

October 30, 2023

Client Services and Permissions Branch  
Policy and Program Development Section  
Ontario Ministry of the Environment, Conservation and Parks  
135 St. Clair Avenue West, Floor 1  
Toronto, ON, M4V 1P5

**RE:** ERO Posting 019-6928, ERO Posting 019-6853 and ERO Posting 019-6951

Thank you for the opportunity to comment on the above referenced postings related to the Environmental Activity and Sector Registry (EASR). Please find below staff comments from the Township of Centre Wellington and Wellington Source Water Protection. These comments are consolidated from Township Environmental Services, Development Engineering and Engineering staff and from Wellington Source Water Protection staff. Wellington Source Water Protection is a municipal partnership of the seven local municipalities and the County within the County of Wellington.

**ERO Posting 019-6928 – Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry (EASR)**

**Comments**

1. We do not support the use of EASR for stormwater management works that are significant drinking water threats.
2. We strongly recommend that all stormwater management works that are significant drinking water threats, including those currently managed by prescribed instrument or Part IV policies, be added to the list of ineligible activities for EASR registration. Currently, the proposal only lists prohibited stormwater management works that are significant drinking water threats as ineligible.
3. We generally support the use of EASRs for low-risk stormwater facilities. EASR registration has proven effective in reducing provincial approval timelines for certain low, environmental risk applications. We note, however, that the total number of significant drinking water threats for stormwater management works in the Province is relatively limited as there are very few in the Greater Toronto Area (GTA) and most are concentrated in the groundwater dependent municipalities surrounding the GTA (ie Wellington County, Region of Waterloo,

City of Guelph, City of Barrie etc). The proposal as written does not adequately take into account the special circumstances for groundwater dependent municipalities and therefore EASR registration should not be allowed for stormwater management works that are significant drinking water threats. This modification would address our primary concern while allowing a majority of stormwater management works to be EASR registered thus assisting in the Provincial housing and regulatory reduction goals.

4. We do not support the proposed amendments to Ontario Regulation 287/07. These amendments will lessen the protection for municipal drinking water sources by allowing self-registration of activities with a proven potential to impact groundwater, specifically infiltration of chloride impacted stormwater from stormwater management works. This proposal will lessen protection for municipal drinking water by removing the ability to regulate through the full suite of Source Protection Plan policies including removing already approved and in force water quality policies in the Grand River Source Protection Plan that are applicable in Wellington County.
5. We do not support Low Impact Development (LIDs) works being exempt from ECAs within wellhead protection areas for quality or quantity. LIDs are currently managed via the full suite of Source Protection Plan policies including prescribed instruments, Part IV and planning policies. To maintain proper operation, LIDs require inspection and oversight to ensure operation and maintenance continues per the design specifications over the lifetime of the LID asset. This can be achieved through regulation by ECA or under Part IV of the *Clean Water Act*. This proposal will lessen protection for municipal drinking water by removing the ability to regulate through the full suite of Source Protection Plan policies including removing already approved and in force water quality and quantity policies in the Grand River Source Protection Plan that are applicable in Wellington County.
6. We strongly recommend that the EASR regulation be amended to require notification to and meaningful consultation with municipalities and Source Protection Authorities for EASR registrations.
7. If the current proposal proceeds unchanged, it is strongly recommended that the changes do not take effect until Source Protection Plans have been updated to provide an equivalent level of protection as currently exists. It is unclear, given the proposed changes to Ontario 287/07 whether an equivalent level of protection will be possible.
8. If the current proposal proceeds unchanged, it is strongly recommended that the Province require Licenced Engineering Professionals to complete and maintain Director approved training related to source protection requirements and local policies under the Clean Water Act.

9. We have concerns that given Ontario Ministry of the Environment, Conservation and Parks' current workload that inspections and follow-up will be very limited for EASR sites. We would encourage the Province to consider allocating additional financial resources to District Offices for Environmental Officers as this would increase the inspections and oversight of EASR sites.
10. Where EASRs are used, we are unclear if the Province expects municipalities to ensure EASR registration has occurred prior to issuance of municipal approvals such as Site Plan or Subdivision Agreements. This expectation should be clarified.
11. We recommend that gas stations, auto body shops and paint sites, automobile dealerships, cardlock facilities, and industrial warehouses be ineligible for EASR registration. For the five activity examples listed above, it is our experience that a majority of individual sites would not meet the other eligibility criteria during operation and many handle and store chemicals or fuel that may impact stormwater or groundwater. Given that majority will not meet eligibility criteria, we are concerned that there will be insufficient follow-up by the Province to inspect these facilities to ensure compliance with EASR and therefore ineligible sites will be registered on EASR.
12. In the ineligible list, waste disposal sites are listed, however, that definition includes waste generation facilities which includes a wider range of industrial, commercial and institutional uses than defined in the proposal. This should be clarified.
13. We strongly encourage the Province to release the updates to the 2003 Stormwater Management and Planning Design Manual.

**ERO Posting 019-6853 – Streamlining environmental permissions for water takings for construction site dewatering activities and foundation drains under the Environmental Activity and Sector Registry (EASR)**

**Comments**

1. We do not support the use of EASR for permanent foundation drains where consumptive water taking is a significant drinking water threat or when they are located within one kilometre of municipal wells. These activities should continue to be regulated by Permit to Take Water and to be subject to the full range of Source Protection Policies as determined by local Source Protection Committees.
2. We strongly recommend that the EASR regulation be amended to require notification to and meaningful consultation with municipalities and Source Protection Authorities for EASR registrations. This proposal is removing current

notification and consultation requirements provided under the Ontario Water Resources Act.

3. If the current proposal proceeds unchanged, it is unclear the implications for municipalities related to foundation drain and third pipe systems that are built by developers and eventually assumed by municipalities. There is no process for municipalities to be notified when EASRs are registered and no process outlined for transfer of EASRs to municipalities during assumption of subdivisions or other development. This should be clarified.
4. The process to determine if a foundation drain water taking exceeds 379,000 litres per day is unclear or how water taking data will be reported since these systems typically do not have flow meters. This should be clarified and flow meters required for these and all registered water takings under the self-registration rules.
5. If the construction dewatering proposal proceeds, we strongly recommend a two year time limit be specified for EASR registrations. For dewatering longer than the time limit, there should be more Ministry oversight and consultation with municipalities and Conservation Authorities whether through additional reporting under the EASR framework or through a Permit to Take Water.

## **ERO Posting 019-6951 – Exploring changes to the streamline the permit-by-rule framework**

### **Comments**

1. We do not support aggregate operations, including stormwater and aggregate wash water, being moved to an EASR registration. We recognize that one of our partner municipalities, the Township of Puslinch, has passed a Council resolution related to this in October 2023 and refer the reader to their comments submitted under this proposal.
2. We encourage the Province to conduct in-person or virtual consultations with municipalities related to this proposal to solicit comment and to conduct meaningful consultation. We are supportive of permit by rule being considered and expanded as a tool to manage low risk environmental approvals, however, as our comments above demonstrate the details are important.
3. We are in support of a single EASR registration per facility.
4. A single permit by rule regulation has potential to improve transparency and support better compliance.

Thank you for this opportunity to comment on these ERO proposals. Please do not hesitate to contact the undersigned for further information.

Regards,

A handwritten signature in black ink, appearing to read 'Kyle Davis'.

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