

December 8, 2021

Juwairia Obaid
Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St Clair Ave W,
Toronto, ON
M4V 1P5
Sent via email to: Juwairia.obaid@ontario.ca
and submitted online via Environmental Registry of Ontario (ERO)

Dear Juwairia Obaid,

Re: ERO# 019-4456 - Amendments to exempt low risk sewage works from requiring an Environmental Compliance Approval

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

While the agricultural community remains in favour of initiatives to reduce red tape and business modernization, OFA has concerns with aspects of this consultation.

Low impact development (LID) works located on single private residences

This consultation is proposing to “*exempt LIDs located on single private residences from requiring an ECA. The remaining stormwater management works located at the housing development site would continue to require an ECA.*” The concern with this is that currently the individual homeowner is bound to the conditions of the Environmental Compliance Approval. If this condition is removed, what recourse will neighbours have if they or their property are negatively impacted as a result of the homeowner not maintaining or ensuring functionality of the LID? There must be a means of recourse for neighbours negatively impacted by a failed LID that does not default to the courts.

Construction site dewatering

We continue to have concerns regarding streamlined proposals with construction site dewatering. While the proposal does state “*Under the requirements of the proposed exemption, proponents would be required to implement any necessary measures to ensure that water quantity and quality are not affected upstream or downstream of the work area and that the discharge does not cause an adverse impact.*” Unfortunately, examples exist of substantial interference with agricultural wells and water sources caused by construction dewatering. We are concerned that decreasing

the scrutiny on construction site dewatering proposals will only exacerbate the already existing problems. Will these requirements be made an enforceable standard condition on the Permit to Take Water that is issued for the project? What recourse will be available to a landowner who experiences interference to their water quality or quantity? A loss of water to wells and water sources due to these activities can result in a lack of drinking water for livestock and potential crop losses, not to mention impacts on personal / household uses.

Finally, additional thought needs to be put into defining low risk sewage works and the thresholds as currently legislated. Currently, the need for an Environmental Compliance Approval is triggered when a sewage works has a design capacity of 10,000 litres per day or greater. However, this threshold does not take into consideration the size of the land parcel that sewage works is servicing. A 10,000 litres per day sewage works (i.e., septic system) is treated the same regardless of it is on a one-acre property or a 100-acre property. However, the potential environmental consequences of a failure of such a system on a one-acre property are significantly more substantial than those of a 100-acre property. Similarly, five adjacent one-acre properties could have sewage works at 9,999 litres per day without requiring an ECA. This would mean five acres of property could manage 49,995 litres per day of septage without an ECA but a 10,000 litres per day system on one hundred acres would require an ECA. It is important to also recognize that obtaining an ECA can be very costly and time consuming. This is a costly inequity that farmers are currently facing across the province, and it needs to be addressed.

We trust our opinions and recommendations will be given due consideration in this consultation. OFA remains available to provide clarification regarding our concerns.

Sincerely,



Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors