

December 1, 2025

Ministry of the Environment, Conservation and Parks
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Re: Streamlining environmental permissions for sewage works servicing on-farm worker housing (ERO 025-0872) and Policy Proposal to regulate additional sewage systems under the Building Code to support construction of on-farm housing (ERO 025-0872).

The Canadian Environmental Law Association (CELA) is providing comments on the Ministry of the Environment, Conservation and Parks' (MECP) proposal to streamline environmental permissions for sewage works servicing on-farm worker housing (ERO 025-0872).

We are also providing comments on the Ministry of Municipal Affairs and Housing's (MMAH) proposal to regulate additional sewage systems under the Building Code to support construction of on-farm housing (ERO 024-0872). Many of the concerns we have noted about ERO 025-0872 also apply to this proposal. In particular, the concerns we raise regarding the potential adverse impacts of sewage work on public health and the environment apply to both proposals.

The two proposals were posted on the Environmental Registry for a 45-day comment period, which ends on December 7, 2025.

CELA supports the provision of safe housing (including water and sewage infrastructure) for farm workers, but this objective is best achieved by keeping existing approval requirements intact. The potential risk to the environment and public health safety is too great to justify expedited fast-track approaches for these kinds of sewage works. Both proposals pose a serious risk to the health and safety of Ontarians and to the natural environment. Therefore, CELA strongly urges MECP not to adopt these proposals for the reasons provided below.

Canadian Environmental Law Association

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Background on CELA

CELA is a legal aid clinic with a mandate to use and improve laws to protect the environment, human health and public safety. CELA has been extensively involved with MECP's approvals process. CELA counsel was a member of the Ministry of Modernization of Approvals Stakeholder Roundtable. CELA counsel have previously commented on various proposals to move activities to the EASR regime. In addition, CELA counsel were also involved in both phases of the Walkerton Inquiry and the establishment of the source water protection regime in Ontario. CELA's Executive Director and Counsel participated on the province's Source Protection Advisory Committee, was a member of the province's Source Protection Implementation Committee, as well of the province's Nutrient Management Advisory Committee. Consequently, the organization has considerable experience with the issues pertaining to environmental compliance approvals and source water protection in Ontario.

I: Streamlining environmental permissions for sewage works servicing on-farm worker housing (ERO 025-0872)

The Ministry of the Environment, Conservation and Parks (MECP) intends to remove the environmental compliance approval (ECA) requirements from certain sewage works servicing on-farm worker housing. The MECP is instead proposing to move this activity to the Environmental and Sector Registry (EASR) regime, an online registration process.

CELA strongly recommends that the MECP not adopt this proposal for reasons set out below.

The key features of the proposal

The MECP's Discussion Paper identifies the key features of the proposal. The proposal to move certain sewage works to the registration process is subject to the following criteria:

- The sewage works, and the buildings or structures they service, must be located on agricultural land.
- The sewage works must service only buildings or structures that are primarily used for a residential purpose, including any shared facilities.
- The sewage works must involve the collection, transmission, treatment, and disposal of sanitary sewage that is domestic in nature, and is not mixed with any other sewage (for example, no mixing with agricultural wash water)
- The total design capacity of all sewage works located on the lot or parcel of land must not exceed 50,000 litres per day, and the design capacity of any individual system must be 25,000 litres per day or less.
- The sewage works must discharge only to the subsurface and not discharge directly to surface water.¹

¹ Ontario Ministry of the Environment, Conservation and Parks, Discussion Paper: Registration-First Approach for Sewage Works servicing On-farm Worker Housing; Proposed Regulatory Rules for Registrants, October 2025 [hereafter "Discussion Paper"], p.3.

According to the Discussion Paper, proponents whose sewage works do not meet the above criteria will be required to obtain Environmental Compliance Approval (ECA) unless the sewage works are exempt from requiring an ECA.² Furthermore, proponents would not be required to register if their sewage works were captured under the *Building Code Act*.³

Sewage works pose a threat to public health and the environment

The proposed sewage works for on-farm worker housing involves the disposal of “sanitary sewage that is domestic in nature.” Raw sewage contains a multitude of harmful microorganisms and pathogens that can cause significant risk to public health. Exposure to sewage contaminants is associated with numerous diseases, including E. coli, Salmonella, typhoid fever, hepatitis and stomach flu. In the event that the sewage enters water sources, it can lead to serious adverse health effects and can even be life-threatening. In fact, sewage infiltration of drinking water systems is a major global issue.⁴ Studies demonstrate that even minuscule amounts of sewage intrusions into drinking water sources can cause risk of water-borne infections.

The risks posed by sewage works are confirmed by the identification of drinking water threats under Ontario Regulation 287/07. The regulation identifies 21 potential threats to drinking water, including sewage works. The regulations prescribed the “establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes sewage as a “drinking water threat” for purposes of the definition of “drinking water threat” under the *Clean Water Act*.⁵ Given this designation, it is extremely troubling that the MECP is proposing to weaken regulatory oversight of sewage work, which is a well-known drinking water threat.

The importance of regulatory oversight over sewage works

The requirement to apply and obtain an ECA provides an important and necessary safeguard to ensure that the establishment of sewage works on agricultural lands does not pose a risk to human health and the environment. It affords the MECP an opportunity to undertake a proactive up-front assessment to ensure that these operations do not pose a risk to drinking water sources. In contrast, the EASR process removes the technical site-specific review presently carried out by the ministry to identify unacceptable or problematic ECA applications to prevent them from proceeding. Additionally, the EASR process prevents the ministry from taking necessary proactive steps to require changes to project design or construction to avoid or minimize adverse effects. It also prevents the ministry from imposing site-specific conditions, which may be necessary to ensure the safe operation of the sewage works.

The proposal does not meet the EASR criteria

² Discussion paper, p. 1.

³ Discussion paper, p. 1.

⁴ Jibrin Ndejiko Mohammed, “Sewage intrusion into drinking water systems: implications for water resource management,” *Environ Monit Assess* (2025) 197:1150; online: [Sewage intrusion into drinking water distribution systems: implications for water resource management](#), at p. 1.

⁵ Ontario Regulation 287/07 made pursuant to the Clean Water Act, ss. 1.1(2)

The proposal also does not meet the criteria for inclusion in the EASR regime. When MECP adopted the EASR regime, it indicated the registration system would only apply to “lower-risk or less complex activities.”⁶ Sewage works servicing on-farm worker housing clearly does not meet either criterion.

(i) Sewage works are not low risk to the environment

Sewage works pose a clear and significant threat to drinking water and the natural environment for reasons provided above. The establishment of sewage works for on-farm worker housing, thus, cannot be characterized as “lower risk.”

(ii) Sewage Works are a complex activity

Furthermore, the establishment of sewage works is a complex activity. This is reinforced by the detailed requirements that the MECP intends to impose before a sewage works that serving on-farm worker housing on agricultural lands.

The Licensed Engineering Practitioner (LEP) or a Professional Geoscientist (P. Geo) are required to undertake a site assessment to examine the suitability of the site and assess site-specific considerations relevant to the proper design and operation of the sewage works. These include site evaluation, significant drinking water threat assessment, and identification of special policy areas such as the Niagara Escarpment Planning Area, the Oak Ridges Moraine Area or a Protected Countryside in the Greenbelt Plan.⁷

Furthermore, the LEP or a P. Geo are required to prepare a water resource impact assessment report to assess the “risk of undesirable effect of the sewage from the point where it enters the subsurface, on surrounding water bodies, water resources, and other uses, including all groundwater and surface water that may be significantly affected.”⁸ The assessment must consider how the resulting effluent will impact the receiving soils, hydrogeology, down-gradient receptors, and, if applicable, the receiving surface water body.⁹

In addition, the LEP is required to provide a design and operations report, which must include design consideration details, including the location of the sewage works and their proximity to sources of drinking water, source protection considerations (for example, vulnerable areas, circumstances, significant risks) and the results of the significant drinking water threat assessment.¹⁰ These include effluent and monitoring requirements, operations and maintenance and engineering drawings.¹¹

⁶ Ontario Ministry of Environment, Modernization of Approval: Proposed Legislative Framework for Modernizing Environmental Approvals, (Toronto: Ontario Ministry of Environment, February 2010) at p. 5.

⁷ Discussion Paper, p. 4.

⁸ Discussion Paper, p. 5.

⁹ Discussion Paper, p. 5.

¹⁰ Discussion Paper, p. 7.

¹¹ Discussion Paper, p. 8.

The multitude of factors and variables that can affect whether sewage works can be operated safely without posing a public health and environmental risk further reinforces their unsuitability for the EASR regime. It is evident that a clear set of pre-set rules cannot be readily established for sewage works. If the extent of the adverse effects cannot be readily determined and subject to pre-set rules, this should be an indication that an activity should not be subject to the EASR process. Instead, the activity must remain in the ECA process.

The MECP has also indicated that, for certain circumstances, LEP or a P. Geo must discussion and obtain written concurrence from the ministry. These include instances where:

- the reasonable use criteria cannot be met at the property boundary,
- the sewage works will utilize advanced treatment unit(s) that are not considered to be a “proven technology” in accordance with 3.9.2 of the ministry’s Design Guidelines for Sewage Works, 2008,
- the sewage works will utilize advanced treatment unit(s) that aim to treat the sewage effluent to lower than 10 mg/L Total Inorganic Nitrogen (TIN),
- the sewage works will be in areas with high groundwater flow velocities, shallow bedrock, or fissured/fractured rock formations.¹²

Written confirmation from the Ministry may also be necessary to confirm the reasonable use and adequacy of the technical assessments and establish monitoring and effluent criteria.¹³ The numerous factors which may necessitate discussion and/or written confirmation by the ministry further underscore the complexity of sewage work operations and their unsuitability for the EASR registration process

Potential for Adverse Impacts needs to be determined by MECP

The responsibility for assessing whether a sewage works will cause adverse effects is currently the responsibility of the Director of the MECP under the *Environmental Protection Act*. The ministry is proposing to inappropriately delegate this assessment to the LEP. According to the proposal, the LEP must confirm that the proposed activity “is unlikely to cause an adverse effect.” Although this precautionary requirement is warranted if the proposal is implemented, it again highlights the unsuitability of sewage works operations for the EASR process.

When the Ministry introduced the EASR regime in Ontario, it indicated that it would only apply to facilities and/or activities which posed minimal risk to the environment and which had known, predictable impacts that could be regulated by pre-set rules. In other words, the facilities and activities that were to be selected for the EASR process were not ones that were likely to cause adverse effects. The requirement for the LEP confirms the unlikelihood of adverse effects, thus, it is fundamentally at odds with the evaluative criteria which informed the establishment of the EASR regime.

¹² Ontario Ministry of the Environment, Conservation and Parks, Discussion Paper: Registration -First Approach for Sewage Works servicing On-farm Worker Housing: Proposed Regulatory Rules for Registrants at p. 5.

¹³ Ontario Ministry of the Environment, Conservation and Parks, Discussion Paper: Registration -First Approach for Sewage Works servicing On-farm Worker Housing: Proposed Regulatory Rules for Registrants at p. 5.

We are also concerned that the proposal to delegate this core government responsibility entirely to the LEP undermines independence and impartiality in regulatory oversight. Given that it is the proponent who will hire and pay the LEP for their assessment, the LEP has an inherent conflict of interest in preparing the technical assessment. There is a risk that the assessment of the likelihood of adverse effects by sewage works servicing on-farm worker housing may not always be made independently and impartially. This is not a risk that the Ontarians should have to bear given the serious public health and environmental implications associated with the operation of sewage works.

Sewage Works in agricultural areas relying on non-municipal water systems at greater risk.

The proposal states that significant drinking water threats related to activities prescribed under the new EASR regulation will now be managed under that regulation. The proposal further states that proponents will not be allowed to register new sewage works in areas where the activity is considered a significant drinking water threat, and local source protection plans prohibit the establishment of the new sewage works.

The proposal, however, fails to recognize that sewage works in certain rural agricultural areas are not subject to the source water protection framework under the Clean Water Act (*CWA*). This is because the *CWA* imposes source water protection planning requirements to protect threats only to municipal drinking water sources. However, the *CWA* does not apply to areas that rely on non-municipal drinking water systems, such as private wells, which are generally the source of drinking water supply in rural agricultural areas. For example, in the County of Brant, a major agricultural area, the communities of Burford, Oakland, Scotland and many others are entirely reliant on domestic wells. Consequently, the important multi-barrier level of protection afforded by the *CWA* will not apply to those sewage works servicing on-farm worker housing in these areas.

As CELA has previously noted, “[i]t is well beyond dispute that groundwater or surface water sources used by non-municipal systems in rural Ontario are as potentially vulnerable to chemical or pathogen contamination as sources used by municipal systems which supply drinking water to Ontario cities.¹⁴ CELA has called upon MECP to address this regulatory gap by extending all the necessary legislative and regulatory changes to expand the *CWA* coverage to non-municipal systems to protect the environment and health and safety of Ontarians.¹⁵ However, to date, the MECP has not taken any steps in this regard.

The Auditor General has also raised concerns about the lack of protection for non-municipal drinking water systems. For example, a 2014 annual report by the Auditor General of Ontario stated that:

¹⁴ Canadian Environmental Law Association Application for Review of Clean Water Act, online: [APPLICATION FOR REVIEW](#) at p. 12.

¹⁵ Canadian Environmental Law Association Application for Review of Clean Water Act, online: [APPLICATION FOR REVIEW](#) at p. 2.

Private wells or intakes that serve one residence are currently excluded from source protection planning. An estimated 1.6 million people in Ontario rely on private wells for their drinking water supply. For them, protecting source water is the only line of defence. In 2013, over a third of the water samples from private wells tested positive for bacteria including *E. coli*. If private wells were held to the same safety standard used for public drinking water systems, water from these wells that tested positive for bacteria would be considered unsafe to drink.¹⁶

The risks posed by this bifurcated approach to drinking water protection were also raised by Justice O'Connor in the Part 2 Report of the Walkerton Inquiry following the deadly drinking water tragedy. The report notes that there was no justification for permitting lower public health standards for some residents of Ontario than those enjoyed by others.”¹⁷

The inequitable protection afforded to drinking water systems in Ontario will be greatly exacerbated if MECP's proposal is adopted. Given that the source water protection framework does not apply to non-municipal drinking water systems within agricultural areas, MECP's proposal to remove the essential safeguards and regulatory oversight provided by the ECA process will place drinking water in these areas at a significantly greater risk of contamination, if the proposal is implemented.

The Ministry has indicated that proponents would not be able to register sewage works online that have been identified as a significant drinking water threat, where the relevant source protection plans prohibit the establishment of the works. However, this provides little reassurance given the recent legislative amendments to source water protection planning in the province. In recent years, the Ontario government has enacted several laws that have considerably weakened source water protection plans. For example, Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023*, gave the Minister of Municipal Affairs and Housing more authority to use ministerial zoning orders (MZO) to override local planning rules. Under Bill 97, the Minister could use an MZO to bypass certain drinking water protection rules that are meant to protect specific areas where drinking water could be at risk from pollution. Similarly, Bill 56, *Building a More Competitive Economy Act, 2025*, made it more difficult for local conservation authorities, scientists and community representatives to shape source water protection plans, by centralizing authority with the Minister and limiting the ability of municipalities to respond to local conditions and threats. These bills, which have been enacted into law, have significantly eroded the protection afforded by source water protection plans against drinking water threats in the province.

MECP lacks the capacity to regularly inspect non-municipal drinking water systems.

MECP has indicated that if the proposal is implemented, it would “continue to inspect the registered works to enforce compliance with regulatory rules.”¹⁸ Reliance on inspections cannot

¹⁶ Auditor General of Ontario, 2014 Annual Report, online: [Office of the Auditor General of Ontario](#)

¹⁷ Part 2 Report of the Walkerton Inquiry, page 487, online [THE WALKERTON INQUIRY - PART TWO: Report of the Walkerton Inquiry, The Events of May 2000 and Related Issues](#)

¹⁸ ERO 025-0872, Streamlining environmental permissions for sewage works servicing on-farm housing, online

compensate for the loss of the up-front regulatory oversight through the ECA process to weed out sewage works that pose a threat to public health and safety and the natural environment.

Furthermore, MECP's ability to undertake regular inspections of sewage works is unlikely given that it currently lacks the capacity to do inspections in key areas such as certain non-municipal drinking water systems. For example, the Auditor General found that 34% of the systems regulated by MECP had not been inspected in more than five years, and 9% had not been inspected in more than seven years.¹⁹ The Auditor General noted that one of the systems that had not been inspected for seven years serves a community college that provides drinking water to 2,500 people.²⁰ An internal MECP review found that inspections of non-municipal drinking water systems declined by 45% between 2012/13 and 2019/20.²¹ Given that MECP currently lacks the capacity to conduct regular inspections of critical programs such as certain non-municipal drinking water systems, it is unlikely that sewage works for on-farm housing workers will be inspected without additional staff and resources. There is no indication in the proposal, however, that MECP will devote additional resources to its inspection and enforcement capacity.

Well-documented history of substandard housing for farm workers

The proposal to eliminate regulatory oversight over certain sewage works is particularly alarming when considered in the broader context of housing for migrant farm workers. There has been long-standing concerns raised by academics, worker organizations, non-profit organizations, and journalists about the substandard housing conditions for migrant agricultural workers in Canada.²² In particular, concerns have been raised regarding sanitation concerns from a lack of access to clean drinking water and inadequate washroom facilities.²³ Given the well-documented and extensive cases of the failure to meet even basic minimum housing standards for farm workers, there is little reason for confidence that the construction and operation of sewage works will be undertaken in a manner that protects public health and the environment.

II) Policy Proposal to regulate additional sewage systems under the Building Code to support construction of on-farm housing-ERO 025-0872

Many of the concerns we have raised above also apply to the policy proposal to regulate additional sewage systems under the Building Code to support construction of on-farm housing-ERO 025-0872. In particular, we are extremely concerned about the implications of this proposal on public health and safety and the natural environment.

¹⁹ Auditor General of Ontario, Special Report 2025, Performance Audit, Safety of Non Municipal Drinking Water, online: [Performance Audit: Safety of Non-Municipal Drinking Water](#), p.5.

²⁰ Auditor General of Ontario, Special Report 2025, Performance Audit, Safety of Non Municipal Drinking Water, online: [Performance Audit: Safety of Non-Municipal Drinking Water](#), p.5.

²¹ Auditor General of Ontario, Special Report 2025, Performance Audit, Safety of Non Municipal Drinking Water, online: [Performance Audit: Safety of Non-Municipal Drinking Water](#), p.5.

²² A National Housing Standard for Migrant Agricultural Workers in Canada: A Consensus-Based Guidance Document, online: [Eng-NHS-May-2025.pdf](#) at p.9.

²³ Amnesty International, "Canada Has Destroyed Me: Labour Exploitation of migrant workers in Canada, (2025) online ["Canada has destroyed me": Labour exploitation of migrant workers in Canada - Amnesty International](#), p.38.

The proposal is intended to allow for multiple septic systems on a single agricultural property with on-farm housing for workers, up to a cumulative limit of 50,000L/d (litres/day) to be regulated under the Building Code instead of requiring an environmental compliance approval under s. 53 (6.1) of the Ontario Water Resources Act.

According to the Ministry, the “current threshold of 10,000 L/d per lot design capacity, under the Building Code, is generally sufficient to service 40 workers. Up to 300 farms in Ontario would benefit from the proposed program based on the estimated number of farms that currently (or could soon) exceed 40 annual agricultural workers. The proposal to increase the cumulative sewage system design capacity to 50,000 L/d per agricultural lot could enable farm owners to house approximately 200 workers on a single lot and service them with multiple Building Code sewage systems.”

This five-fold increase in cumulative sewage system design capacity, in turn, also means that there is far greater potential for harm to public health and the environment if these sewage systems were to fail. The risk of Building Code Sewage Systems malfunctioning is not a remote possibility. According to a report by the Ontario Federation of Cottagers' Association, 41% of septic systems in Ontario re-inspected from 2015 to 2017 revealed “major deficiencies in significant/extreme ways that impeded function and performance.”

We are also concerned about the impact that the proposal would have on enforcement and compliance. The Ministry of Municipal and Housing is responsible for the Building Code but has delegated the authority for permitting, inspections and enforcement to municipalities and public health units and conservation authorities.

These entities already face significant staffing and resource constraints with regard to their inspection capacity in other key areas, such as small drinking water systems. For example, the Auditor General found that 17 (52%) of the 33 public health units with small drinking water systems in their region did not inspect all systems as required, with some public health units noting inspection backlogs dating back over five years.²⁴ Twelve of the public health units attributed the inspection backlog to staff and/or resource challenges.²⁵ Given these challenges, there is a real risk that Building Code sewage systems will not be subject to effective regulatory oversight.

Conclusion

The main rationale provided by MECP for these proposals is to expedite the approval process for to build on-farm housing. Unfortunately, this singular focus on reducing regulatory requirements for the farming sector ignores the serious public health implications of these proposals.

Significant events such as the Walkerton tragedy have highlighted the need for effective government oversight to prevent contamination of drinking water sources in Ontario. Both these

²⁴ Auditor General of Ontario, Special Report 2025, Performance Audit, Safety of Non Municipal Drinking Water, online: [Performance Audit: Safety of Non-Municipal Drinking Water](#), p.4.

²⁵ Auditor General of Ontario, Special Report 2025, Performance Audit, Safety of Non Municipal Drinking Water, online: [Performance Audit: Safety of Non-Municipal Drinking Water](#), p.4.

proposals, however, are moving in the opposite direction. Given the potentially dangerous implications that these ill-conceived proposals will have on public health and well-being, we strongly urge the government not to implement them.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read "R. Nadarajah", with a stylized flourish at the end.

Ramani Nadarajah
Counsel

c. Commissioner of the Environment