



ENGINEERING AND
ENVIRONMENTAL SERVICES
Water and Wastewater Services

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October 27, 2023

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 stormwater management”:
ERO 019-6928.**

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 stormwater management. These changes would allow someone to self-register on the Environmental Activity and Sector Registry (EASR) rather than obtain an Environmental Compliance Approval (ECA) for eligible stormwater management works servicing commercial, institutional, light industrial and multi-residential activities. If the works are a significant drinking water threat, additional management measures must be considered.

Interpretation

The Region understands through this proposal that works that are significant drinking water threats (SDWTs) are eligible for registration on the EASR.

Against

The Region does not support this proposal as written.

Rationale

- The review and approval process for ECAs, along with supplemental municipal policies for regulating stormwater management works that are SDWTs, provides a higher level of oversight for the protection of municipal drinking water supplies.
- The MECP is the agency with the appropriate expertise and authority to provide this oversight.

- Within the Region most stormwater management works are tied to Risk Management Plans for the application of salt. These related activities will be subject to regulatory overlap between EASRs and Risk Management Plans, which will likely eliminate any perceived streamlining benefit. Furthermore, the MECP is more effectively positioned to provide technical expertise on site-specific conditions and design needs that incorporate source water protection considerations, specifically salt application.

Suggestions

- Works that are SDWTs should not be eligible for registration on the EASR, but should continue to be managed through ECAs.
- That licensed engineering practitioners (LEPs) must not only consider additional mitigation measures for works that are SDWTs, but that they must meet a list of minimum measures as outlined in the MECP's Standard Operating Policies for SWM ECAs. This would reduce uncertainty for the LEPs, provide additional protection for municipal drinking water sources, and protect municipalities in instances where they are to assume ownership of private SWM works.
- That the MECP develop minimum training requirements and formal guidance for LEPs on drinking water source protection.
- That the MECP publish metrics for the number of EASR registrations to be audited each year, and annual reports of the audit results.

Item 2

Ontario is proposing to amend *Ontario Regulation 525/98* under the *Ontario Water Resources Act* to expand exemptions for Environmental Compliance Approvals (ECAs) to all low impact development (LID) works.

Interpretation

The proposal indicates that low impact development (LID) works such as infiltration trenches, swales, permeable pavements, and rain gardens pose little to no environment risk.

Against

The Region does not support this position.

Rationale

LID works on non-residential properties have the potential to infiltrate nitrate, sodium and chloride into groundwater and degrade municipal drinking water supplies through the enhanced or engineered infiltration of salt-laden stormwater from parking lots, vehicle driveways, and roads.

Suggestions

- That LID works be subject to the same level of oversight as other stormwater works to help ensure the protection of municipal drinking water supplies.
- That LID Works adhere to the principles outlined in the MECP's Low Impact Development (LID) Stormwater Management Guidance Manual, and be consistent with municipal policies on stormwater management including but not limited to the prohibition of enhanced or engineered infiltration of salt-laden stormwater.

Item 3

Ontario is proposing to amend *Ontario regulation 287/07* under the *Clean Water Act, 2006* to remove the need for, limit, or restrict the types of policies to be included in source protection plans where a SWDT is managed through an ESAR registration or prohibition.

Suggestions

- Works that are SDWTs should not be eligible for registration on the EASR, but should continue to be managed through ECAs.
- That the MECP maintain ECA and prohibition policies in source protection plans to provide a higher level of oversight for the protection of municipal drinking water supplies.

Item 4

Further, prohibitions in source protection plans on the establishment of stormwater management works that are significant threats would be maintained as part of the proposed EASR regulation.

Interpretation

The Region understands through this proposal that existing and future works that are prohibited in Source Protection Plans through ECAs will continue to be prohibited through the EASR.



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Support

The Region supports that existing and future works that are prohibited in Source Protection Plans through ECAs, will continue to be prohibited through the EASR.

Suggestions

That the MECP provide minimum training requirements and guidance to licensed engineering practitioners (LEPs) on where works are prohibited, and that the MECP implement added oversight to ensure prohibitions are complied with.

Closing Remarks

The Region appreciates the opportunity to comment on streamlining permissions for stormwater management. Thank you for your consideration.

Yours truly,

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

Mari MacNeil
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