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**Delivered via email**

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Ministry of the Environment, Conservation and Parks

Client Services and Permissions Branch (Policy and Program Development Section)

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Toronto, ON, M4V 1P5

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**ERO Number: 019-6853 - Streamlining permissions for water takings for construction site dewatering activities and foundation drains**

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*The Waterloo Region Home Builders Association (WRHBA) is the recognized leader and the voice of the new residential home construction, land development, and professional renovation industries in the Regional Municipality of Waterloo, ON. We are an association of knowledgeable, trusted, resourceful, and local professionals, and together, we create vibrant, thriving, and sustainable communities across our regional area comprised of three municipalities and four townships. WRHBA member companies construct over 90% of all new residential construction, making it one of the most significant economic engines driving the Region's economy, creating over 22,000 jobs, 1.5 billion in wages, and 3 billion in investment value.*

*As an Association, we are invested in bringing insight to public policy decision-makers at all levels of government on matters that affect the residential development and construction industry in addressing housing affordability and choice for consumers.*

**The WRHBA response regarding this consultation is developed through input from Associate members across 27 provincial chapters affiliated with the Ontario Home Builders Association**

### **Environmental Registry Background**

Ontario is proposing changes to O. Regs. 63/16 and 387/04 to further 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.

### **Detailed Feedback**

The WRHBA continues to support provincial actions which streamline processes and approvals to facilitate the implementation of infrastructure required to support housing availability and new housing in the province. We are strongly supportive of the provincial goal to build 1.5 million new homes across Ontario over the next decade. Achieving such an ambitious goal will require cooperation from all three levels of government and public policy adjustments to expedite both infrastructure and housing. Through our provincial association (OHBA), the residential construction industry has participated in and supported the general direction of several initiatives over the past few years to streamline permissions

for temporary water taking activities as well as expanding opportunities for low-risk activities to be self-registered on the Environmental Activity and Sector Registry (EASR), otherwise known as a "rules-in-regulation" approach.

The WRHBA notes that this initiative (019-6853) represents the province's ongoing work to modernize environmental approvals. Our provincial association (OHBA) has been working with MECP staff in this regard to seek efficiencies in the approval processes that promote housing choice for residents of Ontario, while continuing to provide Ontarians with strong environmental protections.

The WRHBA notes that the proposed amendments in the ERO (019-6853) posting 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 the time, cost, and resources that proponents spend on seeking environmental permissions from the ministry.

From a residential construction and land development industry perspective, the proposed content of the Environmental Registry posting is welcome and will expedite development applications and construction processes. The proposed amendments will help to reduce overall costs and expedite the process. The WRHBA is seeking one key point of clarification for what "more complex water taking activities" are from the Ministry that would be subject to ministry review or require ministry approval.

Generally, the proposed changes put more responsibility on the Owner and Engineer. The changes could result in a requirement to prepare additional documentation at the cost of the Owner. Should the municipality adopt a process to review the additional documentation required by the MECP, there would be greater cost and time impacts. In addition, the proposed changes would require that a current holder of an ECA hire an Engineer to assess their current works. The Owner would then be responsible for updating documentation, making repairs, etc., before reporting the works on the EASR.

We are supportive of the proposal to eliminate upper limit for water taking reporting on Environmental Activity and Sector Registry (EASR) for construction as long as it meets all other criteria, as well as raising EASR limit for water taking for foundation drainage.

We are also in support of the proposed changes to streamline the water taking application process. However, we are seeking further clarity from the Ministry regarding the items listed below:

- Currently, PTTW and water taking EASRs are separate applications through the MECP online portal. Once the 400,000 L/day limit for water taking EASRs is removed, will there still be two separate applications for larger (>400,000 L/day) and smaller (<400,000 L/day) water taking permits?
- We support the change to allow >400,000 L/day water taking permits to undergo the same streamlined registration process as the current water taking EASR permits, but believe that there should be separate EASR classifications for <400,000 L/day and >400,000 L/day water taking permits.
- If >400,000 L/day permits undergo the same streamlined registration process as the current water taking EASR permits, will the registration fee be reduced from \$3000? What is the new registration fee for the new EASR water taking permits?

- It is stated that more complex water taking activities will continue to be subject to ministry review and require ministry approval. Please provide clarification/specific details as to what defines complex water taking activities. What will be the review period for proposed complex water taking activities.

Finally, we wish to raise the issue of allowing for permanent dewatering (or foundation drains) in new developments. Municipalities have a variety of approaches throughout Ontario, with some municipalities permitting permanent dewatering with groundwater discharge into the municipal storm sewer, while others prohibit it entirely. The City of Burlington allows for permanent dewatering provided the groundwater control systems satisfy their municipal bylaws, whereas the City of Hamilton does not allow for any dewatering and instead mandates waterproofing requirements for even low-density developments (or single detached homes). Requiring waterproofing has a significant impact on the costs associated with new homes, and we strongly encourage guidance to be provided by the province to encourage more municipalities to allow for permanent dewatering in lieu of bath tubbing where necessary.

### **Conclusion**

In closing, the WRHBA strongly believes that there continue to be opportunities for the province to streamline Ontario's environmental approvals processes to ensure that Ontario is open for business while balancing environmental protections. Our provincial association (OHBA) has previously recommended that the MECP modernize approvals processes by taking a risk-based approach, eliminate duplication, improve customer service, eliminate regulations, or take a rules-in-regulation approach to low-risk activities. A modernized risk-based approvals process will make it easier and more affordable to live and conduct business in Ontario while protecting people and resources. The WRHBA believes we can maintain the integrity of the approvals process, while finding efficiencies in process.

The WRHBA believes the current proposal by the MECP is another positive step to further reduce the regulatory burden on low-risk short term water takings. On behalf of our the over 160 member companies, we appreciate the opportunity to provide the provincial government with our feedback and recommendations for short-term water takings.

Sincerely,

**WATERLOO REGION HOME BUILDERS' ASSOCIATION**



Marie Schroeder,  
Executive Officer

c:

WRHBA Board of Directors  
WRHBA Municipal Liaison Chairs  
WRHBA Member Companies  
OHBA