



Permissions Modernization Team  
Ministry of the Environment, Conservation and Parks  
Client Services and Permissions Branch  
135 St. Clair Avenue West  
Toronto Ontario, M4V 1P5

October 30, 2023

**Re:** Conservation Ontario's comments on "Streamlining permissions for water takings for construction site dewatering activities and foundation drains" (ERO#019-6853)

Thank you for the opportunity to comment on "Streamlining permissions for water takings for construction site dewatering activities and foundation drains" (ERO#019-6853). Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies, whose mandatory programs and services includes a variety of responsibilities and functions related to water resources including natural hazard management (e.g., drought and low water response), and Drinking Water Source Protection.

Water resources in Ontario must be appropriately managed and protected using a multi-barrier approach to ensure current and future water needs are met. The Ministry is proposing to streamline permissions for water takings related to construction site dewatering and residential foundation drainage. Conservation Ontario is concerned by the proposed shift from comprehensive Ministry reviews of Permit To Take Water (PTTW) applications to greater self-registration on the EASR or outright exemptions for certain water takings. Conservation Ontario acknowledges that, in the case of EASR registrations, the self-registration rules provided in O. Reg. 63/16 would continue to apply to water takings associated with construction site dewatering of greater than 50,000 litres per day, and the Ministry would retain the ability to audit the EASR and inspect registered activities for compliance. However, we are concerned that this proposed shift in process may not include sufficient provincial oversight nor consider the full range of significant

environmental factors to ensure water takings are managed responsibly and consistently across the province.

Water takings in relation to one or more dewatered work areas within a construction site must avoid impacts to natural hazards (drought) and sources of drinking water, as well as cumulative impacts. Conservation Ontario is concerned that concurrent EASR registrations for water takings coupled with a reduction in direct provincial oversight (i.e., review of PTTW applications) may place stress on available water resources, exacerbate cumulative impacts on the environment and water supply, and potentially negatively impact other water users (e.g., local communities on private water servicing). To address some of these potential impacts, Conservation Ontario recommends that the current regulatory framework be maintained for water takings proposed in water-quantity stressed areas as defined in Attachment 1.

Lastly, the proposal would remove the current requirement to notify the local Conservation Authority of a water taking (subsections 4.1(1)(8)(ii) and 9.1(2)(13)(ii) of O. Reg. 63/16). Conservation Ontario strongly recommends that notification of water takings to CAs (per O. Reg. 63/16) be maintained. This notification directly supports the delivery of CA mandatory programs and services as provided in O. Reg. 686/21, including natural hazard protection, drought and low water response, and drinking water source protection. Notification of proposed water takings ensures CAs can effectively manage potential impacts in areas regulated by CAs (e.g., activities contributing to drought or low water conditions), understand current water quantity stressors within their watershed jurisdiction, and use details of the water taking(s) to inform CA flood modelling.

Thank you for the opportunity to provide comments on “Streamlining permissions for water takings for construction site dewatering activities and foundation drains” (ERO#019-6853). Additional comments are provided in Attachment 1 to this letter. Please contact the undersigned should you have any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Nicholas Fischer". The signature is written in a cursive, flowing style.

Nicholas Fischer  
Policy and Planning Liaison

1 Attachment: Detailed Comments

c.c: All Conservation Authority CAOs/GMs

**Attachment 1:**

Detailed Conservation Ontario Comments on “Streamlining permissions for water takings for construction site dewatering activities and foundation drains” (ERO#019-6853)

<b>Proposed Amendments</b>	<b>Conservation Ontario Comments</b>
<p>Removing the Water Taking Limit of 400,000 litres per day (Construction Site Dewatering)</p>	<ul style="list-style-type: none"> <li>• Conservation Ontario is concerned that the removal of the volumetric limit of 400,000 litres per day for water takings within a dewatered work area will have negative impacts to the natural hazards (drought) and sources of drinking water due to potential cumulative impacts associated with multiple water takings in an area.</li> <li>• Given the increased prevalence of drought and low-water declarations across Ontario, which are exacerbated by the impacts of climate change, the removal of the volumetric limit may further increase the risk of these events.</li> <li>• To ensure water takings do not put undue pressure on the water resource system, it is recommended that the current regulatory framework be maintained for water takings proposed in water-quantity stressed areas. Stressed areas would be defined as any approved Wellhead Protection Areas Quantity (WHPA-Q) delineated as a result of a Tier 3 Water Quantity study under the Clean Water Act, or where a Director has determined that a ground or surface water source is under stress pursuant to subsection 4(5) of O. Reg. 387/04 under the Ontario Water Resources Act.</li> <li>• Should the Ministry proceed with a streamlined review process, at a minimum, water takings proposed in water-quantity stressed areas must be appropriately screened to consider potential cumulative impacts, including those outside of any overlapping areas of influence. When proposing to undertake such activities, it is recommended that the location of sensitive features and watershed boundaries be considered.</li> <li>• For discharge associated with these activities, it is recommended that discharge location should be in proximity to water taking locations (within the same watershed) to ensure that sensitive features that rely</li> </ul>

Proposed Amendments	Conservation Ontario Comments
	<p>on the water are not adversely affected by the water taking. Consideration to significant groundwater recharge areas should also be given to avoid potential impacts on ground water quality via discharge.</p>
<p>Removing the Requirement to Notify Conservation Authorities of Water Takings</p>	<ul style="list-style-type: none"> <li>• When providing rationale for this proposed change at the September 19 and 21, 2023 Information Sessions, the Ministry referenced recent amendments to the <i>Conservation Authorities Act</i>, specifically, restrictions for CAs to provide municipal or other programs or services within its jurisdiction related to “reviewing and commenting on a proposal, application or other matter made under a prescribed Act” (sections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act). A listing of “prescribed acts” is provided in O. Reg. 596/22, which includes the Environmental Protection Act.</li> <li>• The current requirement to notify a Conservation Authority on a proposed water taking which is intended to continue for more than 365 days is unrelated to the prohibitions under sections 21.1.1 (1.1) and 21.1.2 (1.1) of the CAA. Notification to CAs on matters which may impact CA program and service delivery is not prohibited under the Act.</li> </ul>
<p>Exemptions for Residential Foundation Drainage Systems</p>	<ul style="list-style-type: none"> <li>• Conservation Ontario is concerned with reducing provincial oversight for water takings associated with residential foundation drainage systems (up to 379,000 litres of water per day). By exempting these water takings from requiring a PTTW or registration on the EASR for the lifetime of the building, the takings may create or exacerbate existing water quality and quantity concerns in the zone of influence.</li> <li>• Based on the proposal, it is unclear as to what agency would be responsible for ensuring that there are no adverse impacts on groundwater from potential contaminant migration, discharge of contaminants into surface water bodies, or assessment of cumulative impacts.</li> <li>• Without proper Ministry oversight and monitoring, it is uncertain whether storm sewers will be</li> </ul>

Proposed Amendments	Conservation Ontario Comments
	<p>adequately sized should the foundation control drainage (FCD) discharge to the storm sewer. In a significant groundwater recharge area or an ecologically significant groundwater recharge area, the quality and quantity of the groundwater may be negatively impacted due to the extraction of groundwater through the FCD.</p> <ul style="list-style-type: none"> <li>• Should the Province decide to proceed with this proposal, Conservation Ontario recommends specific monitoring requirements be established for proponents. Such requirements would require proponents to evaluate and report on potential negative impacts on water users, the environment, and drinking water sources. This information should be utilized to determine whether this exemption is appropriate on a go-forward basis.</li> </ul>