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RIVERS
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Ministry of Environment, Conservation and Parks
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-025-1361: Exempting low-risk activities from requiring environmental permissions

Dear Permissions Modernization Team:

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

The ORA strongly opposes ERO-025-1361. The proposal would materially weaken Ontario's groundwater and freshwater protection framework by exempting a wide range of sewage works, stormwater works, waste activities, and water takings from Environmental Compliance Approvals (ECAs) and Permits to Take Water (PTTW) without scientific rigour and justification, cumulative-effects analysis, or consideration of climate change.¹

Despite being characterized as “low risk,” many of the activities proposed for exemption pose **known and foreseeable risks to private wells, municipal source water, groundwater-fed streams, wetlands, and downstream surface waters**, particularly when considered cumulatively and under increasingly volatile hydrologic conditions.² The Ministry's assertion that these exemptions will not impact protection of human health or the environment is unsupported and contradicted by established hydrogeological science.

ORA's concerns apply equally to the supporting Appendix, which relies on categorical assumptions of ‘low risk’ without evaluating groundwater connectivity, cumulative effects, or climate-driven hydrologic change.

1. Foundation Drainage Exemptions: Direct Risk to Private and Municipal Wells:

The proposal expands exemptions under Ontario Regulation 387/04 to allow **foundation drainage systems taking up to 379,000 litres per day** to proceed without a PTTW.³ This level of groundwater withdrawal is not low risk.

Groundwater withdrawals at this scale can cause localized and cumulative drawdown, particularly in shallow overburden aquifers and fractured bedrock systems that supply **hundreds of thousands of private wells across Ontario**. Peer-reviewed studies demonstrate that even



modest withdrawals, when aggregated spatially and temporally, can lower water tables, reduce well yields, and alter groundwater-surface water interactions.⁴ Unlike municipal systems, private well users have no redundancy or protection when groundwater levels decline or aquifer quality is compromised.⁵

Critically, there is:

- **No requirement for a hydrogeological assessment** to evaluate interference with nearby wells.
- **No cumulative threshold**, even where dozens of exempt systems may operate within the same aquifer.
- **No monitoring or reporting**, leaving impacts invisible until wells fail.
- **No notification or recourse** for affected well owners.

Under climate change, these risks are magnified. Ontario is already experiencing **longer summer droughts, reduced baseflows, and altered recharge patterns**, which are slowly reducing aquifer residence and recovery capacity.⁶ Treating groundwater as an unlimited or rapidly replenishing resource is no longer defensible.

This exemption shifts risk from proponents to rural residents and municipalities, undermining the PTTW program's fundamental purpose.

2. Cofferdam Dewatering: Short-Term Does Not Mean Low Impact:

Clarifying cofferdam dewatering as exempt from PTTW oversight removes safeguards for activities that can cause intense short-term groundwater withdrawals in hydraulically connected riverine settings.⁷ Research demonstrates that rapid dewatering can reduce baseflows, destabilize sediments, and disrupt groundwater-dependent ecosystems.⁸

The Appendix characterizes this exemption as a clarification rather than a substantive change. However, by removing the requirement for site-specific review, the proposal eliminates the only mechanism for evaluating cumulative or repeat dewatering impacts in hydraulically connected systems. Temporary duration does not equate to negligible impact in groundwater-dependent riverine environments.

While often framed as temporary, cofferdam dewatering can involve **intense, localized groundwater withdrawal**, particularly in riverine and floodplain settings where groundwater and surface water are hydraulically connected. Repeated or sequential dewatering events can:

- Reduce groundwater contributions to streams and wetlands,
- Destabilize sediments,
- Alter thermal regimes critical for aquatic life.

Without review, limits, or monitoring, these impacts are neither assessed nor mitigated.



3. Sewage and Stormwater Exemptions Ignore Groundwater Connectivity:

The proposal exempts numerous sewage and stormwater works on the premise that they do not discharge directly or indirectly to groundwater. This assumption is scientifically unsound. Infiltration, exfiltration, and failure during extreme precipitation events are well-documented pathways for groundwater contamination.^{9, 10}

As outlined in the Appendix, these exemptions rely on the premise that indirect pathways to groundwater can be managed through best practices and municipal approvals; however, this premise is inconsistent with documented failure modes in stormwater and sewer systems.

In reality:

- **Infiltration and exfiltration** are common in sewer systems, particularly temporary or aging infrastructure.
- Stormwater systems routinely fail or overflow during extreme rainfall events — events that are now more frequent and intense.
- Municipal sewer approvals do **not** evaluate aquifer vulnerability, groundwater flow paths, or source water protection zones.

Removing ECAs eliminates enforceable design conditions, site-specific controls, and Ministry oversight precisely where failures can result in **groundwater contamination and downstream ecological harm**.

4. Cumulative Effects Are Entirely Absent:

A fundamental deficiency of ERO-025-1361 is the complete absence of cumulative-effects analysis.

Cumulative effects are the dominant driver of freshwater degradation, yet this proposal evaluates exemptions individually. Fisheries and groundwater science literature consistently finds that cumulative withdrawals and infrastructure impacts exceed the sum of individual effects.¹¹

Each exemption is assessed in isolation, despite:

- Multiple exempt activities often occur within the same watershed or aquifer,
- Groundwater systems respond cumulatively, not discretely, and
- Climate change is reducing system resilience.

Ontario's environmental and fisheries science has repeatedly emphasized that **cumulative effects are the dominant driver of freshwater degradation**, yet this proposal structurally prevents the identification or management of cumulative impacts.

Without ECAs or PTTWs:

- Activities are not tracked,
- Impacts are not aggregated, and
- Harm is only addressed after it occurs — if at all.



In practical terms, this means the Ministry forfeits the data necessary to even identify cumulative effects, let alone manage them.

5. Climate Change Is Ignored Entirely:

Ontario's Climate Change Impact Assessment (OCCIA) identifies increased drought frequency, altered recharge regimes, and greater hydrologic variability. Regulatory exemptions that assume stationary hydrologic conditions are no longer defensible.^{12, 13} This is a critical failure.

Climate change is altering:

- Groundwater recharge timing and volume,
- Surface-groundwater interactions, and
- Frequency of system failures during extreme events.

The Appendix does not reference the OCCIA, even though it is directly relevant to groundwater availability and system resilience.

Any regulatory framework that removes safeguards without integrating climate risk is not modernization — it is **reckless abandonment of public safety and environmental protection**.

6. Public Trust, Transparency, and Accountability Are Undermined:

Environmental permissions serve not only technical functions but also democratic ones. They provide:

- Transparency,
- Public notice,
- Enforceable conditions, and
- Accountability before harm occurs.

This proposed exemption replaces these safeguards with **self-assessment and after-the-fact enforcement**, shifting Ontario back toward the reactive regulatory posture that preceded past water safety failures.

7. Expanded Analysis: Private Wells and Rural Ontarians at Risk:

Private wells are the primary source of drinking water for an estimated 1.3 million Ontarians, predominantly in rural, northern, and peri-urban communities. These residents rely entirely on shallow overburden aquifers or fractured bedrock systems that are highly sensitive to drawdown, contamination, and changes in recharge.

Unlike municipal systems, private wells:

- Have no redundancy or backup supply,
- Are not routinely monitored by government agencies,
- Require individual homeowners to bear testing, treatment, and replacement costs, and
- Are particularly vulnerable to cumulative groundwater withdrawals.



The proposed exemptions under ERO-025-1361 disproportionately transfer risk to rural Ontarians by allowing large-scale groundwater takings, foundation drainage, and dewatering activities to proceed without hydrogeological review, cumulative assessment, or enforceable conditions.

Peer-reviewed hydrogeological literature demonstrates that groundwater withdrawals do not operate in isolation. Drawdown cones expand laterally and vertically, intersecting nearby wells, reducing yields, and in some cases causing complete well failure. These impacts are often irreversible without costly deepening or replacement of wells, costs that are borne entirely by affected homeowners.¹⁴ Private wells are recognized and regulated as drinking water sources in Ontario, and their protection is a provincial responsibility, not a matter of individual risk tolerance.

Climate change compounds these risks. Reduced summer recharge, increased evapotranspiration, and longer drought periods are already decreasing groundwater availability in many regions of Ontario. Under these conditions, even withdrawals previously considered marginal can trigger well interference and ecosystem impacts.

Importantly, many rural residents are unaware of nearby exempt water takings until impacts occur. The removal of PTTW requirements eliminates public notice, technical review, and Ministry oversight, leaving private well users without early warning or recourse.

From an equity perspective, this proposal effectively externalizes development costs onto rural households, Indigenous communities, and small municipalities, the least able to absorb them. It creates a two-tier water protection system in which urban users retain safeguards while rural Ontarians assume unmitigated risk.

This outcome is incompatible with Ontario's source water protection objectives, principles of environmental justice, and the precautionary approach embedded in the Ontario Water Resources Act.

8. Conclusion:

The activities proposed for exemption under ERO-025-1361 cannot reasonably be characterized as low risk when:

- Groundwater systems are already stressed,
- Cumulative effects are ignored,
- Climate change is accelerating hydrologic uncertainty, and
- Private well users bear disproportionate harm.

The proposal weakens Ontario's ability to protect freshwater resources at the exact moment stronger oversight is required.

9. ORA Recommendations:

1. **Withdraw the proposed PTTW exemptions** for foundation drainage and cofferdam dewatering until cumulative groundwater impacts and climate risks are formally assessed.



2. **Retain ECAs for sewage and stormwater works** that may affect groundwater or surface water under foreseeable failure or extreme weather conditions.
3. **Require mandatory hydrogeological screening and enforceable cumulative thresholds** for any proposed exemption involving water taking or subsurface interaction.
4. **Integrate Ontario's Climate Change Impact Assessment** into all determinations of regulatory risk and eligibility for exemptions.
5. **Maintain transparent, enforceable approval mechanisms** where activities pose any risk to private wells, source water, or freshwater ecosystems.

Efficiency cannot come at the expense of drinking water security, ecological integrity, or public trust. ERO-025-1361 lowers Ontario's environmental baseline by redefining risk in administrative rather than scientific terms. ORA urges the Ministry to reconsider this proposal and uphold its responsibility to protect Ontario's groundwater and freshwater systems for present and future generations.

Respectfully,

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¹ Environmental Registry of Ontario. "ERO-025-1361: Exempting Low-Risk Activities from Requiring Environmental Permissions." December 5, 2025.

² Murray, C., Hannah, L., & Locke, A. (2020). A Review of Cumulative Effects Research and Assessment in Fisheries and Oceans Canada. DFO. Online: <https://waves-vagues.dfo-mpo.gc.ca/Library/40851576.pdf>

³ Ontario Regulation 387/04, proposed amendments.

⁴ Konikow, L.F. & Leake, S.A. (2014). Depletion and capture: Revisiting the source of water derived from groundwater pumping. *Groundwater*, 52(S1). Online: <https://onlinelibrary.wiley.com/doi/10.1111/gwat.12204>

⁵ Gleeson, T. et al. (2012). Water balance of global aquifers revealed by groundwater footprint. *Nature*. Online: <https://www.nature.com/articles/nature11295>

⁶ Environment and Climate Change Canada. Synthesis of Freshwater Science in Canada. Online: <https://www.canada.ca/en/environment-climate-change/services/water-overview/protecting-freshwater/national-freshwater-science-agenda/synthesis-freshwater-science-overview/synthesis.html>

⁷ Sophocleous, M. (2002). Interactions between groundwater and surface water: The state of the science. *Hydrogeology Journal*. Online: <https://link.springer.com/article/10.1007/s10040-001-0170-8>

⁸ Boulton, A.J. et al. (2010). Groundwater–surface water interactions in rivers. *Freshwater Biology*. Online: <https://www.journals.uchicago.edu/doi/abs/10.1086/679665>

⁹ Fletcher, T.D., Shuster, W., Hunt, W.F., et al. (2015). SUDS, LID, BMPs, WSUD and more – The evolution and application of terminology surrounding urban drainage. *Urban Water Journal*, 12(7), 525–542. Online: <https://www.tandfonline.com/doi/full/10.1080/1573062X.2014.916314>

¹⁰ Walsh, C.J. et al. (2005). The urban stream syndrome. *Journal of the North American Benthological Society*. Online: https://www.researchgate.net/publication/228642919_The_Urban_Stream_Syndrome_Current_Knowledge_and_the_Search_For_A_Cure



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- ¹¹ Cormier, R. et al. (2022). *Cumulative Effects Considerations for Integrated Planning in DFO*. CSAS. Online: https://publications.gc.ca/collections/collection_2023/mpo-dfo/fs70-5/Fs70-5-2022-079-eng.pdf
- ¹² Ontario Provincial Climate Change Impact Assessment, Technical Report Appendices, January 2023. Online: <https://www.ontario.ca/files/2023-11/mecp-ontario-provincial-climate-change-impact-assessment-appendices-en-2023-11-21.pdf>
- ¹³ IPCC (2022). Climate Change 2022: Impacts, Adaptation and Vulnerability-Freshwater Chapter: Online: <https://www.ipcc.ch/report/ar6/wg2/>
- ¹⁴ Alley, W.M., Reilly, T.E., and Franke, O.L., US Geological Survey Circular 1186, USGS, *Science for a changing world, Sustainability of Ground-Water Resources*. Online: <https://pubs.usgs.gov/circ/circ1186/>