negatively affecting private well water users and recommends the Ministry ensure developers are accountable for addressing and rectifying any impacts.

Exemptions for Residential Foundation Drainage Systems

Wellhead Protection Areas

O. Reg. 287/07 1.1(1) defines prescribed drinking water threats under the Clean Water Act, 2006. This includes *"An activity that takes water from an aquifer or a surface water body without returning the water taken to the same aquifer or surface water body."* Halton Region is concerned that identified drinking water threats, due to quantity threats, in established wellhead protection areas will no longer be managed effectively. Halton Region is further concerned that cumulative impacts of takings to aquifers, the environment and municipal infrastructure will no longer be considered both in and outside of wellhead protection areas.

It is recommended that the Ministry continue to regulate permanent dewatering (foundation drains) of large underground structures, through the Permit to Take Water system, until such time that the Province can provide a policy on permanent dewatering, and technical guidance on how to do risk assessments for large residential foundation drains. The guidance is required to assist municipalities and building officials in minimizing permanent dewatering, for protection of the environment and ensuring sustainable building design and upkeep. The legislation should be written to ensure that municipalities and the Source Protection Authority have the ability to prohibit permanent dewatering systems in areas where dewatering is a significant threat to water quantity under the local Source Protection Plan (-Q2 areas under the Clean Water Act).

Stormwater Infrastructure

Municipal stormwater systems are designed to capture and manage stormwater run-off from roads to prevent flooding. The Ministry's proposed amendment would have significant cumulative impacts on existing municipal infrastructure capacities. Halton Region recommends that all groundwater from foundation drains be recharged on-site down-gradient of the building into the groundwater system. Only after exhausting all reasonable efforts to maintain pre-development recharge on-site, should a discharge to the municipal stormwater system be considered and implemented with associated conditions for the operation and maintenance, ESC, SCP, and record keeping.

As previously stated, the Ministry should require that water takings discharging into the stormwater system comply with municipal by-laws. By-laws are essential to protect the infrastructure, and as the owner of the stormwater system, municipalities are responsible for maintaining the system and assume the risk when developers discharge into the stormwater system.

Summary of Key Recommendations

Halton Region offers the following key recommendations:

- Limit the length of time that a project is considered to be undertaking temporary dewatering activities and require the Qualified Profession to report inconsistencies between the plan and execution. Extensions to temporary dewatering activities should require additional oversight and potentially require a PTTW submission.
- Data water taking and discharge plans should be publicly accessible through the EASR web page, and metrics of the number of EASR registrations audited each year and the annual reports of the audit results should be published.
- Notification should be required to the municipality and conservation authority anytime discharge are made to their stormwater system and all discharges into the stormwater system should comply with municipal bylaws.
- The Ministry should continue to regulate permanent dewatering (foundation drains) of large underground structures, through the Permit to Take Water system, until such time that there is a policy on permanent dewatering, and technical guidance on conducting risk assessments of large residential foundation drain.
- The existing abilities of municipalities and the Source Protection Authority to prohibit permanent dewatering systems in areas where dewatering is a significant threat for water quantity under the local Source Protection Plan (Q2 areas under the Clean Water Act) should be maintained.
- Groundwater from foundation drains should be recharged on-site down-gradient of the building into the groundwater system. Only after exhausting all reasonable efforts to maintain pre-development recharge on-site, should a discharge to municipal stormwater systems be considered and implemented with conditions.

Conclusion

In conclusion, taking groundwater through dewatering activities can have major implications on the water table especially in areas where dewatering is a significant threat. Monitoring and control of these activities is crucial.

Exempting residential foundation drainage systems from requiring a PTTW for water takings of up to 379,000 litres of water per day has an impact on wellhead protection areas and there are capacity concerns as it relates to the accumulative impacts of discharging that amount of groundwater into the stormwater system.

Municipal stormwater infrastructure has limited capacity to receive groundwater from foundation drains. Discharges to municipal systems should be a last resort with protective municipal by-laws being critical to proper system operation and maintenance.

Please contact us for additional clarification or consultation, if desired.

Sincerely,

A handwritten signature in blue ink, appearing to read "D Marchant". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'M'.

Danielle Marchant
Manager, Integrated Management System & Quality Assurance

cc: Public Works Departmental Management Team, Halton Region