



November 9, 2020

Dr. George Jacoub, P.Eng.
Water Research Scientist- Hydrologist, Source Protection Programs Branch, Land and Water Division
Ontario Ministry of the Environment, Conservation and Parks
40 St. Clair Ave. W. 14th Floor
Toronto, ON M4V 1M2
George.Jacoub@ontario.ca

Re: ERO 019-2219 - Proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act, 2006

Dear Mr. Jacoub,

Thank you for the opportunity to comment on the proposed amendments to the Director's Technical Rules made under section 107 of the Clean Water Act. As the voice for Ontario's 3,500 fruit and vegetable farmers on issues affecting the horticulture sector, the Ontario Fruit and Vegetable Growers' Association (OFVGA) is pleased to provide comments on the proposal.

Given the technical complexity, sheer length of the proposed technical rules document and lack of clarity in the consultation posting of what is proposed to change, it has been a challenge to assess the extent to which the changes will impact the fruit and vegetable sector. A regulatory impact assessment and more in-depth consultation with stakeholders would improve the process and in turn, improve our ability to comment on the proposal. The OFVGA requests additional efforts by MECP to help stakeholders improve their understanding and impacts of the proposed changes.

However, based on our current understanding of the proposal, the OFVGA is offering the following comments:

- It appears that greenhouses are proposed to be treated the same as industrial and commercial facilities. The OFVGA strongly opposes the treatment of greenhouse farms as an industrial or commercial operation given their role in food production. Greenhouses must continue to be designated as agriculture. Greenhouses are constructed on agriculturally zoned lands and are firmly entrenched in the Ontario Ministry of Agriculture and Rural Affairs' *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*.
- There is concern that the proposal creates conflict with other existing processes and prescribed criteria. For example, Section 15.1(4) gives the Source Protection Committees (SPC) the authority to use an alternate method or approach, and Section 55.1 whereby SPCs have the ability to reclassify an intake or planned intake. The existing processes and criteria for these sections are already clearly prescribed and allowing changes may be problematic. More information is required before the OFVGA can support these proposed changes.
- The Handling and Storage of Commercial Fertilizer table is unclear in how the requirements would be applied, or which operations it would impact as the previous focus was solely on fertilizer retail



sale or fertilizer manufacturing operations. More information is required before the OFVGA can support the proposed change.

- The outcome of proposed changes may put previously acceptable circumstances out of compliance, such as on-farm fuel storage in certain protection zones. As such, the OFVGA requests that those impacted by such changes have access to funding to offset the cost. One possible means would be the Ontario Drinking Water Stewardship Program, which is established by Section 97 of the *Clean Water Act*, with the purpose of providing financial assistance to persons whose activities or properties are affected by the act.

While we have noted the above issues with the proposal, the OFVGA remains concerned that due to the approach for this consultation, that there are significant proposed changes that we have not noted. As such, we request additional consultation before amendments are made to the Director's Technical Rules.

Thank you again for the opportunity to comment. We look forward to further discussion on the proposal at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan VanderHout".

Jan VanderHout
Chair, OFVGA Environment and Conservation Section

cc: Minister Yurek, Minister of Environment, Conservation and Parks
Honourable Ernie Hardeman, Minister of Agriculture, Food & Rural Affairs