ONTARIO RIVERS ALLIANCE

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

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Waterways Protection Office
40 St. Clair Ave. West, 10th Floor
Toronto, ON
M4V 1M2

Re: ERO-025-0900 – Proposal to Amend the Ontario Water Resources Act to Enable the Regulation of Additional Sewage Systems under the Building Code to Support Construction of On-Farm Worker Housing

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.

1. Stripping Essential Environmental Safeguards

This proposal strips essential environmental safeguards from large, high-density sewage systems that will service concentrated seasonal worker populations—up to **200 people per farm**—by shifting oversight from the Ontario Water Resources Act (OWRA) and MECP's Environmental Compliance Approval (ECA) process to the Building Code.

This is not streamlining—this is deregulation of systems designed to handle **up to 50,000 L/day**, equivalent to **a small municipal wastewater plant**, without the technical review, monitoring, or site-specific risk assessment required under the OWRA.

This change introduces unacceptable risks to groundwater, surface water, fisheries, private wells, aquifers, and rural communities, and is entirely out of step with Ontario's climate-change realities, which demand *more* oversight—not less.

2. Evidence-Based Issues of Concern

2.1 Eliminating ECA requirements for 50,000 L/day systems removes critical environmental safeguards

The proposal would allow multiple systems totalling **50,000 L/day** to bypass OWRA approvals, despite the existing law requiring ECAs for works exceeding **10,000 L/day**.

Under the OWRA, ECAs require:

- Site-specific hydrogeological investigation

- Design and engineering review
- Cumulative effects assessment
- Conditions for monitoring, reporting, and maintenance
- Oversight of spills, failures, and groundwater contamination

The Building Code cannot replicate these functions. It is designed for **low-risk single systems**, not multi-system sewage works operating at near-municipal capacity.

This is a textbook example of regulatory offloading—transferring responsibility from a ministry with technical wastewater expertise (MECP) to municipalities and public health units with neither the mandate nor the budget to oversee industrial-scale sewage volumes.

2.2 High-density, transient housing intensifies cumulative risks to groundwater and sensitive coldwater streams

The posting itself acknowledges the intent to house up to 200 workers per agricultural property.

This density dramatically increases:

- Wastewater loading
- Nitrate, nitrite, and ammonia contamination risks
- Pathogen loading
- Phosphorus and nutrient leaching
- Hydraulic failure in shallow soils or high-water-table areas

Many agricultural lands sit over vulnerable aquifers, sandy soils, or are adjacent to coldwater streams whose ecological integrity depends on clean groundwater inputs.

The DFO 2020 Cumulative Effects Review demonstrates that small, repeated discharges—especially of nutrients and pathogens—can exert significant cumulative harm over time when not properly regulated or monitored[1].

The ECCC Synthesis of Freshwater Science similarly finds that septic leachate is a leading cause of rural groundwater degradation and contributes to nutrient enrichment in streams[2].

Removing ECA oversight invites failures that will not be detected until contamination has already occurred.

2.3 Building Code inspections are not equivalent to wastewater approvals

The ERO posting implicitly claims these amendments will “continue safeguarding human health and maintaining environmental protections.”

This is inaccurate. Building Code evaluations **do not**:

- Conduct hydrogeological risk modelling
- Assess subsurface phosphorus attenuation
- Evaluate surface-water receptor impacts
- Assess cumulative effects of multiple systems

- Require continuous monitoring
- Mandate effluent sampling
- Require contingency and failure protocols

Municipalities and public health units are already understaffed. They cannot replace MECP's technical review capacity.

2.4 Climate change increases sewage system failure risks—yet the proposal contains no climate lens

Climate change is already driving:

- Higher rainfall intensity
- Water table rise
- More frequent extreme weather events
- Seasonal flooding of agricultural lands

Small, shallow, soil-based systems are especially vulnerable.

A failure under high-density worker housing poses both **public-health exposure risks** and **environmental contamination risks**.

The proposal contains **zero climate adaptation requirements**, despite Ontario's own 2023 Provincial Climate Change Impact Assessment highlighting increased wastewater system vulnerability.

This omission is indefensible and scientifically inconsistent with the Province's own findings.

2.5 No monitoring, no enforcement, and no accountability

If these systems fail under the Building Code:

- Is there a spill response plan?
- Who is notified?
- Who is responsible for remediation?
- Will operators be required to report exceedances?
- Will municipalities be liable for inadequate oversight?

The posting provides no answers, because the structure itself creates regulatory blind spots.

The ERO posting says protections will be implemented later "through regulations and policies."

This is a familiar pattern: legislation first, details later—at which point environmental protections are routinely weakened.

2.6 Worker housing is no justification for weakening water protections

ORA strongly supports humane, safe, and dignified housing for agricultural workers. But this proposal treats workers as an excuse to dismantle environmental oversight rather than pursuing safe, sustainable, climate-resilient wastewater solutions.

Nothing prevents Ontario from:

- Retaining ECA oversight
- Mandating accelerated review timelines
- Requiring clustered, engineered communal systems
- Funding decentralized treatment technologies
- Creating specialized review streams for worker housing

The Province instead proposes the lowest-cost, highest-risk pathway.

3. Ethical and Public-Interest Framing

Ontario's water—surface and groundwater—is a public trust.

Permitting quasi-municipal sewage works without environmental approvals:

- Risks aquifer contamination that is nearly impossible to remediate
- Threatens coldwater species, including Brook Trout, already stressed by warming temperatures
- Transfers environmental and financial liability to municipalities and rural residents
- Creates differential risk exposure for migrant workers living closest to these systems
- Undermines public confidence in environmental governance

Rural communities, Indigenous Nations, and farm workers all deserve better than a regulatory shortcut.

4. Recommendations

ORA recommends that the Province withdraw this proposal and replace it with a science-based framework that actually protects water, workers, and communities.

If the Province proceeds, the following minimum requirements are essential:

1. Retain OWRA ECA requirements for all cumulative sewage flows above 10,000 L/day. These flows are too large, too complex, and too risky to be regulated as simple septic systems.
2. Require mandatory hydrogeological investigations and cumulative effects assessments. Including phosphorus attenuation modelling, groundwater travel times, and risk to surface-water receptors.
3. Require ongoing monitoring and public reporting. Including effluent sampling, groundwater wells, and annual performance audits.
4. Require climate-resilient design and siting parameters. Including setbacks that reflect rising water tables, flood risk, and extreme rainfall.
5. Require spill prevention and emergency response plans. And mandatory reporting to MECP, conservation authorities, and local municipalities.

6. Prohibit siting of high-density septic systems within vulnerable aquifers, adjacent to coldwater streams, or within wellhead protection areas. These are non-negotiable risk zones.
7. Provide municipalities and public health units with funding if they are forced to assume additional regulatory responsibilities. Without resources, enforcement will be meaningless.

5. Closing

ORA strongly opposes the proposed amendments to the OWRA because they dismantle essential safeguards, expose groundwater and surface water to contamination, compromise rural public health, and ignore Ontario's climate-change realities.

This proposal is not about worker safety or agricultural support—it is about removing MECP oversight from high-risk sewage systems.

Ontario cannot build a resilient agricultural sector by degrading the freshwater resources that sustain it.

Thank you for this opportunity to comment!

Respectfully,

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