



379 Ronka Road
Worthington, ON P0M3H0
LindaH@OntarioRiversAlliance.ca
OntarioRiversAlliance.ca

25 August 2025

Permissions Modernization Team
Client Services and Permissions Branch
135 St. Clair Avenue West, Floor 1
Toronto, ON
M4V 1P5

By email: Permissions.Modernization@Ontario.ca

Re: ERO-025-0600 – Streamlining Environmental Permissions for the Electricity Sector

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve, and restore riverine ecosystems across the province. The ORA advocates for effective policy and legislation to ensure that development affecting Ontario rivers is environmentally and socially sustainable.

ORA strongly opposes the Ministry of the Environment, Conservation and Parks' (MECP) proposal under ERO-025-0600: Streamlining Environmental Permissions for the Electricity Sector. This regulatory change would move certain stormwater management and spill control works from a full Environmental Compliance Approval (ECA) process to a self-registration model through the Environmental Activity and Sector Registry (EASR).

While the government claims this change would “streamline permissions” and “maintain environmental protections,” ORA submits that the proposed shift significantly undermines environmental safeguards, weakens public and Indigenous rights, and increases risks to Ontario’s watersheds, ecosystems, and communities.

1. Context and Summary of Proposal

Currently, all stormwater management and spill control systems for electricity generation, transmission, distribution, and battery storage facilities require a site-specific Environmental Compliance Approval (ECA) under the Environmental Protection Act.

The proposal would replace ECAs with self-registration in the EASR, allowing proponents to design, construct, and operate immediately after filing online, without MECP review or conditions.

A proponent-retained Licensed Engineering Practitioner (LEP) would prepare a stormwater management report, design specifications, and spill contingency plan. Ministry staff would only inspect or intervene on a reactive basis.



The government asserts that this will support housing initiatives, EV battery manufacturing, and accelerate the development of electricity infrastructure for “Powering Ontario’s Growth.”

2. Key Concerns

2.1 Removal of Public and Indigenous Consultation

By shifting to a self-registration model, the proposal eliminates public notice and comment opportunities under the Environmental Bill of Rights, 1993. This directly undermines democratic participation and prevents Indigenous communities from exercising their inherent and treaty rights to be consulted on projects that may affect their lands, waters, and rights.

As the Supreme Court of Canada held in *Haida Nation v. British Columbia (Minister of Forests)*, “The government’s duty to consult with Aboriginal peoples arises when it has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it.”¹ Eliminating consultation contradicts this constitutional duty.

2.2 Loss of Case-Specific Oversight and Safeguards

ECAs provide tailored conditions that reflect site-specific hydrology, geology, and ecological risks. The proposed generic EASR model relies on proponent-hired consultants, raising significant conflict-of-interest risks and eliminating the ministry’s ability to reject inadequate designs before construction proceeds.

As one peer-reviewed analysis of deregulated permitting regimes concluded: “Self-assessment and reporting by regulated entities without independent review significantly increases the probability of non-compliance and environmental harm.”²

2.3 Increased Risk to Drinking Water and Public Safety

The proposal acknowledges risks to source water protection areas but allows registration where risks are “managed,” not avoided. This exposes vulnerable drinking water systems to higher risk of contamination, particularly given the role of stormwater in carrying pollutants such as oil, PCBs, and phenolics into water supplies.

The Walkerton tragedy demonstrated the catastrophic consequences of regulatory failure and reduced oversight. Justice O’Connor’s inquiry report emphasized that: “The primary lesson of the Walkerton Inquiry is that government must not abandon its responsibility to ensure the safety of drinking water through vigilant regulation and oversight.”³

2.4 Reactive Rather than Proactive Oversight

The ministry proposes to enforce compliance only through “inspections as needed.” This reactive approach means that monitoring and corrective action would occur after spills, discharges, or



public complaints, undermining the precautionary principle and exposing communities to preventable harm.

2.5 Expansion of Deregulation (“Scope Creep”)

The discussion paper explicitly asks stakeholders whether additional activities at electricity stations or elsewhere should also be moved from ECAs to the EASR. This reveals an intention to further broaden deregulation across Ontario’s environmental protection framework, setting a dangerous precedent of continuing erosion of oversight for high-risk industrial and infrastructure sectors.

3. Implications

- 3.1 Environmental Risk:** Reduced oversight increases the likelihood of stormwater and spill-related contamination of rivers, lakes, and aquifers.
- 3.2 Public Safety Risk:** Weakened safeguards threaten drinking water quality and increase vulnerability to climate change-driven extreme weather events.
- 3.3 Indigenous Rights Violations:** Eliminating consultation fails to uphold the duty to consult and accommodate Indigenous communities, contravening Section 35 of the Constitution Act, 1982.
- 3.4 Regulatory Capture Risk:** Allowing proponents to self-police environmental protections risks bias and non-compliance, undermining public trust.
- 3.5 Erosion of Accountability:** Without ECAs, Ontarians lose transparency, access to information, and the ability to appeal decisions.

4. Recommendations

ORA strongly recommends that the MECP:

1. Withdraw ERO-025-0600 in its entirety.
2. Maintain the Environmental Compliance Approval (ECA) requirement for stormwater management and spill control works at electricity facilities. Electricity projects, especially hydroelectric facilities, can carry extreme risks to public and Indigenous communities in the event of flooding or failure.
3. Ensure meaningful public and Indigenous consultation on all projects with the potential to affect water, land, and community health.
4. Strengthen, and not weaken, oversight by ensuring independent review of technical assessments by MECP staff.



5. Apply the precautionary principle in regulatory design, particularly given Ontario's increasing climate change-related flood, drought, and severe storm risks.

5. Conclusion

Ontario's waters are among its most vital and yet vulnerable public assets. Weakening regulatory protections under the guise of streamlining for industry convenience undermines public health and safety, ecological resilience, and Indigenous rights. The lessons of Walkerton must not be forgotten.

We have all witnessed the devastating effects that climate change has already wrought on our air, land and water—wildfire smoke lingering in the skies for weeks and toxic algal blooms turning lakes green. This is precisely the time when government should be strengthening, not dismantling, the guardrails that protect our most vital life-supporting resources.

The province's own **Ontario Provincial Climate Change Impact Assessment (2023)** cautions that “*changes in Ontario's climate are expected to continue at unprecedented rates... and it will pose indirect threats to things like water availability and water quality.*”¹⁴ It further projects that northern Ontario, which experiences on average four extreme heat days annually, is projected to see upwards of 35 such days each year. while southern Ontario will see upwards of 55-60 extreme heat days annually by the 2080s—a fourfold increase from the current annual average of 16 days. These changes threaten stream temperature regimes, species survival, wetland retention, and seasonal flows.

The report warns: “*Climate change poses risks to water sources, which affect supply and quality. Dry conditions and extreme hot temperatures change water balances and cause disruptions to the water flow regulation service, leading to reduced surface and groundwater levels, changes in intra-annual patterns of water availability, loss of available freshwater supplies for human use, wetland drying and loss, changes in distribution and abundance of animal and fish species and altered ecosystem function over a long term.*”¹⁵

In this context, it is irresponsible for the Ministry to remove the regulatory guardrails that protect our waters, ecosystems, and communities. The Ministry must withdraw ERO-025-0600 and recommit to rigorous, transparent, and participatory environmental regulation—regulation that prioritizes the health and safety of communities and ecosystems over short-sighted industry convenience.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
(705) 866-1677

References:



¹ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511. <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2189/index.do>

² Gunningham, Neil, and Darren Sinclair. *Leaders and Laggards: Next-Generation Environmental Regulation*. Greenleaf Publishing, 2002. <https://www.routledge.com/Leaders-and-Laggards-Next-Generation-Environmental-Regulation/Gunningham-Sinclair/p/book/9781874719441>

³ O'Connor, Dennis R. *Report of the Walkerton Inquiry: The Events of May 2000 and Related Issues, Part One*. Ontario Ministry of the Attorney General, 2002. "The primary lesson of the Walkerton Inquiry is that government must not abandon its responsibility to ensure the safety of drinking water through vigilant regulation and oversight." https://www.archives.gov.on.ca/en/e_records/walkerton/index.html

⁴ Ontario Provincial Climate Change Impact Assessment, Technical Report, January 2023. Online: <https://www.ontario.ca/files/2023-11/mecp-ontario-provincial-climate-change-impact-assessment-en-2023-11-21.pdf>

⁵ *Ibid.*