



ENGINEERING AND
ENVIRONMENTAL SERVICES
Water and Wastewater Services

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Streamlining Permissions Project Team
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto Ontario

Re: Comments on “Streamlining permissions for water takings for construction site dewatering activities and foundation drains”: ERO 019-6853

The Region is thankful for the opportunity to review and comment on the captioned consultation document and provides the following comments:

Item 1

Ontario is proposing changes to streamline permissions for temporary water taking activities. These changes include removing the current volumetric water taking limit of 400,000 litres of ground water per 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 litres per day or less remains in place.

Interpretation:

The proposal will allow EASR self-registration for temporary dewatering for construction, with some eligibility requirements. Municipalities will retain the ability to constrain construction dewatering in urban areas through a municipal permit for discharge to storm or sanitary sewer. Ontario Ministry staff will no longer review submissions and issue permits for large, temporary water takings for construction.

Support:

The Region supports this proposal with some suggestions.

Rationale:

- The use of EASR registration instead of the ministry-issued Permits will lessen delays for construction projects.
- Risks to the environment should be mitigated by a robust Provincial auditing process of EASR registrations and reporting.
- Longer-term construction dewatering projects and dewatering at some contaminated sites will not be suitable for EASR registration and should still require Provincial oversight.

Suggestions:

- The revised regulations and guidance should specify a time limit for these registrations. The time limit could be two years from the date of first water taking. If the water taking needs to be extended, we suggest that additional provincial oversight is appropriate. This might include MECP inspection, and a follow-up report from the Qualified Professional (QP) that indicates the extended duration of water taking will have no impact to other water users or the environment.
- The regulations and guidance should continue to allow municipalities to refuse sewer discharge permits when the discharge volumes or water quality is unacceptable to the municipality.
- MECP enforcement is critical to ensuring project owners follow the requirements of dewatering plans. The revised regulations and guidance should emphasize the burden on EASR registrants and site owners to follow the requirements of the plans made by the QP. There should be a requirement for the QP who endorses the EASR to audit the work, with a duty for the QP to report to MECP any inconsistencies between the plan and the execution.
- The MECP should publish metrics for the number of EASR registrations to be audited each year, and MECP should publish annual reports of the audit results.

Item 2

Ontario 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.

Support

The Region supports this proposal with some suggestions.

Suggestions

The MECP should enforce, promptly collect, and make available the EASR water taking data to assist Conservation Authorities and Source Protection Authorities to assess watershed water-balance data.

Item 3

To continue ensuring that the registered water taking activities are carried out in accordance with best management practices and in a manner that is protective of human health and the environment, the current self-registration rules in the Regulation will continue to apply.

Support

The Region supports the proposal that the current self-regulation rules continue to apply, especially the requirement for all registered activities to be implemented in accordance with water taking and discharge reports and plans that are prepared by a QP, who must meet minimum professional criteria.

Suggestions

The Region suggest that MECP make the water taking and discharge plans publicly accessible through the EASR web page, similar to the function of the Record of Site Condition web page where technical documents are available as downloads.

Item 4

Ontario is proposing to make residential foundation drainage systems exempt from requiring a Permit to Take Water (PTTW) for water taking of up to 379,000 litres of water per day. For water taking of more than 379,000 litres of water per day from residential foundation drainage systems, a PTTW will still be required.

Interpretation

The Region understands that the intention of this proposal is that MECP will not regulate foundation drainage systems when the water taking is under 379,000 L/day. The Region understands that the MECP suggests this water taking is best regulated by the municipality through planning approvals, building permits, and sewer-use bylaws.

Against

The Region does not support this proposal as written.

Rationale

- The cumulative impacts of permanent dewatering (foundation drains) of large underground structures may cause degradation of groundwater supplies and ecological harms from permanent lowering of groundwater levels.
- Permanent dewatering of large underground structures can remove significant volumes of water from the groundwater system, cause interference with existing water supply wells, and reduce recharge and groundwater availability for future uses.
- Discharge to municipal sewers should be discouraged as much as possible to reduce infrastructure costs, and prevent hydraulic impacts or contaminant impacts to sewage treatment plants and the environment.
- Municipalities do not have the expertise or resources to evaluate and mitigate the impacts from large discharges from foundation drains.

Suggestions

- MECP continue to regulate permanent dewatering (foundation drains) of large underground structures, through the Permit to Take Water system, until such time as Ontario can provide a policy on permanent dewatering, and a guidance document to municipalities on how to do risk assessments of 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 will have the ability to prohibit permanent dewatering systems in areas where dewatering is a Significant Threat for water quantity under the local Source Protection Plan (WHPA-Q2 areas under the *Clean Water Act*).

Item 5

Ontario is also seeking information on the impact that municipal sewer-use bylaws have on the design and long-term operation of foundation drains that are required for residential buildings where foundations are constructed below the water table. In some cases, developers are required to design treatment systems for their foundation drains to meet sewer-use bylaw criteria that are more stringent than drinking water standards. We are seeking information on why municipalities are imposing these stringent criteria and whether the province should play a role in limiting what criteria must be met when a building's foundation drains are discharging uncontaminated ground water into a municipal system.



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Rationale

- The Region of Waterloo Sewer Use By-law was developed in 2021 after an extensive consultation process with other municipalities, local industry and the general public.
- The limits set out in the Region's By-law are based on the Canadian Council of Ministers of the Environment (CCME) Model Sewer Use Bylaw Guidance Document.
- For surface water discharges, the Region's By-law references "uncontaminated water". The Provincial Water Quality Objectives PWQO are used as a baseline for what 'uncontaminated' means.

Suggestions

MECP should consider updating the PWQO (last updated in 1994) and provide guidance on acceptable storm sewer discharge quality in urban environments.

Closing Remarks

The Region appreciates the opportunity to comment on streamlining permissions for water takings for construction site dewatering activities and foundation drains. Thank you for your consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "Mari MacNeil".

Mari MacNeil
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