



February 7, 2020

Ms. Sara Peckford
Food Safety and Environmental Policy Branch
Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West, Guelph, Ontario
N1G 4Y2
Via email: Sara.Peckford@ontario.ca

RE: Environmental Registry of Ontario posting 019-2814 Drainage Act Regulatory Proposal

Dear Ms. Peckford,

The Ontario Fruit and Vegetable Growers' Association (OFVGA) is the voice for over 3,500 farms that grow fruits and vegetables on almost 250,000 acres of land in Ontario. The OFVGA welcomes this opportunity to provide comments on the Drainage Act Regulatory Proposal: ERO 019-2814.

Ontario's municipal drains contribute to the efficient production of fruits and vegetables on a wide variety of land types across the province. Initiatives that streamline processes under the Drainage Act, which will lead to reduced costs and more timely drainage projects and maintenance, are welcomed by OFVGA's members.

The OFVGA is in favour of both the simplified process for minor improvements and updating Engineer's Reports for changes made during construction. We recommend that another use of the simplified process for the Engineer's Reports could be for addressing the often substantial changes to the lot fabric in a portion of a drainage area arising from urban encroachment onto neighbouring agricultural lands. For example, where once there might have been farmland, there are now subdivisions with homes, parks, streets and shops. These new land uses will be assessed for future maintenance and repairs. It is not fair to assess farmers for addressing the accelerated runoff from urban development. Adjusting the assessment schedule to reflect these changes would be a substantial improvement and using the simplified engineers report process may be the most efficient approach.

The OFVGA is in favour of the adoption of technical protocols by reference in regulation, ensuring that compliance with the Drainage Act & Section 28 Regulations Team (DART) protocols are no longer voluntary. We do however recognize the need to update the DART protocol. Suggested updates are related to the amendments to the *Conservation Authorities Act* (Section 28) and the forthcoming definitions of terms such as "development activity", "watercourse" and "wetland".



Further protocols to develop in consultation with stakeholders include: Protocols for municipal drains constructed by petition (section 4-10 of the Drainage Act), and protocols for improvements to existing municipal drains upon examination and report of an engineer (Section on 78 of the Act). Protocols could also be considered for examining minor improvements for environmental performance that reduce the frequency of maintenance and/or repairs, thereby having both economic benefits along with enhancing the drain's environmental performance. For example, sediment traps within the drain, and/or grassed buffer strips at the top of banks. These minor environmental performance improvements do not meet the criteria listed for the proposed new minor improvement process as they may involve multiple properties and warrant shared construction costs. If such a protocol is developed, it would need to include a process for ensuring agreement by all users for the enhancements and how to share costs and potential longer-term savings.

Although not directly related to the posting, The OFVGA would like to see a review of the timelines for emergency maintenance. It is common for maintenance issues to arise suddenly and without immediate attention can cause flooding and subsequently impact land productivity.

The OFVGA would like to thank the Ontario Ministry of Agriculture, Food and Rural Affairs for allowing this opportunity to comment on its Drainage Act Regulatory Proposal. We are available to discuss further should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brian H. Gilroy".

Brian Gilroy
Chair, Energy, Property, and Infrastructure Section

Cc:

The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs