



October 24, 2023

COMMENTS from Rescue Lake Simcoe Coalition Re. ERO policy proposals to PTTW and EASR

- Exploring changes to streamline the permit-by-rule framework, ERO number 019-6951
ero.ontario.ca/notice/019-6951
- Streamlining permissions for water takings for construction site dewatering activities and foundation drains, ERO number 019-6853
ero.ontario.ca/notice/019-6853
- Streamlining environmental permissions for waste management systems under the Environmental Activity and Sector Registry, ERO number 019-6963
ero.ontario.ca/notice/019-6963
- Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry, ERO number 019-6928
ero.ontario.ca/notice/019-6928

1. **Exploring changes to streamline the permit-by-rule framework, ERO number 019-6951**
ero.ontario.ca/notice/019-6951

Dear Sirs,

I do not support the regulatory changes proposed. Surely, there are ways to improve efficiency without removing oversight and review prior to approval.

1. To date, the current government of Ontario has done a very poor job of listening to environmental and land use planning experts. It is critical that staff listen to water policy experts like those at the Canadian Environmental Law Association. This submission supports their detailed comments.
2. I have serious concerns with the Ministry of Environment, Conservation and Parks' proposal to expand the permit by rule regime to include waste management systems (involving asbestos waste, biomedical waste, treated

biomedical waste, hazardous waste, liquid industrial waste and treated waste that can not be disposed of by land); stormwater management; and water-taking for construction sites dewater activities and foundation drains.

3. The proposal means the Environment Ministry will no longer undertake an up-front detailed review of applications related to the specified activities, thereby weakening regulatory oversight.
4. The permit-by-rule process removes public participation and third-party appeal rights under the *Environmental Bill of Rights, 1993*.
5. The specified activities, which have the potential to cause significant adverse impacts to the natural environment and human health will no longer be subject to either government or public scrutiny prior to commencing operation in Ontario.
6. We suggest hiring more staff at the MoECP to review the PTTW applications more quickly. We understand the Ministry budget was cut in half in the past five years.
7. The **019-6951** Proposal reads: *Ontario is continuing to modernize its environmental permissions to be more efficient for critical infrastructure projects. The ministry is seeking input on how to expand the use of its permit-by-rule framework to reduce delays on projects that matter most to Ontario communities, such as new housing and job-creating businesses.*

We would expect the Ministry of the Environment, Conservation and Parks to justify their actions in environmental, not business terms. We see no environmental justification for these changes, only justifications that benefit business. Please explain how these changes benefit the environment.

8. The **019-6951** Proposal reads: **Regulatory impact statement:** *The ministry is currently conducting an analysis of the regulatory impact of this proposal and will provide a fulsome analysis once a more detailed proposal on changes to the permit-by-rule framework is submitted for consultation.*

It is inappropriate to ask the public for feedback on such an ill-considered proposal before the government has done its own homework. Indeed, staff were unable to answer basic questions on the Ministry's webinar, such as the following, which I would like answers for:

QUESTIONS:

- I. What is the ecological benefit of the regulatory change?
- II. What replaces Conservation Authority oversight when they are not told about water-takings that take more than one year?
- III. Explain how rivers and aquifers do not dry up, using the proposed system, where no one is looking at cumulative impacts before permissions are given?
- IV. Staff said they were looking into whether submissions on the EASR would be peer reviewed. This seems a fundamental question. By whom? At what stage in the process?
- V. Also staff were unable to answer questions about enforcement, penalties, or anything that would compel conformity to the law. This is worrying because we already have a lot of illegal spill and pollution activity. It is imperative that large withdrawal sites are regulated and that pollution control is enforced.
- VI. What sticks, penalties, fines accompany your policy proposal?

I look forward to hearing the Ministry's response to these comments and questions.

2. Streamlining permissions for water takings for construction site dewatering activities and foundation drains, ERO number 019-6853 ero.ontario.ca/notice/019-6853

Dear Sirs,

I do not support the regulatory changes proposed. Surely, there are ways to improve efficiency without removing oversight and review prior to approval.

1. Regulatory frameworks such as the *Clean Water Act* and the *Ontario Water Resources Act* were designed to manage and protect our shared water resources, ecosystems, and health.

Key regulatory tools that currently protect our water include:

Requirement of permits – including application and approval processes – for extracting more than 50,000 litres of groundwater per day;

Public consultation that allows local communities to have a say in decisions that may impact them; and

Requirements for industry to notify local conservation authorities of water-taking practices in order to facilitate collaborative management of water resources and municipal infrastructure, including consideration of drought and flood risks and conditions.

Ontario's proposal to remove the limit for groundwater-taking and to allow up to 379,000 litres of groundwater-taking per day without permit, while restricting public consultation and removing the requirement to notify conservation authorities, puts the ecosystem, human health, and municipal infrastructure at risk.

2. In cases where dewatering will bring water, known to contain parameters that do not meet Ontario's water quality standards, up to the surface to be released back to the environment, this proposal is a disaster. We know this for example to be the case for the proposed Bradford Bypass. The developer / builder should be on the hook for any costs associated with keeping water clean, or, in this case making the water they are taking out of the ground clean before releasing it to the environment. They are however for-profit companies and any extra work they do to clean up the environment comes off the bottom line - this is why regulation is imperative. As you well know, it will not happen as a random act of charity.
3. Interestingly, we found a 2020 request from developers "...we would recommend removal of the EASR process completely for construction site and road construction up to 400,000L/day". Neat. Unfortunately, this government has a bad habit of doing what developers want, creating massive problems, wasting everyone's time and money, and making bad decisions. Please do not do so this time.

Recommended Removal of EASR...

Comment on	Proposed amendments to regulations made under the Environmental Protection Act and Ontario Water Resources Act to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities
ERO number	019-2525
Comment ID	49636
Commenting on behalf of	Paradise Developments
Comment status	Comment approved More about comment statuses

Comment

Recommended Removal of EASR for Construction Site and Road Construction up to 400,000L/day:

These proposed amendments are definitely a positive change. However, we would recommend removal of the EASR process completely for construction site and road construction up to 400,000L/day. This proposed change would provide a more flexible approval process that saves municipalities and developers time and money, while ensuring Ontario's water resources continue to be safeguarded in accordance with the province's strict environmental standards.

With this change, the environment and human health would still be protected. This is warranted through the planning process. Most municipalities stipulate a draft plan condition that requires developments to monitor water levels of domestic wells within a certain vicinity of the development lands to ensure construction does not adversely affect the public and water supply to users.

Thank you.

QUESTIONS:

- I. The <https://ero.ontario.ca/notice/019-6853> Proposal reads: *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. ... Removing the volumetric limit is not expected to change the effect of this type of water taking on the environment.*
- II. What is the justification for the above statement? Where is the proof of that statement?: *Removing the volumetric limit is not expected to change the effect of this type of water taking on the environment.*
- III. What is the ecological benefit of the regulatory change?
- IV. What replaces Conservation Authority oversight when they are not told about water-takings that take more than one year?

- V. Explain how rivers and aquifers do not dry up, using the proposed system, where no one is looking at cumulative impacts before permissions are given?
- VI. Staff said they were looking into whether submissions on the EASR would be peer reviewed. This seems a fundamental question. By whom? At what stage in the process?
- VII. Also staff were unable to answer questions about enforcement, penalties, or anything that would compel conformity to the law. This is worrying because we already have a lot of illegal spill and pollution activity. It is imperative that large withdrawal sites are regulated and that pollution control is enforced.
- VIII. What sticks, penalties, fines accompany your policy proposal?

I look forward to hearing the Ministry's response to these comments and questions.

3. Streamlining environmental permissions for waste management systems under the Environmental Activity and Sector Registry, ERO number 019-6963 ero.ontario.ca/notice/019-6963

Dear Sirs,

I do not support the regulatory changes proposed. Surely, there are ways to improve efficiency without removing oversight and review prior to approval.

- 1. Waste-management systems that transport and store waste, in particular, asbestos waste, hazardous waste and biomedical waste have the potential to cause serious harm to the natural environment and human health.
- 2. Exposure to asbestos can cause serious health impacts, such as lung cancer and mesothelioma.
- 3. Hazardous waste includes substances which are classified as "toxic substances" under the Canadian Environmental Protection Act, and includes metals such as arsenic and chromium that, which are listed as human carcinogens by the International Agency for the Research on Cancer.
- 4. Biomedical waste can be infectious or biohazardous and can potentially lead to the spread of infectious diseases.
- 5. I have serious concerns with the Ministry of Environment, Conservation and Parks' proposal to expand the permit by rule regime to include waste management systems (involving asbestos waste, biomedical waste, treated

biomedical waste, hazardous waste, liquid industrial waste and treated waste that can not be disposed of by land); stormwater management; and water-taking for construction sites dewater activities and foundation drains.

6. The proposal means the Environment Ministry will no longer undertake an up-front detailed review of applications related to the specified activities, thereby weakening regulatory oversight.
7. The permit-by-rule process removes public participation and third-party appeal rights under the *Environmental Bill of Rights, 1993*.
8. The specified activities, which have the potential to cause significant adverse impacts to the natural environment and human health will no longer be subject to either government or public scrutiny prior to commencing operation in Ontario

Thank you for considering the above comments.

4. Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry, ERO number 019-6928 ero.ontario.ca/notice/019-6928

Dear Sirs,

I do not support the regulatory changes proposed. Surely, there are ways to improve efficiency without removing oversight and review prior to approval.

1. Improper management of wastewater and stormwater has the potential to cause serious impacts to human and environmental health.

With appropriate regulation and monitoring, stormwater can fulfill public needs, social equity and enhance food security; a lack of proper management results in financial, environmental, and societal costs in terms of human health, mortality, and morbidity.

2. We support expanding on the exemptions in Ontario Regulation 525/98 for low impact development (LID) works, limited to infiltration trenches, swales, permeable pavements and rain gardens, if it means it's easier for people to help manage stormwater.
3. However at Lake Simcoe, polluted stormwater is the #1 source of phosphorus for the lake, and that's a big problem. With municipalities forced to swallow ever more costs we are doubtful that stormwater management inspection and maintenance is going to remain a spending priority. Thus we would feel much more comfortable with changes that do not reduce oversight.

4. The <https://ero.ontario.ca/notice/019-6928> Proposal reads: Owners of stormwater management works that are eligible to self-register on the EASR would need to meet rigorous requirements and follow existing ministry standards, guidance, and limits. If the works are a significant drinking water threat, the LEP would be *required to consider additional management measures*.

“Considering” does not protect the environment. This should be reworded to: “*If the works are a significant drinking water threat the LEP would be required to add management measures.*”

5. The <https://ero.ontario.ca/notice/019-6928> Proposal reads: *If this proposal is implemented, the ministry will continue to audit the registry and inspect these stormwater management works as needed to enforce compliance with the rules in our new regulation.*

I do not believe that the MoECP has adequate staff to do this. There are a number of things that have been deregulated in Ontario, with MoECP taking up the slack, but we also know that staff have been slashed or left for reasons of conscience. Is adequate staffing in place to undertake audits?

6. The <https://ero.ontario.ca/notice/019-6928> Proposal reads: *The proposed changes will reduce regulatory burden while ensuring that human health and the environment are protected.*

What is the evidence for that statement? Without adequate staffing at MoECP, which is currently a problem, MoECP will not be able to manage the volume of oversight needed to protect the environment.

QUESTIONS

- I. Is adequate staffing in place to undertake audits?
- II. *The proposed changes will reduce regulatory burden while ensuring that human health and the environment are protected.* What is the evidence for that statement?

Thank you for considering my comments.