

October 30, 2023

Permissions Modernization Team  
Client Services and Permissions Branch  
135 St. Clair Avenue West, Floor 1  
Toronto, ON  
M4V1P5

Sent via email, to: [permissions.modernization@ontario.ca](mailto:permissions.modernization@ontario.ca) and submitted online through the Environmental Registry of Ontario

Dear Permissions Modernization Team,

**RE: ERO 019-6928 – Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry**

On behalf of the Ontario Federation of Agriculture (OFA), thank you for the opportunity to participate in the consultation process for “Streamlining environmental permissions for stormwater management under the Environmental Activity and Sector Registry”. While we are in favour of the intent of creating more efficient environmental permissions processes, we are concerned that this proposal requires further considerations with regards to the significant unintended consequences to neighbouring agricultural properties, and the potential to negatively impact our food safety, security and health of our livestock. Our topline feedback is summarized below:

- While the proposed changes are intended to “reduce regulatory burden while ensuring human health and the environment are protected”, we believe that protecting the health and safety of the food grown in Ontario has been overlooked,
- We believe that any regulation, registry or program put in place must prohibit any negative impact to neighbouring properties, in addition to ensuring “that the works do not pose a negative environmental impact” that is already included;
- Nearby receptors must be amended to also include agricultural lands and activities;
- Inclusion of consideration of discharges to municipal drains;
- Detail a process for negatively impacted nearby receptors to escalate their concerns / complaints if they are not appropriately addressed by the owner of the works;
- A review of the “Effluents” section to consider and ensure that the safety of our food and health of our livestock are given appropriate consideration;
- Stormwater run-off analysis to include the potential impact to agricultural lands and activities; and
- The Spill Contingency Plan (SPC) to be expanded to include all nearby wells and intakes, including private systems and sources that may be used for agricultural purposes.

## Discussion Paper

### Pre-registration requirements:

Section 1.c. should be amended to include neighbouring agricultural lands and activities as a nearby receptor that may be negatively impacted, and they must be included as a nearby receptor throughout the entire process.

Section 3 should be amended to include municipal drains. The sentence should read “When discharging to a municipally owned sewer **or municipal drain**, additional approvals from the local municipality may be required.”

### Pre-construction requirements:

Section 2 should be amended to include agricultural lands and activities as a nearby receptor(s).

### Operational requirements:

While we are pleased to see that the owner of the stormwater work must include details of complaints received, and actions taken, it is also important to include a process that negatively impacted “nearby receptors” can follow if their concerns are not appropriately addressed by the works owner.

### Technical Requirements Summary:

Effluents – We would like to see this section reviewed and revised to include consideration for contamination of agricultural lands and livestock, when agriculture is a neighbouring property, in addition to the water quality considerations already included. Neighbouring agricultural activities must be included as a potential rationale for requiring stricter effluent limits or additional limits being required. This is requested to ensure the safety of the food grown in Ontario, and the well-being of our livestock.

### Stormwater Management (SWM) Design Report:

Design Aspects - The stormwater run-off analysis must include consideration of the impact to neighbouring properties. For example, has there been a change to site grading that may increase run-off onto a neighbouring property, or a potential for stormwater infiltration to impact the soil moisture on a neighbouring farm? These can have significant impacts for farmers that must be considered.

Spill Contingency Plan - The SPC requirements currently includes:

“(3) A site plan drawn to scale showing the facility, nearby buildings, streets, catch basins and manholes, drainage patterns (including direction(s) of flow in storm sewers), any receiving body(ies) of water that could potentially be significantly impacted by a spill and any features which need to be considered in terms of potential impacts on access and response (including physical obstructions and location of response and clean-up equipment), and any nearby municipal drinking water system wells or intakes.”

This is not sufficient. The SPC must include all nearby wells or intakes, including private wells and intakes. Neighbouring residents need to know if there is a risk to their water supply. Farmers, in addition to being residents, also feed their livestock this water and/or may use it to irrigate their crops. Once again, this goes towards ensuring the health and safety of our animals and the food supply.

As you can appreciate, Ontario's agricultural industry is reliant on appropriate water quantity and quality at critical times throughout the year. Farmers spend a significant amount of money and time ensuring favourable conditions (e.g., monitoring and maintaining appropriate soil moisture levels, water quality for livestock consumption, ensuring access to water, etc.). It remains essential that any initiatives such as this ensure that the potential impacts to neighbouring agricultural operations are given appropriate considerations and protections.

OFA is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are passionate and dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA appreciates the opportunity to provide our feedback and agricultural perspectives on streamlining of environmental permissions for stormwater management. We look forward to working with the provincial government to protect Ontario's farmlands as well as support infrastructure development and help protect human health and the environment.

Sincerely,



Peggy Brekveld  
President

cc: Hon. Lisa Thompson, Minister, Ontario Ministry of Agriculture, Food and Rural Affairs  
OFA Board of Directors