October 30, 2023

Permissions Modernization Team
Client Services and Permissions Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West
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Canada

Submitted Online: https://ero.ontario.ca/notice/019-6928

Dear Permissions Modernization Team,

RE: Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry, August 2023 (ERO 019-6928)

The Water Environment Association of Ontario (WEAO) membership, comprised of more than 1,000 technical and professional individuals dedicated to the preservation of Ontario's water environment, has been an active stakeholder supporting the development of design standards and policies related to stormwater management. For example, WEAO has been working together with the Ministry of the Environment Conservation and Parks (MECP) on the Low Impact Development (LID) Guidance Manual as a stakeholder, and on Consolidated Linear Infrastructure Environmental Compliance Approvals (CLI ECA) for stormwater infrastructure through member input to the Ministry's Stormwater Working Group.

We have reviewed the ERO 019-6928 posting "Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry" dated August 2023, including the associated Discussion Paper. We offer constructive comments intended to support the proposal's stated goals to achieve "more efficient environmental permissions processes that will support infrastructure development and help protect human health and the environment."

As noted previously in comments on the LID Manual, WEAO supports stormwater management, infrastructure resiliency, and risk-based approaches through the practical implementation of standards and guidelines respecting regional variances and financial considerations, with a holistic approach to local stormwater management and watershed protection.

Our overall comments on these topics are presented below.

Risk-based Approach

ERO 019-6928's streamlining of stormwater permissions takes a risk-based approach. It proposes a streamlined registry for privately-owned stormwater works associated with land use

activities that have low environmental impacts managed through well-understood technological measures that are regularly applied in our industry.

We believe that further streamlining can be achieved with respect to monitoring requirements by limiting eligible land use activities to very low-risk ones, excluding light industrial types that warrant a less streamlined approach outside this proposal. Ineligible, excluded higher-risk activities could be subject to the approach in the proposal, suitable for point-source discharges where effluent limits may be considered (e.g., under B-1-5). The eligible activities in this proposal are considered non-point sources that, based on risk, should not be subject to a point-source, effluent limits-based approach.

Therefore, WEAO recommends that the proposed registry be restricted to lower-risk sites and land use activities that will not warrant effluent limit monitoring to assess performance and inform operation and maintenance needs. WEAO recommends that higher-risk land uses, such as light industrial, should be subject to monitoring to be determined through a future separate process noted in the Discussion Paper. These recommendations will help ensure a cost-effective approach for low risk activities, focusing resources and efforts on higher-risk activities.

Financial Considerations

We support the MECP in its commitment to complete a regulatory impact assessment to determine the cost of these proposed changes. Costs include those for a Licensed Engineering Practitioner (LEP) to prepare an Operations and Maintenance design report (Discussion Question #4), a Sediment and Erosion Control Plan (Discussion Question #5) and a Spill Contingency Plan (Discussion Question #5). WEAO recommends that the cost of other recommended activities should also be assessed as well, including:

i) Pre-registration Requirements such as identifying nearby receptors, and identification of effluent limits;
ii) Pre-construction Requirements such as nearby receptor notices, as well as
iii) on-going Operational Requirements of record keeping, and effluent limit monitoring,
iv) Notice Provisions such as Monitoring Plans that may be required though a notice by the Director, and
v) Other Requirements such as transition of all existing eligible ECA holders to the EASR over 5 years.

The ECA holder transition cost should include upgrades of existing works to meet the proposal's new effluent limits. Alternatively, grandfathering existing works designed to meet current Ministry guidance should be considered to reduce the financial burden on existing ECA holders for eligible activities.

We recommend that when overall costs are considered, a risk-based approach should be considered to streamline the requirements for lower-risk activities and reduce the financial burden of this proposal on many low-risk sites. As noted above, this will ensure that these additional efforts and costs focus on higher-risk activities and point sources outside of this proposal where efforts and costs are warranted based on environmental outcomes. Such additional costs are not warranted for eligible, low-risk activities under this proposal.

Practical Technical Standards

The proposal recommends an approach to design and operation that is not supported by industry practice and may be impractical to implement. Specifically, the Technical Requirements Summary indicates “The total suspended solids (TSS) concentration must not exceed 25 mg/L”, however industry practice is to design for average annual TSS removal, not maximum TSS effluent concentrations. Furthermore, the stated TSS limit may not be practically achieved based on past observations - extensive monitoring as part of the “MOE Demonstration Pond” in Markham indicated that *average* concentrations of 25 mg/L can only be achieved when conventional practices achieve over 90% annual TSS removal, and that *peak* concentrations would exceed that average value from time to time in facilities designed based on current Ministry design guidance. Therefore, the proposed concentration limit is not practical/achievable with conventional methods and should be carefully reviewed.

Similarly, suggested turbidity, oil and grease and pH limits are not considered in the design of “well-understood stormwater management works” that are the subject of this proposal, nor are they addressed in the Ministry’s design guidance or manufacturer design and performance references. Therefore, we recommend that the proposed effluent limit-based approach be considered outside this proposal for high risk activities under a separate process, as identified in the Discussion Paper.

The focus on receiving water conditions is a worthwhile approach in the context of large systems considering cumulative impacts of thousands of sites over large areas, e.g., monitoring proposed under the municipal stormwater CLI ECA. However, analysis for permissions for low-risk, typically small sites cannot practically assess receiver quality and relate that to effluent limits for an individual site. In essence, the proposal will result in effluent concentration data that cannot be practically combined, analyzed or used to assess receiving waters or advance system-wide management.

Instead WEAO recommends that MECP pursue more-detailed testing of technologies where performance is uncertain and use that information to update design standards where appropriate. Monitoring of individual sites for effluent limits from individual small sites offers no feedback to the industry on practical design standards and performance objectives.

Overlap with Stormwater CLI ECA

Stormwater CLI ECA templates include pre-authorization conditions related to the long-term operation and maintenance of private works that function as part of a treatment train. Municipalities have limited practical means to meet these CLI ECA conditions without developing unique, individual compliance programs that would be inconsistent across the province. Such programs will also be challenging to implement under the current planning approvals regime/timelines (e.g., Bill 23). The proposed EASR represents a parallel system that could effectively replace the CLI ECA conditions for private works, representing a consistent province-wide approach that also categorizes activities according to eligible and ineligible based on stormwater contaminant risks.

WEAO recommends that MECP consider this proposal’s EASR as a practical replacement for stormwater CLI ECA conditions for private works operation and maintenance (i.e., where required as part of a treatment train). The application of an EASR for private works, instead of

unique/inconsistent municipality-led compliance systems, will result in significant benefits for hundreds of municipalities. Ultimately, replacing stormwater CLI ECA conditions for private works with an EASR will greatly advance the proposal's intent on streamlining permissions by avoiding a redundant, parallel CLI ECA compliance approach for private works.

Closure

In addition to the overall comments identified above, additional detailed comments, recommendations and responses to several questions posed in the Discussion Paper, have been prepared. These are attached.

Please do not hesitate to contact us if you have any questions regarding these comments and recommended revisions to the proposal. WEAO's member expertise can be consulted and provide significant contribution from a variety of perspectives.

Yours truly,

Anna Cleaver
Chair, Government Affairs Committee
Water Environment Association of Ontario (WEAO)

Encl.: Detailed comments

WEAO Detailed Comments on the Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry

Proposal: https://ero.ontario.ca/notice/019-6928
Discussion paper: https://prod-environmental-registry.s3.amazonaws.com/2023-07/2.%20FINAL%20Discussion%20Paper_SWM%20EASR%20_July%2028_2023.pdf

Comment No.	Section No. in Proposal or Discussion Paper	Original Wording	Comment or Question
1	ERO 019-6928 posting Proposal Summary	"Ontario is proposing: … to create smarter and more efficient environmental permissions processes that reduce unnecessary burden to support housing and build critical infrastructure."	The posting proposes a process only to address permissions efficiencies and unnecessary burdens, but creates additional burdens associated with on-going monitoring, and additional costs that would be passed on to home owners and businesses, and that are unrelated to the design and operation of works in question. The present value of on-going O&M costs could exceed initial design and approval costs. The posting refers to "critical infrastructure" while the Discussion Paper refers only to "certain well-understood stormwater management works" and eligible activities that have low contaminant risks. "Critical infrastructure" is not defined and could apply to works addressing high risk activities outside this proposal. **Recommendation**: The proposal should avoid additional operating costs to home owners and businesses where there is limited associated benefit in terms of environmental impact reduction. This includes monitoring of works' effluent limits that is not considered in the design and operation of well-understood works (i.e., works design for average annual TSS removal as opposed to proposed effluent limits (maximum concentrations, maximum turbidity, pH, oil and grease concentrations)).

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			The proposal should avoid additional permissions costs that would be passed on to home owners and businesses associated with LEP activities setting effluent limits based on specific concerns and direct discharges to waterbodies (i.e., point source approach). Such assessments are outside the scope of practice for small sites and low risk activities for the vast majority of systems/catchments in Ontario.
2	ERO 019-6928 posting Proposal Details/Protecting the Environment	"Environmental protections will be maintained through strict design, operation, and maintenance requirements. All stormwater management works will be subject to a site-specific technical assessment performed by a licensed engineering practitioner (LEP), including assessing whether the works are identified as a significant drinking water threat in a source protection plan."	The proposal approaches the management of stormwater runoff from low contaminant risk, urban land use activities, and that are considered non-point sources, as if such activities represent higher risk point sources of contaminants. MECP's "B-1-5 Deriving Receiving Water Based Point Source Effluent Requirements for Ontario Waters" https://www.ontario.ca/page/b-1-5-deriving-receiving-water-based-point-source-effluent-requirements-ontario-waters identifies urban land uses as "non-point source or diffuse sources of pollution" for which procedures are not addressed. The Discussion Paper, Stormwater Management (SWM) Design Report references B-5-1 (page 13) and consideration of assimilative capacity studies which is impractical/unnecessary for low risk, non-point source activities and which is beyond the scope of LEP designers responsible for "well-understood stormwater management works". The Discussion Paper, Ineligible Activities (page 2) identifies that high risk activities will be consulted on separately. **Recommendation**: The proposed "strict design, operation, and maintenance requirements" should be focused on high risk, ineligible activities that may represent point-source discharges, requiring a higher level of environmental

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			protection. It should not apply to low risk activities and non-point sources identified as eligible activities in the proposal. A refocus on high risk activities and less-well-understood works (outside of this proposal)would avoid increasing the permissions process and long-term operational financial burden introduced through this proposal. The long-term financial burden associated with the current proposal "as is" will not result in commensurate environmental protections, and may not be the best use of limited resources. Eligible low risk activities should be included in a revised proposal that limits the on-going financial burden following registration.
3	Discussion Paper, Stormwater EASR Proposal / Ineligible Activities – page 4	"**1. Discussion Question**: The ineligible sites list above provides a list of activities serviced by stormwater management works that would not be eligible for the new stormwater management EASR. Based on this proposal, do you think that the stormwater management works servicing the activities that are listed could be managed by the rules included in this proposal? If yes, please explain."	**1. Answer**: Yes, works servicing some of the activities that are listed could be managed by the rules included in this proposal. **Recommendation**: The Ineligible and Eligible list requires additional review, including addition of criteria (area/size, specific type of operations for generic activities). For example golf courses should be excluded from the Ineligible Activities list given the non-point source nature of golf course stormwater runoff. Activities related to club houses/patron parking may be included as Eligible Activities similar to other commercial land use activities. Work yards / maintenance yards for golf courses can remain under Ineligible Activities as "maintenance facilities". The eligibility list should be reviewed and updated reflecting sub-activities/operations associated with broader land use activities.
4	Discussion Paper, Stormwater EASR Proposal / Eligibility Criteria – page 4	"Ontario is proposing the following eligibility criteria to register stormwater management works on the EASR:	The stormwater consolidated linear infrastructure approval ECA (CLI ECA) applies to private land use activities including those addressed in this proposal, where works are part of a treatment train. A separate, parallel compliance regime is proposed in CLI ECA templates for system owner

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		1. The stormwater management works must be privately owned, i.e., not owned or to be assumed by a municipality as these works are already captured under the consolidated linear infrastructure approval."	municipalities (e.g., Schedule D Section 5.2.6 "When it is necessary to use Privately Owned Stormwater Works in the Stormwater Treatment Train to achieve Appendix A criteria as part of or as a result of an Alteration, the following conditions apply: a) The Owner shall, through legal instruments or binding agreements, obtain the right to access, operate, and maintain the Privately Owned Sewage Works …"). Municipalities have no practical means of meeting the Section 5.2.6 conditions above, considering streamlined approval timelines and limited site plan controls under Bill 23. A survey of Ontario municipalities in the Southern Ontario Municipal Stormwater Discussion Group in mid-2023 highlighted this lack of means, with some municipalities intending to rely on private ECAs for private works. **Recommendation**: An EASR for eligible activities on private sites would alleviate significant constraints on most municipalities related to setting up and administering unique, separate, parallel operation and maintenance regimes under the CLI ECA. The proposal should be reviewed in the context of replacing redundant and at time contradictory CLI ECA private works requirements with this proposal's requirements, to the benefits to hundreds of Ontario municipalities. A consistent, MECP-led EASR approach, considering other recommendations herein to remove effluent limits in a streamlined approach for low risk activities, will result in better environmental outcomes for the limited resources being consumed.
5	Discussion Paper, Stormwater EASR	**"2. Discussion Questions:**	**2a. Answer**: These criteria would not make most private works ineligible.

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	Proposal / Eligibility Criteria – page 5	a) The eligibility criteria are designed to capture stormwater management works servicing commercial, institutional and light industrial sites where stormwater has no contact with stored products or materials that may introduce additional contaminants. Would these criteria make your stormwater works ineligible? If yes, what are the limiting criteria? For example, you need to store materials outside during specific months or seasons of the year. b) We are contemplating additional exemptions for multi-unit residential developments that discharge to the natural environment. How should we define the limits of an exemption for multi-unit residential developments? For example, land size or type of building(s).	**2b. Answer**: Multi-unit residential developments can consider an exemption based on the size/number of units, e.g., 10 residential units, similar to Bill 23 amendments that exempt such developments from site plan control.
6	Discussion Paper, Eligible Activity Examples - page 5	"Commercial examples: … Parking Lots"	**Recommendation**: Remove parking lots as these are components of other eligible commercial and institutional activities. Clarify if car rental facilities, small commercial parking lots, and auto repair facilities (separate from light industrial autobody shops and paint sites) are eligible as commercial

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			activities with risks similar to eligible gas stations.
7	Discussion Paper, Technical Requirements Summary Effluent limits - page 10	"1. The total suspended solids (TSS) concentration must not exceed 25 mg/L."	Most systems are designed to achieve average annual TSS removal rates and are not designed to achieve maximum TSS concentrations or equivalent turbidity levels. Assessing annual TSS removal should be limited to only high risk activities where cost/benefit justifies continuous monitoring to assess annual removal rates or event-triggered automatic sampling to determine maximum concentrations. The identified TSS effluent concentration does not recognize variability in in loading rates, particle sizes, etc. affecting effluent limits across eligible activities. **Recommendation**: Replace prescribed effluent limits with annual TSS removal rates based on manufacturer testing or LEP analysis, consistent with industry design practices. Consider include prescribed TSS concentrations for high risk activities only, supported by updated design guidance to achieve any maximum effluent limits (e.g., TSS concentration), outside of this proposal including for point sources.
8	Discussion Paper, Technical Requirements Summary Effluent limits - page 10	The stormwater management works must be designed, constructed, and operated to achieve the following effluent limits: 1. The total suspended solids (TSS) concentration must not exceed 25 mg/L. 2. The oil and grease concentration must not exceed 15 mg/L and, oil or petrochemicals should not be present in concentrations …	Clarification is required. **Recommendation**: Proposal should clarify the following: i) Is compliance based on grab samples? ii) What is the number and frequency of samples? iii) Is the TSS guideline for comparison to background / upstream or absolute?

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		3. pH must be maintained within the range of 6.5 – 8.5	
9	Discussion Paper, Discussion Paper, Technical Requirements Summary Effluent limits - page 10	"The LEP may determine that stricter effluent limits or additional limits may be required to protect water quality based on: • site specific concerns, • a direct discharge to a waterbody, or • input from the municipality or other entities"	Municipal guidelines will not have effluent limits in almost all cases, even for systems where comprehensive sub-watershed planning studies have been completed. Municipal standards and MECP design guidance also do not address effluent limits. "Other entities" for input on stricter limits is not defined in the proposal and could impede the streamlining process. Input should be limited to qualified regulatory bodies. **Recommendation**: MECP should align technical requirements with current industry design practice, i.e., based average annual TSS removal, based on MECP's guidance. Design and operation to achieve effluent limits could be considered for high risk land use activities and sensitive receivers outside of this streamlined permissions proposal. This recognizes the variability in eligible activity systems that is not conducive to a maximum effluent concentration based approach for TSS control.
10	Discussion Paper, Discussion Paper, Technical Requirements Summary Effluent limits - page 10	"The LEP can rely on the Ministry's Stormwater Management Planning and Design Manual for the design of all stormwater management works."	The Stormwater Management Planning and Design Manual provides no guidance on effluent limits for stormwater management works. The term 'effluent limit' does not appear in the Manual and the term 'effluent' is not used to describe discharged stormwater works – 'effluent' is references only once in the context of biological treatment facilities requiring Schedule C Class EAs. LEPs cannot rely on the Ministry's Stormwater Management Planning and Design Manual for the design of all stormwater management works to address requirements of this proposal. It provides no guidance regarding TSS concentration limits, oil and grease limits, or pH limits introduced in the proposal.

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			Recommendation: Revise proposal to focus on low risk, non-point source activities that consider average annual TSS removal as the design objective and that rely on the Ministry's Stormwater Management Planning and Design Manual for design of "well-understood stormwater management works". Only consider effluent limits (e.g., TSS concentration limits, oil and grease concentration and pH levels) for higher risk activities and complex, less-well-understood works that are designed for treatment of point-source discharges but that are outside of the scope of this proposal.
11	Discussion Paper, Discussion Paper, Technical Requirements Summary Effluent limits - page 10	**"3. Discussion Question:** To allow for quick in-field measurements, without having to collect, store and transport sample bottles for laboratory analysis, we are considering the following discharge requirements (that are the same as the Water Taking EASR) instead of the proposed TSS effluent limit of 25 mg/L: "The turbidity of the discharge shall not exceed eight Nephelometric Turbidity Units (8 NTUs) above the background levels of the nearest water body." Are there any concerns with the measurements and results obtained from turbidity meters (nephelometers)? Can you	There are significant concerns with turbidity measurements and setting of exceedance limits for turbidity based on the nearest water body as the Ministry's design manual for stormwater works does not address turbidity of stormwater discharges nor levels in relation to the nearest water body. The Stormwater Management Planning and Design Manual only references turbidity in a qualitative manner (i.e., under broad "Changes to Water Quality" including interference with photosynthesis and fish feeding as well as associated BOD) and not as an effluent limit. Turbidity limits are not identified in the PWQO and that reference turbidity only under aesthetics. **Recommendation:** Setting of turbidity limits for discharges from stormwater management works should be limited to high-risk activities, and associated point-source discharges outside of this proposal. Design of stormwater works for eligible activities under this proposal does not address turbidity limits and therefore monitoring requirements should be removed.

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		identify any issues with the in-field use and cost of the turbidity meters (nephelometers) and any associated equipment?"	
12	Discussion Paper, Discussion Paper, Technical Requirements Summary Effluent limits - page 10	(see above)	As the requirements also include oil and grease and pH, turbidity measurement will not eliminate the need for sample collection and laboratory analysis. **Recommendation**: Review and update monitoring requirements, considering manufactured treatment devices requirements etc.
13	Stormwater Management (SWM) Design Report / Design Aspects – page 13	"4. Design considerations for direct discharge into surface waterbodies, including a description of how Guideline B-5-1 "Deriving Receiving Water Based Point Source Effluent Requirements for Ontario Waters" was consulted. If applicable, the LEP must consider conducting an assimilative capacity study and recommend whether more stringent effluent objectives are required."	The Guideline number is B-1-5. **Recommendation**: Replace B-5-1 with B-1-5
14	Operation and Maintenance (O&M) Manual – page 15	"4. Inspection programs, including frequency of inspection, for the stormwater management works and the methods or tests employed to detect when maintenance is necessary, including: a. presence of algae and/or invasive species impairing	The presence of algae generally may not impair the function of the stormwater management works. Algae growth can also show that the system is removing nutrients from the effluent. **Recommendation**: Review and update conditions that represent impairment, excluding algae. Inspection program requirements should focus on stormwater management measures that are most common to smaller sites (i.e., not

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		the works (e.g., phragmites, goldfish),…"	ponds).
15	Discussion Paper, Operation and Maintenance (O&M) Manual – page 15	"3. Procedures to inspect the condition of the stormwater management works … after significant storm events (a significant storm event is defined as a minimum of 25 mm of rain in any 24 hours period)."	Small private site owners do not have on-site rain gauges to determine rainfall totals collected by the private works. The spatial variability of small storm cells means that publically available gauge data beyond sites cannot be used to determine small local site rainfall totals. The following is recommended text for low-risk, eligible land use activities. More prescriptive requirements should be provided for higher risk sites (e.g., if light-industrial activities are included). **Recommended text**: "Procedures to inspect the condition of the stormwater management works, and the inlet and outlet from the stormwater management works, at the frequency specified by the LEP considering recommendations of the manufacturer of the treatment devices including after significant storm events."
16	Discussion Paper, Operation and Maintenance (O&M) Manual – page 16	**"4. Discussion Question** – The ministry is completing a regulatory impact assessment to determine the cost of these proposed changes. If you have hired a LEP in the past, or if you are a LEP, please provide comments on the cost of preparing an Operations and Maintenance design report."	**4. Answer**. Cost is an important consideration as well as cost-effectiveness of regulatory changes. Other costs, besides O&M design report preparation, should be identified as on-going costs, e.g., associated with effluent monitoring. The estimated cost for on-going monitoring and reporting is expected to be a significant cost and could be in the order of tens of thousands of dollars per site per year. Further costs, including owner's time for new activities registered under this proposal, as well as for owners of existing ECA sites subject to re-evaluation and potential works upgrades under this proposal are expected to be significant. **Recommendation**: MECP should evaluate all costs including

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			Pre-registration Requirements such as identifying nearby receptors, and identification of effluent limits, Pre-construction Requirements such as nearby receptor notices, as well as on-going Operational Requirements of record keeping, and effluent limit monitoring, Notice Provisions such as Monitoring Plans that many be required by notice of the Director, and Other Requirements such as transition or all existing ECA holders to the EASR over 5 years. Costs of transition for existing ECA sites including potential works upgrades should also be evaluated. Up front and on-going costs can should be reduced by focusing efforts and costs under a risk-based approach that streamlines requirements for lower-risk activities will be considered in a revised proposal that will reduce the financial burden on many sites. That will ensure that these additional efforts and costs focus on higher-risk activities and point-sources (outside of this proposal) where efforts and costs are warranted based on environmental outcomes. Grandfathering of ECA sites should be considered were works were designed using Ministry guidance and criteria outside this proposal's effluent-based approach. Costs under this proposal should be compared to those under current ECA conditions for private sites with the identified eligible activities and where effluent limit monitoring is atypical.
17	Discussion Paper, Other Requirements / Transition Provisions for Existing ECA holders – page 22	"For works that have been installed and maintained in accordance with the ECA and the reports meet the requirements of the proposed EASR regulation, the LEP will provide a stamped, signed and dated letter of confirmation that is to be retained	As the majority of existing stormwater works are designed with performance objectives outside those of this draft proposal, few owners are expected to be able to self-register without creating new reports. Most will require new reports with this proposals requirements, and potentially require redesigning works with significant "upgrades" to meet newly-considered effluent limits. There appears to be more documentation and activities required to be completed by owners to switch from

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		by the owner. The owner can self-register the works on the EASR without having to create new reports. For works that require maintenance, upgrades or reports to be generated, the owner must meet the requirements of the proposed EASR regulation and self-register within five-years of the effective date of the regulation."	ECA to EASR than for new EASR users. The approach in the proposal appears to retroactively apply new criteria to existing activities, mandating retrofits to meet new criteria not currently considered in current industry practice or Ministry guidance for the eligible activities. **Recommendation**: The cost to existing ECA holders to register and upgrade existing systems should be evaluated to assess the need to grandfather existing activities serviced by works were not designed to meet this proposal's new effluent limits approach.
18	Discussion Paper, Other Requirements / Transition Provisions for Existing ECA holders – page 22	**"7. Discussion Question:** Is the five (5) year transition timeframe enough time for existing ECA holders to transition to self-registering on the EASR? If not, please explain why?"	**5. Answer**: The five-year transition timeframe is sufficient if the proposal is revised to align with current industry practice / performance objectives. It may not be enough for existing ECA holders who require upgrades/retrofits of works to meet the new effluent limit-based approach introduced in this proposal. This is so because setting site-specific effluent limits is outside current industry practice and Ministry guidelines, making the reporting/planning timelines uncertain. This also considers that current, well-understood stormwater management works manufacturers do not have the necessary performance information to allow upgrades to meet the proposal effluent requirements to be met, nor do LEPs have information on existing site runoff parameters to allow appropriate retrofits/upgrades to be identified.