



February 2, 2026

Permissions Modernization Team
Client Services and Permissions Branch
135 St. Clair Avenue West, Floor 1
Toronto, ON
M4V 1P5
Canada

Re: Conservation Ontario's comments on "Exempting low-risk activities from requiring environmental permissions" (ERO# 025-1361)

Conservation Ontario is the voice of Ontario's 36 Conservation Authorities (CAs). We offer the following comments further to CA mandatory programs and services, including drinking water source protection and natural hazard management. These comments are not intended to limit comments submitted individually by CAs on this proposal.

The Ministry of the Environment, Conservation and Parks (MECP) is proposing to exempt certain activities within the categories of sewage works, waste activities, water taking activities and air and noise emissions. The proposal would remove the requirement for proponents to obtain ministry-reviewed permissions such as Environmental Compliance Approvals (ECAs) and Permits to Take Water (PTTWs), nor would these activities to be registered on the Environmental Activity and Sector Registry (EASR). Based upon the Ministry of Environment, Conservation and Parks' (MECP) review, these activities are characterized as low risk or as being managed through other approvals, including municipal approvals.

Conservation Ontario offers the following commentary to support the exploration of streamlining opportunities while remaining attentive to potential environmental and economic impacts, including to natural hazards and the safeguarding of the quality and quantity of drinking water sources of Ontario's communities.

Conservation Ontario recommends that the Province continues to manage the activities that are significant drinking water threats under the *Clean Water Act* using at minimum an EASR or to allow other tools to manage threats through the *Clean Water Act*.

Under subsection 51 of the *Clean Water Act* the Province is responsible for the enforcement of the activities prescribed under O. Reg. 287/07. If the activity is a significant drinking water threat, and these changes proceed, consequential amendments will be required to Source Protection Plans as well as O. Reg. 287/07. These threats still need to be managed, which may result in an increase in the overall number of Risk Management Plans. Municipalities vary vastly in capacity and priorities, and therefore, it cannot be assumed that municipal approval processes can take the place of provincial approvals in all cases.

Conservation Ontario offers the following detailed comments on select aspects of the proposal.

The MECP is proposing amendments to *Ontario Regulation 525/98 (Approval Exemptions)* under the *Ontario Water Resources Act (OWRA)* to exempt proponents from requiring an ECA or EASR registration for select sewage and stormwater works.

Private Sewers: In considering exemptions for private sewers, it is recommended that proponents be required to consult the local municipality to confirm that the receiving system has the capacity to handle the conveyed wastewater and any additional requirements under municipal sewer use bylaws.

Temporary Stormwater Management Works: Conservation Ontario is supportive of ensuring that “temporary stormwater works related to construction projects” would be required to have erosion and sediment control measures in place to manage discharges into the natural environment. The MECP must retain the ability to inspect and, where appropriate, enforce these requirements for construction projects to ensure these measures are effective. Further, it would be prudent to identify the length of time during which an activity could be considered “temporary”. Temporary stormwater works still have the potential to become drinking water threats or to overwhelm receiving water bodies, increasing the risk of localized flooding and erosion.

Replacement of Existing Storm Sewer: Further to the proposal to exempt the replacement of an existing storm sewer with a new sewer with “similar dimensions”, Conservation Ontario recommends this be amended to be the “same” sizing (i.e., “like-for-like”). Where variances from the existing dimensions are proposed, additional guidance could supplement what minor improvements could be permitted within this framework, where identified and verified by a qualified professional to ensure the sewage works have been adequately designed.

Discharge to Conveyance Ditch: Further to the proposal to expand existing exemptions regarding the discharge from stormwater management works servicing one or more parcels of non-industrial land, Conservation Ontario recommends a requirement be in

place to ensure that the conveyance ditch has adequate capacity to prevent localized flooding and an appropriate treatment plan prior to allowing an exemption for discharging stormwater.

Conveyance ditches must not be used to discharge untreated stormwater into watercourses which can be sources of drinking water.

The MECP is proposing amendments to *Ontario Regulation 347 (General – Waste Management)* under the *Environmental Protection Act* for select waste activities, including small-scale community composting facilities.

As outlined in the supporting information, the proposed exemption for small-scale community composting facilities would require a best management plan to be developed to meet specified requirements, including odor and pest management. Conservation Ontario recommends clarifying who would be responsible for reviewing the best management plans, and that requirements be considered to ensure these plans are created and reviewed with an objective of protecting sources of drinking water.

Further, Conservation Ontario recommends that a requirement for an exemption includes not locating the facility in a vulnerable area, as defined by the *Clean Water Act*.

The MECP is proposing amendments to *Ontario Regulation 387/04 (Water Taking and Transfer)* under the *Ontario Water Resources Act* to exempt proponents from requiring a permit to take water (PTTW) for select water taking activities.

Conservation Ontario provided comments on the initial proposal to exempt proponents from obtaining a PTTW for select water takings associated with residential foundation drainage systems. At the time, Conservation Ontario recommended specific monitoring requirements be established to ensure potential negative impacts were documented and used to assess the appropriateness of the exemption.

With the expansion of this exemption to include all foundation drainage systems, the proposal has the potential to generate additional negative impacts to natural hazards (drought) and sources of drinking water, particularly due to potential cumulative impacts associated with multiple water takings in an area. This proposal could impact both municipal and private sources of drinking water, potentially exacerbating existing water quality and quantity concerns in the zone of influence. Exemptions for these types of projects also have the potential to impact water budgets, which are critical for our understanding of available water quantity. Without adequate data on water takings, Source

Protection Authorities may be hampered in their ability to appropriately forecast water availability.

Thank you for the opportunity to review and provide comments on "Exempting low-risk activities from requiring environmental permissions" (ERO# 025-1361). We would be pleased to discuss these comments at your convenience.

Sincerely,

Leslie Rich

Leslie Rich
Manager, Source Water Protection

Nicholas Fischer

Nicholas Fischer
Policy and Planning Specialist

c.c. All CA CAOs/GMs