

Ontario is taking action to build the province and provide appropriate environmental oversight by modernizing Ontario's permissions process.

Proposed regulatory amendments to O. Reg. 63/16 under the *Environmental Protection Act*

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.

Furthermore, 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*.

Removing the volumetric limit is not expected to change the effect of this type of water taking on the environment.

Commented [BR1]: This will encourage construction of sewers with GWT higher than is wise. Sewers are not designed to be leak-acceptable under a high GWT head. I added a distinction to above and below GWT to Ontario's sewer standards but it is fairly vague.

Commented [BR2]: Disagree

Regulation requirements still in place

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:

- all registered activities will be required to comply with applicable regulatory requirements designed to protect the natural environment
- all registered activities will be required to comply with the criteria contained in the *EASR regulation*, including operating criteria that are protective of the public and the environment, including assessment requirements, public notification protocols, surface water protections, erosion and sediment control measures, contingency plans, record keeping provisions and public complaint procedures

- all registered activities will be required to be implemented in accordance with water taking and discharge reports and plans that are prepared by a qualified person, who must meet minimum professional criteria
- all registered activities will be required to report their water taking amounts
- the ministry will retain its ability to inspect water taking activities and ensure that they are complying with all necessary legal requirements

Commented [BR3]: Practically, this doesn't happen.

Reducing time and costs while protecting the environment

The proposed amendments will support the More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023, as they will enable a greater number of temporary construction site dewatering activities to register on the EASR, instead of obtaining a Permit to Take Water (PTTW). This will:

- reduce time, cost and resources that proponents spend on seeking environmental permissions from the ministry
- help tackle the housing supply crisis by streamlining the process to build infrastructure.

The current self-registration rules in the Regulation will:

- ensure adequate protection of water resources and the environment
- minimize impact on other water users

Commented [BR4]: Research indicates that allowing developers to self-regulate results in poor workmanship that hurts all Ontarians.

Environmental standards and protections will remain in place and continue to be a top priority for the government as we work to reduce delays to get shovels in the ground on projects that matter most to Ontario communities.

A qualified person will still be required to:

- prepare technical assessments, including a contingency plan that outlines measures to be implemented should there be any unacceptable impacts to the quality or quantity of water
- assess whether a monitoring plan is required in order to monitor the potential impacts of the discharge

Commented [BR5]: In this case, the qualified person is paid for by the developer

More complex water taking activities will continue to:

- be subject to ministry review

- require ministry approval to ensure that human health and the environment are protected

This ensures that the level of ministry oversight is proportionate with the potential environmental and human health risks associated with water taking activities.

The proposal would continue to ensure that water takings in Ontario are managed in accordance with the province's strict environmental standards, and in keeping with the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.

Registration on the EASR is immediate, which means registrants may complete their assessments, register online and undertake the water taking activity immediately once confirmation of registration has been given. Registrants will have to abide by all relevant regulatory obligations (including record keeping) related to the registered activity.

The ministry maintains the authority to:

- inspect facilities
- ensure compliance with regulatory requirements
- review records and monitoring reports related to the registered activity

Proposed regulatory amendments to *O. Reg. 387/04* under the *Ontario Water Resources Act*

Ontario is also proposing changes to simplify permissions for residential foundation drainage, such as those for houses and multi-residential buildings.

Foundation drains are required to keep buildings dry when their foundations are constructed below the water table. These buildings cannot be constructed without these drains in place, and they must be operated for the lifetime of the building.

Ontario is proposing to make residential foundation drainage systems exempt from requiring a 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.

Commented [BR6]: In places where many condos are going up, what might the impact be of all this water taking? What kinds of issues does the Ministry see now when PTTWs are submitted? How are those to be addressed in this case?

Seeking feedback on municipal sewer-use bylaws

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.

Background

Water taking activities in Ontario are governed by the *Ontario Water Resources Act* (OWRA) and the *Water Taking and Transfer Regulation* (O. Reg. 387/04) under the OWRA. With some exceptions, a PTTW is required when a person wants to take more than 50,000 litres of water in a day from surface water and/or ground water sources. In some cases, an Environmental Compliance Approval (ECA) may also be required for the discharge of the water that is taken.

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

PTTW applications are categorized into one of three categories based on criteria outlined in Table 1 of the [Guide to Permit to Take Water Application Form \(2005\)](#) (PTTW [Manual](#)). The current volumetric water taking limit of 400,000 litres per day was initially included in the Regulation as it aligned with the category descriptions for Category 2 PTTW applications, related to "short-term, non-recurring taking less than 30 consecutive days and less than 400,000 litres per day".

For more information on the last amendments made in 2021 to the water taking EASR, please refer to the Decision Notice posted on the Environmental Registry of Ontario (ERO # [019-2525](#)).

Commented [BR7]: It is illegal in Ontario to discharge rainwater or groundwater into the sewer, per MOE model sewer use bylaw, 1988, widely adopted.

Commented [BR8R7]: So, are these deep foundation drains being pumped to receivers? Or storm sewers? Storm sewers weren't sized to receive this flow.

Commented [BR9]: This makes no sense at all.

Commented [BR10]: Good question, no idea. Must discharge to storm.