



Ontario
Home Builders' Association

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Juwairia Obaid
Ministry of the Environment, Conservation and Parks
Environmental Assessment and Permissions Division
135 St. Clair Avenue West
Toronto, ON M4V 1P5

Re: Proposed amendments to regulations made under the EPA and OWRA to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities
ERO Registry Number: 019-2525

OHBA is supportive of the *Made-in-Ontario Environment Plan* and the *Housing Supply Action Plan*. A key component of both these plans is to modernize and streamline environmental approvals. OHBA has been actively engaged with the MECP's modernization efforts and have submitted recommendations supporting the *Made in Ontario Environment Plan* and have responded directly to a number of ERO postings and regulatory consultations to different components of the *Made in Ontario Environment Plan*.

OHBA was previously consulted with and involved in efforts half a decade ago by the MOECC regarding the implementation of an Environmental Activity and Sector Registry (EASR) that requires people to register certain activities with the Ministry. At the time OHBA was very supportive of the Ministry's work to implement a risk-based environmental approvals program. OHBA supported the Technical Discussion Paper (EBR 012-0580) in 2015 on short-term, non-recurring water taking activities and moving specific short-term, non-recurring water taking activities from the Permit To Take Water (PTTW) process under the *Ontario Water Resources Act* to the self-registration process on the EASR. OHBA believes the current proposal by the MECP is another positive step to further reduce the regulatory burden on low risk short term water takings. Furthermore, OHBA notes environmental protections remain strong with the current proposal as activities must still abide by EASR requirements to protect the public and the environment.

At part of the current 019-2525 proposal, MECP is proposing changes that would move low-risk, short-term water taking activities, such as pumping tests, to a more flexible approval process to allow businesses to begin operations faster and ensure that Ontario's water resources continue to be safeguarded in accordance with the province's strict environmental standards. OHBA is broadly supportive of this approach. OHBA is also broadly supportive of modifying existing EASR requirements related to construction site dewatering and road construction to remove certain restrictions that do not further environmental outcomes and create undue burden for businesses and individuals.

OHBA is however specifically concerned with a proposed requirement which we believe is onerous and we question whether it is even achievable. OHBA is specifically concerned regarding:

-) Under the “Proposed Modifications to Regulatory Requirements for Construction Site Dewatering” heading on Page 8 - it is proposed to change the discharge criteria to mandate an absolute limit of 25 mg/l for total suspended solids (TSS) or turbidity of 8 NTU for all discharges regardless of the distance between the discharge point and the watercourse.
-) The current regulations provide a range of 8 NTU above the background level of the nearest water body which is more reasonable given the natural fluctuations in watercourses following precipitation/melt events. Further, TSS levels are not able to be practically measured in the field and so by not allowing a relationship to be determined between TSS and turbidity at any given site, one would be unable to demonstrate compliance with the absolute limit of 25 mg/l for TSS.

OHBA is supportive of a number of components of the proposal and wishes to highlight a number of specific items for which we believe will achieve positive outcomes:

-) The proposal to allow for discrete ‘dewatering pits’ within a single large site where each dewatering location (say, a tunnel shafts, or SWM ponds) could operate within the 400,000 l/day EASR water taking limit whereas the regulations now state that each pit needs to be counted towards the total EASR limit.
-) While this proposed amendment is definitely a positive step; OHBA would further recommend removal of the EASR process entirely for construction site and road construction up to 400,000 l/day. This proposed additional step would provide a more flexible approval process that would save both municipalities and developers time and money, while ensuring Ontario’s water resources continue to be safeguarded in accordance with the province’s strict environmental standards.
-) The EASR water taking limits are now proposed to only include groundwater, not surface water. Any surface water that makes its way into the dewatering area would still need to be treated in the same manner as the groundwater but would not count towards the overall EASR water taking limits.
-) The proposed regulatory modifications would expand the eligibility criteria such that surface water taking activities related to the construction, maintenance or repair of public transit projects such as Light Rail Transit would be eligible for registration on the Environmental Activity and Sector Registry. OHBA supports the proposal as it would expedite and streamline the approvals process for the construction of critical transit infrastructure and support new housing supply in transit-oriented communities.
-) The ministry is proposing to expand the current regulatory exemption related to diversions. The current restrictions related to construction methods would be removed so that all construction methods (i.e. open-cut trench techniques) would be eligible for exemption. OHBA is supportive of this expansion.
-) A proposed amendment includes short term pumping tests of up to 7 days and 3,000,000 L/day. As an example, an OHBA member company noted that in almost every dewatering case they advocate to complete a pumping test so that they have accurate measurements of the aquifer parameters before filing for a PTTW. This way the in the example the member company cited, they are able to avoid filing for a large volume # to pump, only to end up pumping low volumes and having their clients think they were incorrect in their assessment.
-) EASR offer immediate registration of prescribed activity, which eliminates the 90-day PTTW review period. Furthermore, eligible activities no longer need a sewage ECA for the prescribed activity. OHBA is supportive of these regulatory burden reductions.
-) OHBA appreciates efforts to clarify EASR requirements and the flexibility for proponents to allow persons/contractors to register instead of the owner.
-) OHBA also supports additional flexibility to allow brief non-routine operation such as increased discharge after a storm event.

In closing, OHBA strongly believes that there continue to be opportunities for the province to streamline Ontario's environmental approvals processed to ensure that Ontario is open for business while balancing environmental protections. OHBA has previously recommended that the MECP modernize approvals processes by taking a risk-based approach, eliminate duplication, improve customer service, eliminate regulations or take a rules-in-regulation approach to low-risk activities. A modernized risk-based approvals process will make it easier and more affordable to live and conduct business in Ontario while protecting people and resources. OHBA believes we can maintain the integrity of the approvals process, while finding efficiencies in process.

On behalf of our 4,000 member companies organized into a network of 27 local home builders' associations across Ontario, OHBA appreciates the opportunity to provide the provincial government with our feedback and recommendations for short-term water takings. OHBA would be pleased to meet directly with MECP officials to discuss and provide examples of our specific concern and why we believe such a requirement may not be achievable. OHBA looks forward to continuing to work with the MECP to reduce the administrative burden, impacting the timely construction of basic infrastructure.

Sincerely,



Michael Collins-Williams, MCIP, RPP
Senior Director, Planning & Policy
Ontario Home Builders' Association

c. Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks