



March 10, 2022

Shannon Boland
Divisional Compliance Branch
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Re: Conservation Ontario's Comments on "Expanding administrative penalties for environmental contraventions" (ERO# 019-4108)

Thank you for the opportunity to provide comment on "Expanding administrative penalties for environmental contraventions". Conservation Ontario (CO) is the network of Ontario's 36 conservation authorities (CAs). CO appreciated the opportunity to participate in online consultations related to this proposal on February 15th. Comments shared through this consultation are not intended to limit comments received directly from CAs.

It is understood that this consultation is further to legislative amendments that were made as part of omnibus legislation to enable administrative penalties to be issued for contraventions for the following acts: *Environmental Protection Act*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act* and the *Safe Drinking Water Act*. An administrative penalty is a monetary penalty that can be imposed on individuals or corporations who do not comply with a law or a regulation. The current proposal is to create a regulation under each of these acts which would set out the contraventions for which an administrative penalty order may apply. In addition, the Ministry is proposing to update its compliance policy to incorporate the proposed administrative penalties. Conservation Ontario provided comments to MECP on their draft compliance policy in July, 2021.

Conservation authorities are involved in compliance as it relates to S. 28 (development permitting) and S. 29 (conservation areas) of the *Conservation Authorities Act* and similarly focus their compliance efforts where the potential risk is highest. Being local, watershed-based agencies conservation authorities are often the first point of contact of the public for any environmental concerns.

Conservation authorities are supportive of the proposal to introduce additional compliance tools for the management of environmental infractions. Money collected through these penalties would be directed to the Ontario Community Environment Fund and it is acknowledged that conservation authorities and their foundations are currently eligible recipients of grants from that fund. Conservation authorities frequently work with their municipal partners in the management of illegal filling operations. Proposed regulations made under the *Environmental Protection Act* to enable administrative penalties to address filling operations are particularly appreciated.

Conservation authorities are supportive of efforts to hold offenders accountable in a cost-effective manner, with less burden on courts and taxpayers. As part of its modernization of compliance

approaches under MECP's purview, Conservation Ontario respectfully requests that MECP consider additional opportunities to modernize compliance tools under the *Conservation Authorities Act*, including the ability to issue administrative penalties. In Conservation Ontario's response to the Phase 1 Regulatory proposals made under the *Conservation Authorities Act* in June, 2021 a recommendation was made to the province to establish a working group of enforcement staff from conservation authorities, municipalities and the province to examine CA compliance tools and to make recommendations for improvement, including better alignment between the tools available to municipalities and conservation authorities. This working group could also consider the expansion of administrative penalties for use by conservation authorities.

Once again, thank you for the opportunity to provide comments on this proposal. Should you have any questions about this letter, please contact me at extension 226.

Sincerely,



Leslie Rich
Policy and Planning Specialist

c.c. All CA CAOs/GMs
Jeff Hudebine, Director, Divisional Compliance Branch (MECP)
Kirsten Corrigan, Director, Conservation and Source Protection (MECP)
Debbie Scanlon, Manager, Conservation Authority Office (MECP)
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