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**Subject: Environmental Registry of Ontario No. 019-6853 - Streamlining permissions for water takings for construction site dewatering activities and foundation drains**

Please accept this letter as official comment to the Ministry of Environment, Conservation, and Parks (MECP) proposal on the Environmental Registry of Ontario (ERO), specifically ERO number (No.) 019-6853, focusing on streamlining permissions for temporary construction water taking activities and residential foundation drainage systems. The proposal is also seeking feedback on municipal sewer-use bylaws. Metrolinx supports the MECP's proposed changes to O. Regs. 63/16 and 387/04 as they will reduce burden related to water takings for construction site dewatering activities and foundation drains. The proposed amendments will ensure appropriate environmental protections are in place while reducing regulatory burden for construction and infrastructure projects.

The new efficiencies in the permissions process will bring certainty to the approval process for Metrolinx transit projects and facilities, mitigating risk to project schedules. In reviewing the ERO proposal, Metrolinx has identified additional changes it would like MECP to consider. The purpose of this letter is three-fold:

1. to acknowledge and support the MECP changes to water taking limits related to construction site dewatering, allowing any volume of water to be taken under the current Water Taking Environmental Activity and Sector Registry (EASR);
2. to extend the proposed exemption for any foundation drainage system from a Permit To Take Water (PTTW) to Metrolinx transit infrastructure; and lastly,
3. to offer feedback on municipal sewer-use bylaws and their unnecessary, stringent requirements resulting in water quality that meets or exceeds drinking water standards.

**1) Metrolinx and Water Taking Environmental Activity and Sector Registry**

The Water Taking EASR regulation (O. Reg. 63/16) allows self-registration of certain temporary water taking activities relevant and crucial to building transit, such as construction site dewatering, road construction and pumping tests, which removes the requirement for a ministry review and obtaining a PTTW under the Ontario Water Resources Act (OWRA) for the water taking or an Environmental Compliance Approval (ECA) under the Environmental Protection Act for the discharge.

Metrolinx acknowledges and supports the MECP proposal to streamline permissions for temporary

water taking activities. This proposal suggests removing the current volumetric water taking limit of 400,000 litres per day for ground water taking related to one or more dewatered work areas within a construction site. Metrolinx construction projects already successfully utilize the Water Taking EASR for temporary water takings which have proven to ensure appropriate environmental protections are in place through a simplified process. Metrolinx requests that any additional efficiencies being considered for the purpose of building critical housing infrastructure also be considered for the purpose of building critical transit infrastructure.

## **2) Foundation drainage systems**

In reviewing the ERO posting, MECP is proposing changes to simplify permissions for residential foundation drainage for houses and multi-residential buildings, by allowing PTTW exemptions for foundation drainage systems where water takings are less than 379,000 litres of water per day. Metrolinx requests that if there are similar takings for foundation drainage systems required for transit infrastructure, that the same exemptions be extended to Metrolinx projects as transit and housing both provide benefit to the public. These exemptions would allow for additional efficiencies resulting in building critical transit infrastructure faster including but not limited to station buildings, rail corridor ditches, bridges, and elevated guideways, that may be subject to municipal sewer-use bylaws.

## **3) Feedback on municipal sewer-use bylaws**

The ERO posting is 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. The posting is also seeking information on the stringent criteria that municipalities impose in sewer-use bylaws.

Metrolinx often has challenges in meeting sewer use bylaw criteria when discharging ground water associated with short-term construction dewatering and/or long-term dewatering associated with infrastructure foundations. It is common for municipal sewer use bylaws to require the removal of, or a significant reduction in, the presence of naturally occurring elements in ground water such as zinc and manganese prior to discharge. The levels permitted to be discharged into the natural environment under municipal sewer bylaws are often comparable to drinking water standards. Achieving these low levels of naturally occurring elements is not only unnecessary but often requires chemical/mechanical treatment systems which are extremely costly, time consuming to calibrate, operate and maintain, require significant space to install (which is unavailable in urban areas) and are not guaranteed to perform.

Metrolinx offers the following suggestions based on project experience in building critical transit infrastructure:

- i. Consider expanding the changes to municipal sewer use bylaws to the discharge of all ground water – short term construction dewatering as well as long-term operation of infrastructure foundation drains and other transit infrastructure foundation drains.
- ii. Water quality criteria should be determined by the MECP and should be consistent whether waters are discharged directly to the natural environment (provincial permitting process) or

- via a conduit such as storm sewer infrastructure (municipal permitting process).
- iii. When determining water quality criteria, consideration should be given to naturally occurring elements found in ground water, by utilizing background water quality data to determine appropriate discharge quality standards.

Metrolinx collaborates with municipalities as they are a partner in building transit in local communities. However, in cases where stringent storm sewer-use bylaws require expensive treatment or lengthy permitting processes, it would be beneficial for the Province to play a role in determining the criteria that must be met when dewatering and discharging during construction or managing transit infrastructure drainage that discharges ground water into a municipal system.

Respectfully, Metrolinx requests that the MECP consider the permission efficiencies put forward as outlined above. These considerations will support the delivery of the Province of Ontario's priority transit projects in a timelier manner.

Thank you for the opportunity to review the proposals and provide comment and recommendations to the Ministry. Please note the content of this letter has been provided online through the comment response option on the ERO posting and is also being shared with you for record keeping purposes. Metrolinx would be happy to discuss these considerations to this proposal (ERO No. 019-6853) further and welcomes the opportunity to discuss any additional opportunities to find efficiencies in approval processes to support building transit faster.

Sincerely,



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