



**ONTARIO
RIVERS
ALLIANCE**

379 Ronka Road
Worthington, ON P0M3H0
LindaH@OntarioRiversAlliance.ca
OntarioRiversAlliance.ca

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Ministry of Environment, Conservation and Parks
40 St. Clair Avenue West, Floor 10
Toronto, ON
M4V 1M2

By email to: Ashley.Snow@ontario.ca
Sanjay.Coelho@ontario.ca & MECP.landpolicy@ontario.ca
Sean.Avery@ontario.ca
Shannon.Boland@ontario.ca

Re: ERO-019-3268 – Strengthening our Environmental Compliance Approach
ERO-019-2785 – Land Use Compatibility Guideline
ERO-019-2768 – Odour Guideline
ERO-019-2972 – Compliance Policy

Dear Sirs and Madam:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization with a mission to protect, conserve, and restore riverine ecosystems.

The ORA offers strong support for polluters being held accountable; however, that isn't what's happening here. Rather than strengthening enforcement tools that hold polluters accountable, this government is systematically and persistently dismantling, weakening or bypassing all environmental policy and legislation that was designed to protect the environment and deter those industries, corporations or individuals who would pollute and/or destroy the environment.

These ERO postings consistently mislead the public, especially in the top several paragraphs and titles, which contain misleading introductions to the proposed policy the government is proposing. In fact, you can always count on these "modernization" policy changes to be a further attack on environmental policy and legislation. It is even more despicable that these attacks have largely been carried out during the government's declared COVID Emergency, where no public consultation is required, and what consultation that does take place is meaningless when the main objective is to cut red tape and remove any roadblocks to development and pollution, in spite of the public's strong recommendations to protect the environment.

"Healthy Rivers – Healthy Communities"



ERO-019-3268 – Strengthening our Environmental Compliance Approach:

ORA agrees that polluters must pay; however, the penalties have been weakened as deterrents because they have been reduced from fines accumulating with a multi-day component for each day an infraction persists, to a maximum fine, with no enticement to clean up, or stop the pollution from occurring. In fact, it has become a polluters free-for-all with the MECF failing to even respond with site inspections on complaints of pollutants being released into the environment.

ORA strongly supports non-compliance and pollution fines going towards the Ontario Community Environment Fund; however, strong policy and legislation is a necessary first step to building the fund. If there is no strong policy and legislation, then there is nothing to charge polluters with in the first place. Additionally, all pollution must be addressed, not just “high-risk incidents”.

ERO-019-2785 – Land Use Compatibility Guideline and ERO-019-2768 – Odour Guideline

The proposed Compatibility Guideline Policy presents a very vague and loose rule book for municipal land use planning authorities looking to avoid or minimize or mitigate potential adverse effects around sensitive land uses and major facilities. It appears that much is left up to the individual municipality, rather than clear and predictable rules from one region to another.

Even the definition of a “major facility” can be very different in each region of the province. Sensitive land use and land use compatibility must consider cumulative effects, and consequently, much larger Areas of Influence (ZOI) when they are proposed in or around rivers and lakes. Rivers and their connecting lakes have flow and currents and can move pollutants to and from one community, municipality, county, province and even country to the next. Setting out a ZOI specific to each land use doesn’t take into account site specific issues or potential cumulative effects.

The proposed Compatibility Guideline Policy suggests that “*in some situations, previously prepared technical studies for other approval applications, such as environmental compliance approvals, could be used for land use compatibility studies and vice versa*”. ORA strongly urges that studies not be recirculated or used for similar projects or land-use. Instead, we recommend that each compatibility study use information, studies and data specific to each individual project, project site, and sensitive land use in question. This is the type of sloppiness and poor planning that will most definitely lead to unhappy residents dealing with unexpected odours, noise, dust, pollution and environmental damage.

The rules and guidelines should apply equally to small business as they do to larger business.



ERO-019-2972 – Compliance Policy

The Ministry says it is “*proposing to update compliance policy to focus more resources on incidents and complaints from the public that pose a higher risk to the environment and/or human health and on holding polluters accountable*”.

The guidelines reflect a very loose set of rules that are designed to cut red tape and allow pollution to happen. Once pollution happens, if it’s serious enough, the guilty party will be fined. All polluters must be made to pay, but it’s much easier, cheaper and more effective to prevent pollution in the first place, than to have to clean it up after the fact, and in many instances the pollution can be impossible to clean up.

An example in point is the Grassy Narrows mercury debacle, where the Grassy Narrows and White Dog First Nation communities were poisoned by the Dryden Pulp and Paper Company. For over 50 years the river system, which the community relies upon for a main source of its food and water, has been contaminated by mercury as a result of industrial pollution. It was a horrific lack of environmental oversight that caused this disaster. It is important to learn from lessons of the past - this pollution can never be cleaned up and continues to plague the community with serious health issues, and will continue for decades, and likely centuries.

These policy and guideline proposals will only open the province up for yet more of these types of disastrous projects lacking proper environmental planning, oversight and compliance.

Consequently, the ORA recommends that the proposed new compliance, land use, odour, noise and pollution policies be rejected.

Respectfully,

Linda Heron
Chair, Ontario Rivers Alliance
(705) 866-1677