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

8 June 2026

EA Modernization Project Team
Environmental Assessment Modernization Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 4th Floor
Toronto, Ontario M4V 1P5

By email: EAModernization.MECP@Ontario.ca

Re: ERO-026-0414, Streamlining Requirements for Waste Disposal Site Service Area and Fill Rate Changes

Dear EA Modernization Project 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.

This submission is filed in response to ERO-026-0414, which proposes to eliminate the Environmental Screening Process (ESP) under the Environmental Assessment Act, RSO 1990, c E.18 (EAA) for waste disposal site service area and fill rate changes; to exempt applications for Environmental Compliance Approval (ECA) amendments for these changes from the mandatory public notice requirement of section 22 of the Environmental Bill of Rights, 1993 (EBR); and to remove third-party leave-to-appeal rights for these decisions.

ORA urges the Ministry to withdraw this proposal. ERO-026-0414 is not a red-tape reduction measure. It is the elimination of the only independent environmental assessment for a class of waste disposal decisions that can directly affect groundwater, contaminate rivers, damage aquatic ecosystems, and undermine the health and food security of rural and municipal communities, Indigenous peoples, and all communities living near waste-disposal sites. Posted as a companion to Bill 105's simultaneous assault on the Comprehensive EA process (ERO-026-0415), it is part of a coordinated and accelerating dismantling of Ontario's environmental protection framework, a withdrawal by the Province from its constitutional and moral obligation to hold Ontario's natural environment in public trust for present and future generations.

Governments that remove independent environmental review, erase public participation rights, and strip third-party appeal mechanisms do not reduce red tape. They transfer risk: from proponents to communities, from the present to the future, and from the politically convenient to the ecologically irreversible. The environmental, fiscal, and democratic costs of inadequate oversight of waste disposal decisions do not disappear when the oversight is removed. They accumulate, silently, until they surface in contaminated groundwater, degraded rivers, public health consequences, and emergency expenditures that far exceed the cost of the review that was eliminated.

Ontario is constitutionally and morally obligated to act as steward of the province's natural environment in the public interest, for present and future generations. That obligation does not diminish when it becomes commercially inconvenient to fulfill. This proposal must be withdrawn.

1. Background

1.1 The Dual Framework and Its Purpose

Service area and fill rate changes for waste disposal sites currently require completion of two separate processes, each serving a distinct function. The Environmental Screening Process (ESP) under the EAA is an independent planning and consultation process. It requires proponents to identify and assess potential environmental effects, determine mitigation measures to address those effects before proceeding, and engage Indigenous communities, stakeholders, municipalities, and interested persons in a structured consultation process.[1] The Environmental Compliance Approval (ECA) amendment under the Environmental Protection Act, RSO 1990, c E.19 is an operational approval. It sets conditions for the use, operation, and management of a waste disposal site, defines where waste can be received from, may set the fill rate, and requires monitoring, reporting, and operational controls to manage environmental risk.

These processes are not duplicative. The ESP is a forward-looking environmental planning tool that independently assesses whether a proposed change should proceed, and under what conditions, before it does. The ECA is an operational gate that sets how the change is managed once it proceeds. Eliminating the ESP does not streamline the process. It removes the assessment phase entirely.

1.2 What ERO-026-0414 Removes

The proposal makes three regulatory amendments with compounding and irreversible effects.

First, it removes the designations in Part IV of O. Reg. 50/24 (Part II.3 Projects, Designations and Exemptions) for service area changes at waste disposal sites and fill rate changes at landfilling sites and dumps. Sections 22 and 23 of that regulation designate these changes as projects to which Part II.3 of the EAA applies, but exempt them from the full Comprehensive EA on the condition that proponents complete the Environmental Screening Process.[2] Removing the designation eliminates the legal foundation for the ESP requirement. Without a designation, there is no ESP, and no independent environmental assessment of any kind.

Second, it adds an exemption to O. Reg. 51/24 (Exemptions, Environmental Assessment Act) that exempts waste disposal sites from their EA-approved service area and fill rate limits. This severs the legal obligation imposed by existing EA approvals on how sites must operate, removing the link between the EA commitments made when sites were first approved and the operational conditions under which they currently operate.

Third, it amends O. Reg. 73/94 (General, Environmental Bill of Rights) to exempt ECA amendments for service area and fill rate changes from section 22 of the EBR.[3] Section 22 of the EBR imposes a mandatory and unconditional obligation on the Minister: before issuing an instrument, including an ECA amendment, the Minister "shall do everything in his or her power to give notice to the public" at least 30 days before the instrument is issued.[4] Exempting these ECA amendments from section 22 eliminates that notice, the 30-day public comment period, and, by consequence, the statutory foundation for third-party leave-to-appeal before the Ontario Land Tribunal. Communities living near waste disposal sites that are about to expand their service areas or increase their fill rates will receive no notice, have no opportunity to comment, and have no right of appeal.

2. The Environmental Screening Process: Independent Environmental Assessment Eliminated

2.1 What the ESP Provides

The ESP is not an administrative formality. It is the government's mechanism for ensuring that service area and fill rate changes at waste disposal sites are independently assessed before they proceed. Proponents are required by law to identify and assess potential environmental effects, determine mitigation measures, and engage Indigenous communities, municipalities, and interested persons in a structured consultation process.[1] The ESP produces a public environmental screening report that affected parties can review, comment on, and, where warranted, use as the basis for a request that the project be elevated to a Comprehensive Environmental Assessment for more rigorous independent review.

The ESP serves functions that the ECA amendment process cannot provide. It requires the proponent to assess environmental effects before the change is approved. It creates a publicly accessible record that rural residents, municipalities, environmental organizations, and Indigenous Nations can review. It provides a structured, legally enforceable consultation pathway. And it provides the only independent check available for service area and fill rate changes with significant environmental impacts: the elevation request.

Repealing the ESP designation for these changes does not simplify an inefficient process. It removes the only point at which an independent environmental assessment occurs and at which the public has a statutory right to participate before a decision is made.

2.2 Cumulative Effects and Watershed Integrity

The ESP is also the only point in Ontario's regulatory framework at which cumulative effects of service area and fill rate changes can be independently evaluated. There is no statutory requirement for cumulative effects assessment in the EAA or elsewhere in Ontario legislation. Without the ESP, changes proceed on the proponent's characterization of their project's impacts alone, with no mechanism for examining how multiple changes across a watershed, or the combined effects of multiple waste disposal sites on a shared aquifer or river system, interact and compound over time.

Landfill leachate is a well-documented source of groundwater and surface water contamination, carrying organic compounds, heavy metals, pathogens, and emerging contaminants including pharmaceuticals and microplastics. Service area expansions that increase the volume and diversity of waste accepted, and fill rate increases that accelerate loading, directly increase the rate of leachate generation. In watersheds where multiple waste disposal sites operate near shared aquifer systems or surface watercourses, cumulative leachate loading can exceed what any single site's monitoring data would predict. Rural homes, farms, and communities that depend on groundwater for drinking water are the first to bear the consequences of this loading pressure.

Department of Fisheries and Oceans (DFO) 2022 Science Advisory Report on cumulative effects confirms that responsible assessment "requires an ecosystem-level perspective including knowledge of ecosystem integrity (composition, structure, and function)," a perspective that a proponent-only ECA process cannot provide.[5] Environment and Climate Change Canada (ECCC) Synthesis of Freshwater Science in Canada (2024) confirms that freshwater challenges are multidisciplinary and interconnected, involving compounding effects of multiple stressors, including contamination, land use intensification, and direct human interventions.[6] Eliminating the ESP eliminates the only available mechanism for independently evaluating these cumulative effects before waste disposal decisions are made.

2.3 The ECA Amendment Process Is Not a Substitute

The ministry frames the ECA amendment process as an adequate replacement. It is not. MECP's review of an ECA application is an internal assessment of whether a proposed operational change meets regulatory requirements. It produces no public-facing document evaluating the environmental adequacy of the proposed change. It creates no statutory basis for public comment. It requires no finding that the change is environmentally sound before it proceeds.

The ESP requires proponents to identify and assess potential environmental effects and determine mitigation measures before proceeding.[1] That standard, assess first, mitigate before proceeding, disappears entirely under the proposed approach. What remains is an internal ministry review, the outcome of which the public cannot inspect, on a decision the public cannot comment on, against which the public has no appeal.

This is the same substitution the Ministry proposed in Bill 105 for the Comprehensive EA process: replacing a publicly reviewable, independently produced Ministry Review with a deficiency notification serving only as an administrative gate. In both cases, independent, publicly accountable review is replaced by internal process. In both cases, the ministry characterizes the replacement as modernization. It is not. It is the conversion of independent oversight into ministerial administration without public accountability.

ORA recommends that the Ministry:

2(a) Withdraw the proposed removal of Part IV designations from O. Reg. 50/24 and retain the ESP as the independent environmental assessment required for service area and fill rate changes at waste disposal sites.

2(b) If the ESP requires modernization, conduct a separate public consultation on its scope, mandate, and timelines, with explicit requirements to address cumulative watershed effects, before any legislative or regulatory changes are made.

2(c) Retain in O. Reg. 51/24 the legal obligation that service area limits and fill rate limits established through EA approvals remain binding for the operating life of the site.

3. Public Participation and Third-Party Appeal Rights Eliminated

3.1 The EBR Section 22 Posting Requirement

Section 22 of the Environmental Bill of Rights, 1993 imposes a mandatory and unconditional obligation on the Minister: before issuing, amending, or revoking an instrument, including an ECA amendment, the Minister "shall do everything in his or her power to give notice to the public" at least 30 days before the instrument is issued.[4] ECA amendments are exactly the instruments to which this obligation applies. The EBR classifies almost all ECA applications as Class II proposals, subject to mandatory ERO posting and a public comment period.

The proposed amendment to O. Reg. 73/94 removes ECA amendments for service area and fill rate changes from this mandatory posting requirement. A change that significantly expands the volume of waste a landfill receives, the geographic area from which that waste comes, or the rate at which the site fills could proceed without any public notice on the ERO. Rural residents, farmers, cottage-country landowners, municipal ratepayers, and Indigenous communities adjacent to waste disposal sites, the people most directly affected by these changes, would have no statutory right to know that a change is proposed, no opportunity to provide input, and no recourse if the change causes harm.

3.2 Third-Party Leave-to-Appeal Rights

Under the EBR, instruments posted on the ERO are subject to a third-party leave-to-appeal mechanism: any person with an interest in, or who is affected by, the decision may apply to the Ontario Land Tribunal (OLT) for leave to appeal that decision. This right has been used by affected landowners, municipalities, and environmental organizations to challenge ECA decisions that threaten groundwater, rivers, and public health.

Exempting service area and fill rate ECA amendments from ERO posting eliminates not only notice and comment rights, but the statutory foundation for leave-to-appeal. There is no leave-to-appeal without a posting. By removing the posting requirement, the proposed amendments simultaneously remove every public recourse mechanism in a single regulatory stroke. Citizens, municipalities, and Indigenous communities near a waste disposal site that has just had its service area expanded or its fill rate increased have no legal pathway to challenge that decision.

This is the same democratic accountability argument ORA made in its submission on Bill 105, ERO-026-0415: the right to seek independent adjudication of significant environmental decisions must be a practical right, not merely a theoretical one. Removing both the notice and the appeal right together does not simplify process. It extinguishes the public's ability to participate in decisions that directly affect their environment, their health, and their property.

ORA recommends that the Ministry:

3(a) Withdraw the proposed amendment to O. Reg. 73/94 and retain the mandatory requirement to post ECA amendments for service area and fill rate changes on the ERO under section 22 of the EBR.

3(b) Retain the third-party leave-to-appeal right under the EBR for ECA decisions affecting waste disposal service areas and fill rates.

3(c) If the ministry determines that comment periods require streamlining for genuinely minor changes, establish evidence-based criteria to identify those changes while preserving mandatory posting and appeal rights for changes above defined thresholds of scale, proximity to sensitive areas, or rural and Indigenous community adjacency.

4. The "Limited or No Environmental Impact" Claim Is Factually Unsupported

The ministry's rationale for this proposal rests on a single assertion: that changes in service area and fill rate "typically" have "limited or no environmental impacts." This is a blanket empirical claim, offered without evidence and used to justify a blanket regulatory exemption. It does not bear scrutiny.

Waste disposal sites in Ontario vary enormously in hydrogeological setting, site design, proximity to rivers and wetlands, proximity to rural and Indigenous communities and source water protection areas, age, and operational condition. A service area change that brings waste from a larger or more heavily industrialized area to a rural landfill adjacent to a sensitive aquifer could introduce waste streams with different composition, different leachate characteristics, and greater contamination potential than the site was designed and approved to receive. A fill rate increase that accelerates the rate at which a site fills can increase leachate generation beyond the site's design capacity, increasing groundwater contamination pressure before monitoring and remediation systems can be adjusted.

The claim that these changes "typically" have limited impact is particularly problematic when applied to older landfills, built before modern liner and leachate collection standards were required, that are already in proximity to waterways or source water protection areas. For those sites, increases in fill rate or service area that accelerate waste loading and leachate generation are

precisely the changes most likely to have measurable environmental consequences. An exemption that applies regardless of site age, proximity to sensitive environmental receptors, or waste stream composition is not based on evidence about actual environmental impacts. It is based on administrative convenience.

This concern is most acute for waste disposal sites located within or adjacent to drinking water source protection areas. Ontario enacted the Clean Water Act, 2006, in direct response to the Walkerton tragedy, where contaminated municipal drinking water killed seven people and sickened more than 2,300, to protect existing and future sources of drinking water through locally developed, science-based source protection plans.[7] A service area or fill rate change that increases leachate loading near a vulnerable aquifer or wellhead protection area is precisely the kind of activity the source protection framework was designed to scrutinize. Removing the only independent assessment of such changes, along with the public's right to notice and to comment, runs directly counter to the source-to-tap, precautionary approach Ontario adopted after Walkerton.

The Environmental Screening Process exists precisely to make this determination, site by site, change by change. Eliminating the process does not make the impacts disappear. It eliminates the mechanism for finding them.

ORA recommends that the Ministry:

4(a) Commission independent technical analysis, with public consultation, on the actual environmental impacts of service area and fill rate changes across a representative sample of Ontario waste disposal sites, before any regulatory exemption is considered.

4(b) If streamlining is pursued, base eligibility criteria on evidence-based environmental risk assessment, explicitly excluding older sites without modern liner and leachate collection systems; sites within defined proximity to rivers, wetlands, floodplains, source water protection areas, or rural and Indigenous community territories; and changes above defined volume or geographic thresholds.

5. Site-Specific Environmental Risk: The Emergency Response Precedent

On March 7, 2015, a CN Rail train carrying crude oil derailed on the Makami River near Gogama, Ontario. Approximately 2.6 million litres of petroleum crude oil were released, 33 of the 39 derailed tank cars were breached, the crude ignited and exploded, and oil spread through at least five connected waterways, including the Makami River itself.[8] The CN bridge crossing the Makami River and approximately 300 metres of track were destroyed.

The emergency response required the Ministry of the Environment and Climate Change (MOECC, now MECP) to deploy direct environmental oversight of the cleanup operation. Approximately 11,000 tonnes of contaminated soil were hauled approximately 90 kilometres to the Cartier landfill near Sudbury, a waste disposal site required to receive emergency contaminated material well outside the normal parameters of its authorized service area and accepted-waste characteristics.[9] MOECC directly oversaw the environmental controls and perimeter protection at the receiving site. The province subsequently billed CN Rail $350,000 for MOECC's environmental assistance.[10] Total contaminated material managed across the cleanup exceeded 60,000 tonnes, and approximately five million litres of oily water were treated on site or shipped for disposal.[11] The Mattagami First Nation, whose traditional territory was directly affected, filed a $30-million lawsuit against CN Rail for environmental and cultural damage, including the destruction of the community's ability to fish, hunt, and gather in their traditional territories.[12]

That emergency response required an operational change to what the Cartier landfill could receive: a change in the type and volume of waste accepted, and in the geographic origin of that waste, well beyond the site's normal authorized parameters. That change required and received direct MOECC environmental oversight, including perimeter protection and environmental monitoring at the receiving site. That oversight was not incidental to the response. It was the mechanism that prevented the emergency containment decision from creating a second contamination event at the receiving landfill site.

Under ERO-026-0414 as proposed, an equivalent ECA amendment permitting a waste disposal site to receive emergency contaminated material from a distant spill, derailment, or flooding event would proceed without ERO posting, without ESP environmental assessment, and without any public notice of the nature of the waste being received and the environmental controls at the receiving site. Rural residents, municipal governments, and Indigenous communities near the receiving landfill would have no statutory right to know what was being received, no opportunity to comment on the adequacy of environmental controls, and no right of appeal.

Emergency situations requiring rapid changes to waste disposal service areas are not anomalies. They are foreseeable consequences of the transportation of hazardous materials through Ontario's river corridors, rail networks, and highway systems, and they will become more frequent as extreme weather events, infrastructure failures, and flooding incidents increase under climate change. Ontario's own Provincial Climate Change Impact Assessment (OCCIA 2023) identifies increasing extreme precipitation events, hydrological volatility, and infrastructure vulnerability as high-risk conditions across all future time periods.[13] The framework for managing emergency waste disposal must retain independent environmental oversight and public accountability, not eliminate them.

ORA recommends that the Ministry:

5(a) Retain the ESP requirement and ERO posting and third-party appeal rights for ECA amendments permitting waste disposal sites to receive material from emergency response events, including spills, derailments, flooding events, and industrial accidents.

5(b) Ensure that any emergency ECA amendment affecting a waste disposal site's service area or received-waste characteristics is publicly disclosed, with notice to Indigenous communities, rural residents, and downstream municipalities, and that a structured post-emergency public review process is made available.

6. Indigenous Rights and Crown Consultation

6.1 Notification Is Not Consultation

The ministry states that under the proposed framework, proponents would "notify nearby landowners, potentially impacted Indigenous communities, and members of a Community Liaison Committee (if one exists)" and that the ministry "may also require additional notification to fulfill any Duty to Consult obligations."

Notification is not consultation. And "may require" is not a constitutional obligation. The Supreme Court of Canada confirmed in Haida Nation v. British Columbia (Minister of Forests) that the Crown's duty to consult is triggered when the Crown has knowledge, real or constructive, of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it.[14] Service area and fill rate changes at waste disposal sites near the traditional territories of Indigenous peoples, near waterways on which they fish, or near groundwater on which they depend for drinking water, trigger the duty to consult as a matter of constitutional law. A proponent-delivered notification, with no structured consultation process, no independent

assessment of effects on Aboriginal and treaty rights, and no right of appeal, does not satisfy that obligation.

Many Indigenous communities in Ontario are located near or downstream of waste disposal sites. The connection between landfill leachate, groundwater contamination, and the health of rivers and fisheries is direct and documented. Where a service area expansion or fill rate increase increases environmental stress on groundwater or surface water adjacent to Indigenous traditional territories, the Crown's duty to consult requires structured engagement, independent analysis of potential adverse effects on Aboriginal and treaty rights, and the opportunity for meaningful accommodation, not proponent-managed notification under no statutory timeline and with no right of response or appeal.

6.2 UNDRIP and Free Prior and Informed Consent

Canada enacted the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP) in 2021, committing to align laws with UNDRIP.[15] Article 32 of UNDRIP requires that states consult and cooperate in good faith with Indigenous peoples to obtain their free, prior and informed consent before approving projects affecting their lands or territories and resources.[16] Waste disposal site expansions that affect groundwater and surface water within or adjacent to Indigenous traditional territories are precisely the decisions to which this obligation applies. The proposed framework reduces Indigenous participation to proponent-managed notification, with no statutory timeline and no right of response or appeal.

ORA recommends that the Ministry:

6(a) Require that the Crown's duty to consult is assessed and documented for every service area or fill rate ECA amendment at a waste disposal site within or adjacent to the traditional territory of an Indigenous community, before the amendment is approved, and that the results of that assessment be publicly disclosed.

6(b) Retain the ERO posting requirement for ECA amendments affecting waste disposal sites near Indigenous communities, as the posting and comment period provides the minimum structural opportunity for Indigenous communities to place their concerns on the record and to seek leave to appeal decisions that may adversely affect their rights.

6(c) Conduct and publicly disclose an analysis of ERO-026-0414's consistency with the United Nations Declaration on the Rights of Indigenous Peoples Act and the Crown's constitutionally grounded duty to consult before this proposal proceeds.

7. What This Proposal Places at Risk: Ontario's Natural Resource Assets

The ministry's regulatory impact assessment for ERO-026-0414 frames the proposal as one that will "reduce time and costs for waste disposal site operators" without introducing new compliance costs or ECA requirements. It does not ask what this proposal will cost the public through degraded groundwater quality, impaired rivers, and diminished natural resource values. Those costs are real, measurable, and will be borne by rural and municipal communities, Indigenous peoples, tourism operators, anglers, farmers, and all Ontarians who depend on Ontario's freshwater systems.

Ontario's freshwater ecosystems, rivers, groundwater systems, and the fisheries, wetlands, and peatlands they support are not incidental features of the provincial landscape. They are productive economic assets that generate enduring value for rural communities, municipalities, Indigenous peoples, and all Ontarians without ongoing public subsidy.

Ontario's fisheries generate approximately $2.5 billion annually in combined recreational and commercial value. The province reports 1.5 million anglers fishing in Ontario each year, spending approximately $1.75 billion annually and supporting approximately 1,600 resource-based tourism businesses. Commercial fisheries contribute over $230 million annually.[17] These values are not generated in urban centres. They are generated in the rural and northern communities nearest to Ontario's rivers and lakes, and nearest to the waste disposal sites whose service area and fill rate changes this proposal would remove from independent review. Landfill leachate that reaches a river does not merely contaminate water. It impairs the fisheries, drives away anglers and visitors, degrades the rural tourism economy, and reduces the groundwater quality on which farms, rural homes, and northern communities depend.

The federal government's own 2026 nature strategy estimates Canada's total ecosystem services at $3.6 trillion, exceeding Canada's entire gross domestic product. The carbon stored in Canada's protected areas alone is valued at $20.7 trillion at today's industrial carbon price. These values include water filtration, flood attenuation, carbon storage in boreal peatlands and wetlands, biodiversity, and the subsistence, cultural, and spiritual values of land and water to Indigenous peoples and rural communities across Ontario.[18]

A government serious about the economic value of Ontario's natural resource base does not remove the mechanism for independently assessing whether operational changes to waste disposal sites threaten those assets. **You cannot have economic sustainability without ecological sustainability.** A watershed degraded by landfill leachate cannot support the fisheries, wild foods, and cultural practices that sustain Indigenous communities, the tourism and recreation economy that anchors rural Ontario, or the long-term freshwater security on which all development in the province depends. Any regulatory change that accelerates operational approvals for waste disposal sites without requiring independent assessment of threats to these assets is not a genuine efficiency measure. It is a subsidy paid by the public to waste disposal operators for externalizing risks that the public will absorb.

ORA recommends that the Ministry:

7(a) Require regulatory impact assessments for proposals that eliminate or reduce environmental oversight of waste disposal sites to include a quantified analysis of the potential costs to Ontario's fisheries, groundwater-dependent rural and Indigenous communities, tourism economy, and municipal drinking water systems. **These are public trust assets that must be protected.**

7(b) Recognize in its regulatory framework that Ontario's rivers, groundwater systems, wetlands, and fisheries are productive economic assets whose long-term value to rural and municipal communities, Indigenous peoples, and future generations must be weighed against the short-term operational savings to waste-disposal site operators before oversight requirements are removed.

8. Public Trust, Fiscal Exposure, and Government Accountability

Ontario's rivers, groundwater systems, and freshwater ecosystems are public trust assets held in stewardship for present and future generations. They are not administrative inventories to be expedited through regressive approval processes for the operational convenience of waste-disposal site operators. Waste disposal decisions that affect groundwater and river systems can have consequences that persist for generations. Contaminated aquifers do not self-remediate on politically convenient timelines. Once a landfill's leachate has entered a river system or contaminated a source water protection area, the remediation costs, litigation exposure, and public health consequences fall on taxpayers, municipalities, rural residents, and the communities

that depend on those water sources, not on the operators whose ECA amendment was never publicly scrutinized.

The ministry's rationale for ERO-026-0414 is administrative efficiency: eliminating one of two required processes will reduce time and costs for operators. That efficiency gain is real. But it must be weighed against the costs of inadequate oversight. Emergency cleanups are expensive. Groundwater remediation is expensive. Litigation over contaminated water sources is expensive and often inconclusive. Public health consequences from contaminated drinking water are expensive and frequently irreversible. The 2015 Gogama derailment cleanup required the removal of more than 60,000 tonnes of contaminated material and the treatment of five million litres of oily water, and Mattagami First Nation's $30-million lawsuit makes clear that the downstream consequences of inadequate environmental oversight do not remain with the proponent. They are distributed across communities, governments, and the public for decades.

ERO-026-0414 does not occur in isolation. It is one element of a sustained and accelerating pattern of legislative and regulatory changes in Ontario that have progressively narrowed public participation in environmental decision-making, reduced independent oversight of proponent-driven approvals, constrained third-party appeal rights, and concentrated approval authority in ministerial discretion. Bill 105, Schedule 2 (ERO-026-0415) eliminates the Ministry Review and public hearing rights, and makes Cabinet approval for Comprehensive EA decisions discretionary. ERO-026-0414 eliminates the ESP, ERO posting, and EBR appeal rights for a class of waste disposal operational decisions. Together, they represent a coordinated withdrawal from independent environmental oversight across Ontario's environmental assessment framework. The cumulative effect is a governance framework that produces faster approvals but provides diminishing assurance that those approvals are sound, durable, or consistent with Ontario's long-term public interest.

Healthy rivers and clean groundwater are productive public assets generating enduring economic, ecological, cultural, and climate-resilience value without perpetual subsidy. Degrading those assets through weakened oversight is not efficiency. It is the liquidation of natural capital, with the costs deferred to future generations and the benefits captured in the present.

ORA recommends that the Ministry:

8(a) Withdraw ERO-026-0414 and confirm that service area and fill rate changes at waste disposal sites will continue to require completion of the Environmental Screening Process and ERO posting with third-party appeal rights.

8(b) Commission an independent review of Ontario's regulatory oversight of waste disposal sites, with genuine public participation and meaningful engagement with rural communities, municipalities, and Indigenous communities, before any amendments to the current dual-process framework are made.

8(c) Publish a cumulative analysis of EA, planning, and environmental assessment reforms since 2018, assessing their collective impact on public participation, independent oversight, Indigenous consultation, and the long-term environmental integrity of approved projects.

In Closing

The Ontario Rivers Alliance calls on the Ministry of the Environment, Conservation and Parks to withdraw ERO-026-0414. This proposal eliminates the only independent environmental assessment for waste disposal service area and fill rate changes. It removes the right of rural residents, municipal governments, Indigenous communities, and the public to notice, comment, and appeal for a class of decisions that directly affect groundwater, rivers, and the communities

living near Ontario's waste disposal sites. It severs the legal connection between EA commitments made when sites were originally approved and the operational conditions under which they are subsequently permitted to expand.

No government serious about its obligations to protect Ontario's environment, to future generations, and to Indigenous peoples can justify removing every mechanism of independent review, public participation, and democratic accountability from waste disposal decisions simultaneously, while characterizing the result as environmental protection.

The environmental, fiscal, and democratic costs of inadequate oversight will be borne by Ontarians for generations. The time to protect public trust assets is before approvals are granted, not after harm has occurred.

Respectfully submitted,



Linda Heron
Chair, Ontario Rivers Alliance
(705) 866-1677 | Info@OntarioRiversAlliance.ca
OntarioRiversAlliance.ca

End Notes

1 *Guide to Environmental Assessment Requirements for Waste Management Projects, Ministry of the Environment, Conservation and Parks, amended October 2025. https://www.ontario.ca/document/guide-environmental-assessment-requirements-waste-management-projects*

2 *Ontario. O. Reg. 50/24: Part II.3 Projects, Designations and Exemptions, Environmental Assessment Act, Part IV, sections 22 and 23 (waste management project designations). https://www.ontario.ca/laws/regulation/r24050*

3 *Ontario. O. Reg. 73/94: General, Environmental Bill of Rights, 1993, as proposed to be amended by ERO-026-0414. https://www.ontario.ca/laws/regulation/940073*

4 *Environmental Bill of Rights, 1993, SO 1993, c 28, s 22 (mandatory public notice requirement for instruments). https://www.ontario.ca/laws/statute/93e28*

5 *Fisheries and Oceans Canada. 2022. Science Advisory Report 2022/055: Cumulative Effects in Support of Policy Development and Regulatory Decision-Making. Canadian Science Advisory Secretariat. https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/4109265x.pdf*

6 *Environment and Climate Change Canada. 2024. Synthesis of Freshwater Science in Canada. National Freshwater Science Agenda. https://www.canada.ca/en/environment-climate-change/services/water-overview/protecting-freshwater/national-freshwater-science-agenda/synthesis-freshwater-science-overview/synthesis.html*

7 *Clean Water Act, 2006, SO 2006, c 22. Enacted following the May 2000 Walkerton drinking water tragedy (seven deaths and more than 2,300 illnesses), the purpose of this legislation is to protect existing and future sources of drinking water through local, science-based source protection plans. https://www.ontario.ca/laws/statute/06c22 https://www.tsb.gc.ca/eng/rapports-reports/rail/2015/r15h0021/r15h0021.html*

8 *Transportation Safety Board of Canada. 2016. Railway Investigation Report R15H0021: Main-Track Train Derailment, Canadian National Railway, Train U70451-02, Mile 88.70, Ruel Subdivision,*

Gogama, Ontario, 7 March 2015. https://www.tsb.gc.ca/eng/rapports-reports/rail/2015/r15h0021/r15h0021.html

9 *Sudbury.com. "Dirty soil from Gogama derailment dumped in Cartier." 2015. https://www.sudbury.com/local-news/dirty-soil-from-gogama-derailment-dumped-in-cartier-255386*

10 *CBC News. "CN billed $350K by province for environmental clean-up of Gogama derailment sites." CBC Sudbury, 2015. https://www.cbc.ca/news/canada/sudbury/cn-rail-bill-gogama-1.3355417*

11 *CBC News. "CN derailment crews vacuum bottom of river near Gogama to remove oil." CBC Sudbury, 2015. https://www.cbc.ca/news/canada/sudbury/cn-gogama-derailment-clean-up-shifts-to-river-bottom-1.3218036*

12 *Global News. "First Nation sues CN Rail over Gogama, Ont., oil spills." 2017. https://globalnews.ca/news/3669292/first-nation-sues-cn-rail-over-gogama-ont-oil-spills/*

13 *Ontario Ministry of the Environment, Conservation and Parks. 2023. Ontario Provincial Climate Change Impact Assessment (OCCIA 2023). Technical Report, November 2023. https://www.ontario.ca/page/ontario-provincial-climate-change-impact-assessment*

14 *Haida Nation v. British Columbia (Minister of Forests), [2004] 3 SCR 511, para 35 (duty to consult triggered by Crown's knowledge of potential Aboriginal right and contemplated adverse conduct).*

15 *United Nations Declaration on the Rights of Indigenous Peoples Act, SC 2021, c 14. https://laws-lois.justice.gc.ca/eng/acts/U-1.3/*

16 *United Nations Declaration on the Rights of Indigenous Peoples, Article 32. General Assembly Resolution 61/295, September 13, 2007. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf*

17 *Ontario, Provincial Fish Strategy: Fish for the Future, pp. 3-5, Ontario Ministry of Natural Resources and Forestry. Ontario reports 1.5 million anglers fish in the province each year, spending approximately $1.75 billion annually, supporting approximately 1,600 resource-based tourism businesses, with commercial fisheries contributing over $230 million annually. https://www.ontario.ca/page/ontarios-provincial-fish-strategy*

18 *Rutgers, J.-S., "Nature makes Canada a whole lotta money. We've got the charts to prove it," The Narwhal, May 8, 2026, citing the Government of Canada 2026 Nature Strategy (ecosystem services valued at $3.6 trillion; carbon in protected areas valued at $20.7 trillion) and Canadian Parks and Wilderness Society analysis (2024). https://thenarwhal.ca/canada-conservation-economy-in-charts/*