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Public Works

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Ministry of Municipal Affairs and Housing (MMAH)
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ENVIRONMENTAL REGISTRY OF ONTARIO (ERO) CONSULTATIONS

- ERO 025-0872 – Streamlining environmental permissions for sewage works servicing on-farm worker housing
- ERO 025-0899 – Policy proposal to regulate additional sewage systems under the Building Code to support construction of on-farm worker housing
- 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

INTRODUCTION

Peel Region appreciates the opportunity to provide comments on the above three ERO postings. These proposals collectively represent a coordinated provincial effort to streamline the approval process for on-farm worker housing sewage systems through amendments to the Ontario Water Resources Act (OWRA), the Building Code Act, and the Environmental Activity and Sector Registry (EASR).

Peel Region supports the province's intent to reduce administrative burden for agricultural operators while facilitating access to safe, regulated housing for Ontario's farm workers. However, from a Source Water Protection and Risk Management Official (RMO) perspective under the Clean Water Act, 2006, the proposed framework raises potential concerns regarding oversight, vulnerability screening, and long-term groundwater protection — particularly where agricultural lands intersect Wellhead Protection Areas (WHPAs) that contribute to Peel's municipal drinking water supplies.



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PEEL REGION COMMENTS AND RECOMMENDATIONS

ERO 025-0872 – Streamlining Environmental Permissions (EASR Proposal)

This proposal would enable certain sewage works on agricultural properties (servicing on-farm worker housing) to register under the EASR rather than obtain a full Environmental Compliance Approval (ECA). Eligible systems would have a cumulative design capacity $\leq 50,000$ L/day, domestic sewage only, subsurface discharge, and exclusion from locations where the system would constitute a significant drinking water threat.

From a Source Water Protection perspective, Peel supports process efficiency but notes that self-registration under EASR removes MECP's pre-construction technical review, creating potential risk in vulnerable groundwater areas. While the notice excludes systems in significant threat areas, it lacks clarity on how proponents must demonstrate compliance.

Peel Region recommends mandatory mapping confirmation through the Source Protection Information Atlas and integration of geographic screening within the EASR portal. The proposal should explicitly reference the Clean Water Act to ensure Source Protection Plan policies remain applicable.

Peel Region recommends a trigger mechanism be created on the EASR portal to notify relevant municipalities when self-registered activities fall within the geographic delineation of WHPAs.

ERO 025-0899 – Policy Proposal to Regulate Additional Sewage Systems under the Building Code

This proposal would allow multiple small sewage systems on a single agricultural property, up to 50,000 L/day cumulative capacity, to fall under Building Code authority rather than the OWRA's ECA process.

From an RMO standpoint, this shift transfers oversight from MECP to municipal Building Departments, which may not possess the tools to evaluate groundwater vulnerability. Peel Region recommends mandatory Source Protection screening during building permit intake, along with training for Building Officials to identify and refer applications within WHPAs to the RMO under Section 59 of the Clean Water Act. Given the potential for increased subsurface loading, RMO notification should be required for any Building Code-regulated system within or adjacent to mapped vulnerable areas.

ERO 025-0900 – Amendment to the Ontario Water Resources Act (OWRA)

This legislative proposal authorizes the Minister to make regulations permitting additional sewage systems (up to 50,000 L/day) to be regulated under the Building Code Act. While legislative flexibility is beneficial, the regulation must explicitly preserve Clean Water Act authority and ensure Source Protection policies continue to apply.



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Peel Region recommends adding language to confirm that nothing in the regulation limits the Clean Water Act's application to significant drinking water threats. Further clarity is needed on transition provisions, monitoring, and data sharing between MECP, municipal building departments, and Source Protection Authorities.

Peel Region supports the technical requirements outlined for pre-registration and source protection considerations, particularly the requirement that a Licensed Engineering Practitioner (LEP) or Professional Geoscientist (P.Geo.) must complete a significant drinking water threat assessment. This is a critical step in ensuring that proposed sewage works are evaluated appropriately in the context of source water protection.

However, Peel Region seeks clarification regarding the alignment between this requirement and the proposal to amend Ontario Regulation 287/07 to reduce duplicative requirements. Specifically, the Discussion Paper states that "Proponents would not be able to register sewage works online that have been identified as a significant drinking water threat, where the relevant source protection plan prohibits the establishment of the works." At the same time, the proposed regulatory amendments suggest that source protection plans would no longer be required to include significant threat policies for activities that are prescribed through the proposed Environmental Activity and Sector Registry (EASR) Regulation.

This appears to create a potential gap or inconsistency: if source protection plans are no longer required to include policies for prescribed activities, what does this mean to the relevant provincial ministries named as implementing bodies for prescribed instrument policies in local source protection plans? How would source water protection be enforced or communicated through the proposed EASR process?

Clarification is requested on how the proposed changes will ensure that significant drinking water threats continue to be effectively managed and prohibited where necessary, without relying on source protection plan policies. The proposed changes should not reduce technical oversight. Peel Region recommends that notification and coordination with the local source protection authority and risk management official are embedded within the final framework.

Peel Region would need to review the implications to service delivery, implementation, maintenance, and reporting requirements moving from an ECA under the OWRA, to a framework where approval is regulated by the Chief Building Official under the Ontario Building Code.

Combined Source Water Protection Implications

Together, these proposals shift oversight for small sewage systems from MECP's ECA process to self-registration and Building Code frameworks. While supportive of efficiency goals, Peel Region identifies several source protection implications:



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- Reduced technical oversight – without MECP hydrogeologic review, cumulative impacts to groundwater may go unassessed.
- Need for integration with Clean Water Act screening – mandatory provincial screening via the Source Protection Atlas should precede registration or permitting.
- Verification of significant threat exclusion – applicants should be required to obtain written RMO confirmation when located within mapped vulnerable areas.
- Data sharing and oversight – MECP should establish a data exchange protocol with Source Protection Authorities and RMOs.
- Cumulative impact assessment – the province should assess nitrate loading from multiple systems totaling 50,000 L/day.

CONCLUSION

Peel Region supports the province's efforts to enable safe, timely on-farm worker housing while maintaining environmental safeguards. However, the proposed changes reduce technical oversight and introduce uncertainty regarding compliance with the Clean Water Act unless explicit provisions for RMO notification, source protection screening, and data sharing are embedded within the final framework. Peel Region recommends that MECP and MMAH coordinate to ensure full integration of Source Water Protection policies into the proposed approval pathways to safeguard Ontario's municipal drinking water systems.

If you have any questions or require more information, please contact Therese Estephan, Advisor – Source Water Protection at therese.estephan@peelregion.ca.

Kind Regards,

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