



Ontario
Home Builders'
Association

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March 28th, 2022

Mr. John Antoszek
Ministry of Environment Conservation and Parks
Water Standards
40 St. Clair Avenue West, 9th Floor
Toronto ON M4V1M2

Dear Mr. Antoszek:

RE: Proposed Low Impact Development Stormwater Management Guidance Manual (ERO # 019-4971)

The Ontario Home Builders' Association (OHBA) is pleased to provide the *Ministry of the Environment, Conservation and Parks (MECP)* with comments in response to the final draft of the proposed Low Impact Development (LID) Stormwater Management Guidance Manual recently posted on the *Environmental Registry of Ontario ERO # 019-4971*. The OHBA understands that the proposed guidance manual is being considered by the *MECP* to assist municipalities, property owners, planners, the development industry, and others to manage rainfall, to reduce risks due to flooding, and to increase resiliency to climate change.

We recognize and appreciate the Ministry's involvement of the OHBA in the review and implementation of the LID Guideline to date and your incorporation of our previous comments. The OHBA has been supportive of measures and initiatives implemented by the *MECP* and its commitment to ensure water resources and ecosystems are safeguarded for future generations. The OHBA feels that the information provided in the proposed guide will be useful to its members in the application of innovative practices and technologies where feasible for practical low impact development practices. Further, the OHBA understands that the proposed guidance manual does not contain any mandatory requirements and that there are no intentions of your Ministry to alter or change that position.

Following review of the final draft of the guidance manual, the OHBA has formulated its remaining comments indicated below.

- The intention of the document is still not clearly identified. The wording included in the *ERO* posting should be added to the Prefix of the document, which clearly outlines the fact that this is a guidance manual to inform SWM design and not a policy or mandatory requirements to the effect that 'The draft guidance manual does not contain mandatory requirements.'
- Section 1.8.1.1 – Bullet # 9 – OHBA recommends adding "Municipal Right-of-Way and Buffers" to the list of dual land use examples. There are many municipalities that do not allow LIDs within their rights-of-way, and municipalities/Conservation Authorities that do not allow the use of environmental buffers can create a significant constraint to a successful LID implementation program. This needs to be recognized.



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- Section 2.2 – The prior drafts of the LID manual included wording that was discussed and agreed to during the working sessions to clearly identify that SWM targets developed as part of SWM studies may supersede the SWM targets in the manual. The current draft has softened this wording to say “...however, locally developed targets for SWM informed by plans or studies ... may be used as alternatives, provided they achieve the key SWM objectives identified in Section 1.3.”

This updated wording defeats the purpose of the agreed upon approach. The OHBA agrees that the reference to the objectives identified in Section 1.3 are appropriate, based on the 2003 SWM guideline. Since this LID manual is a guide for the use of LIDs and not a mandated document, we request that the wording be revised as follows:

‘Proponents are encouraged to use the Runoff Volume Control Target guidance outlined in Chapter 3 of this manual, however locally developed targets for stormwater management informed by plans or studies, such as watershed and subwatershed plans, stormwater master plans, environmental management plans and master servicing plans supersede the stormwater management targets described within this manual, provided they achieve the key stormwater management objectives identified in Section 1.3.’

- Section 3.2.5 – This item was not addressed within the new draft wording. One of the most significant restrictions for the implementation of LIDs found in practice, is the reluctance of municipalities to accept them in both public and private locations. This significant constraint must be acknowledged within the LID Manual. OHBA recommends adding the following constraint to this list of constraints: “Municipal design criteria or requirements.”

Significant time and costs have been incurred by the industry due to the conflicting emphasis on the implementation of LIDs by the MECP and Conservation Authorities and the allowable practices of individual municipalities. Acknowledgement of the design criteria or policies of municipalities related to LIDs as a constraint will confirm the hierarchy of implementation of LID opportunities and will avoid these delays and costs. Establishing the allowable LID practices within any specific municipality is the most critical pre-consultation item to ensure an efficient implementation of the SWM scheme.



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- Section 6.0 – Climate Change – OHBA continues to recommend that this section should be a stand-alone document since it is a separate category of its own. The Climate Change document can be used for other purposes than just LID implementation and it may be subject to independent updates in the future.

The OHBA is encouraged by the various initiatives recently introduced by the *MECP* to facilitate development and streamline all processes in place. As the proposed guide is a work in progress, OHBA would appreciate the opportunity to review the guidance manual prior to finalization. The OHBA appreciates the opportunity to provide comments regarding the *ERO # 019-4971* posting.