

Ontario Sewer and Watermain Construction Association



OSWCA Submission to the Ministry of Environment, Conservation and Parks' Proposed Amendments to Regulations under the *Environmental Protections Act* and the *Ontario Water Resources Act* to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities

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Submitted via email to: Juwairia.obaid@ontario.ca

Ms. Juwairia Obaid
Senior Program Advisor
Ministry of the Environment, Conservation, and Parks
Policy and Program Development, Client Services and Permissions Branch
135 St Clair Avenue West
Toronto, ON M4V 1P5

Re: OSWCA Submission to the Ministry of Environment, Conservation and Parks' Proposed Amendments to Regulations under the *Environmental Protections Act* and the *Ontario Water Resources Act* to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities

On behalf of our members, the Ontario Sewer and Watermain Construction Association (OSWCA) would like to provide the following comments on the Ministry of Environment, Conservation and Parks' (MECP) *Proposed Amendments to Regulations under the Environmental Protections Act and the Ontario Water Resources Act to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities*.

OSWCA appreciates the efforts being made by the MECP to further streamline the permit to take water (PTTW) approvals process, particularly the changes being proposed for construction site dewatering. The move to place low-risk construction dewatering activities onto the Environmental Activity and Sector Registry (EASR) back in 2015 was an important step forward in reducing the administrative burden and wait times for construction site dewatering. OSWCA has long held that it is important to differentiate between water taking (i.e. water bottling plant) and water moving (i.e. construction site dewatering; diversions; etc.), as a strict regulatory regime over the latter does not further environmental outcomes. The 2015 changes began to address the differences between these two types of water taking activities and this current set of amendments goes further to recognize these differences by exempting surface water dewatering from the maximum allowable daily pumping limits, and instead focussing this limit entirely on dewatering as it relates to groundwater. This is a very important change that further relieves construction 'red tape' without making any sacrifice to environmental outcomes. We applaud the MECP for recognizing this and making this change.

We broadly support this proposal and would like to provide the following comments on the *Discussion Paper*, and the PTTW system more generally:

- The term "dewatering pit" is used throughout the *Discussion Paper*, but it is not a familiar term and does not readily appear amongst other definitions in construction-related regulations across Canada that we were able to identify. In order to avoid any misinterpretation of its meaning, we recommend changing the

term to “dewatering area” which gives the MECP greater flexibility in how it actually defines the term. We propose using any planned excavation on a construction project site as a “dewatering area” for the purposes of this regulation, and indicating that the area can maintain any dimension, so long as other “dewatering areas” do not result in overlapping drawdown cones and exceed the maximum pumping limits per day.

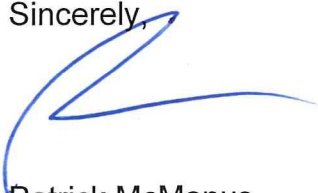
- OSWCA members staunchly support the proposal to allow for multiple dewatering pits to be registered under a single project code, while allowing each pit to dewater up to the 400,000 L/day water taking limit. For linear construction works (i.e. sewer, watermain, road, transit, etc.) this is an important change, as it will reduce the administrative burden of registering multiple excavations under individual EASR registrations on the same project.
- Additionally, the proposed modifications to expand the current regulatory exemption related to diversions for all construction methods is very much appreciated. Requiring a PTTW for this type of temporary movement of water around a construction area was always difficult to understand. We appreciate that the MECP has recognized that it did not serve to improve environmental outcomes and is now exempting these activities.
- The existing software program being used for the EASR is difficult to use and has a poor user interface. While outside of the scope of this review, users of this system strongly recommend that the MECP consider a significant software upgrade in order to improve the system performance and its usability, as its limitations are often difficult to manage.

Concluding Notes

OSWCA appreciates having the opportunity to provide input into this consultation process. The proposed regulatory changes are practical and will remove a significant and unnecessary administrative burden on contractors and consulting engineers during the project construction process. Moving this process forward is important to managing the costs and administration of excavation and earthmoving projects across the province, without making any sacrifice of environmental protections or sustainability. We very much appreciated the MECP’s attention to this issue and the changes being proposed.

Please do not hesitate to contact me (905-629-7766 ext. 229 or patrick.mcmanus@oswca.org) if you have any questions or need information regarding OSWCA and its membership.

Sincerely,



Patrick McManus
Executive Director