GEORGIAN BAY FOREVER KEEP IT FRESH

Submission to the Standing Committee on the Interior

Legislative Assembly of Ontario

Bill 140, Building Ontario Faster Act, 2026

Georgian Bay Forever – Comments on ERO 026-1109 (Bill 140, Schedules 8 and 9)

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Submitted to the Environmental Registry of Ontario (ERO 026-1109) and to the Standing Committee on the Interior.

Standing Committee on the Interior
Legislative Assembly of Ontario
Whitney Block, Room 1405
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Re: ERO 026-1109 – Bill 140, *Building Ontario Faster Act, 2026*: Schedule 8 (*Environmental Bill of Rights, 1993*) and Schedule 9 (*Environmental Protection Act*)

Summary of our position

Georgian Bay Forever (GBF) asks the government to withdraw Schedule 8 of Bill 140, and the repeal of renewable energy hearing rights in Schedule 9. Together, these changes remove almost every legal tool the public uses to protect Georgian Bay's water, wetlands and fish and wildlife habitat.

If passed as written, Bill 140 would:

- end the public's right to seek leave to appeal approvals such as sewage works approvals and permits to take water;
- end applications for review of outdated laws and applications for investigation of suspected violations;
- repeal ministry Statements of Environmental Values and the right to sue to protect public resources;
- remove "restore" from the Act's purposes; and
- let ministries skip Environmental Registry notice and comment when they post on the Ontario Regulatory Registry instead.

These changes also point in only one direction. Every one shifts weight toward proponents and toward ministerial discretion. None adds a public right or a new duty on government.

The key repeals are deemed to have taken effect on October 27, 2026, the day the bill received first reading. That is before anyone could comment. There is no transition rule for matters already under way.

GBF supports faster, clearer approvals. But these rights are not the source of delay. They are the safeguards that let evidence, including the science GBF funds, reach decisions that affect the Bay. Where approvals are slow, the remedy is capacity, not less oversight: more ministry staff to review applications and meet the EBR's existing timelines. That would speed decisions while keeping the safeguards in place, and it would add skilled jobs at a time when Ontario's economy needs them.

Recommendations

GBF recommends the following. The sections that follow explain the reasons for each.

1. **Withdraw Schedule 8 in full.** Any changes to the EBR should go forward in a stand-alone bill based on the Law Commission of Ontario's recommendations, with full public consultation.
2. **If Schedule 8 is not withdrawn, keep the core rights.** Retain leave to appeal (ss. 38–48), applications for review and investigation (Parts IV and V), the right to sue and the public nuisance rule (Part VI), Statements of Environmental Values (ss. 7–11), "where reasonable, restore" in s. 2, and the current reprisal protections in s. 105.
3. **Remove all retroactivity.** Delete the deemed first-reading commencement in Schedules 8 and 9, and the power to make retroactive transition regulations. Add a savings provision so that pending applications, appeals and hearings, and approvals posted before Royal Assent, keep the rights that applied when they were posted.
4. **Keep Environmental Registry posting mandatory** for every environmentally significant proposal. If dual posting is a burden, post once on the Registry and link to it from the Regulatory Registry, rather than the other way round.
5. **Schedule 9: keep a public appeal route on Renewable Energy Approvals.** Either retain s. 142.1 or bring these approvals under EBR leave to appeal. Post any regulation

prescribing biomass as renewable on the Registry, with clear feedstock and environmental criteria.

6. **Fix implementation instead of removing rights.** Resource ministries, including with additional review staff, to meet the EBR's existing timelines, as the Auditor General has recommended.
7. **Invest in prevention.** Pursue proven, low-cost measures that protect water and support Ontario jobs, such as requiring microfibre filters on new washing machines.
8. **Compare storage options openly.** Before committing further public money to the Meaford pumped storage project, require a full, public comparison of alternatives on cost, resilience and environmental impact. This should include distributed home and community batteries, and options that do not use Georgian Bay as a reservoir. Work with the federal government so that project activities on federal land meet provincial environmental standards.

About Georgian Bay Forever and why the EBR matters to our mission

GBF is a registered Canadian charity (BN 89531 1066 RR0001). Our mission is to protect, enhance and restore the aquatic ecosystem of Georgian Bay through science, research, education and action.

Our work includes water quality research, control of invasive Phragmites, Lake Sturgeon research, species-at-risk turtle monitoring in Matchedash Bay with the Severn Sound Environmental Association, and community shoreline cleanups.

Science protects the Bay only when it can reach decisions. For more than 30 years, the *Environmental Bill of Rights, 1993* (EBR) has been how the public does that in Ontario. It does this in four ways:

- notice and comment on the Environmental Registry;
- the right to seek leave to appeal a poor approval;
- the right to ask a ministry to review a law or to investigate a suspected violation; and
- as a last resort, the right to go to court.

Bill 140 keeps only the first of these, and narrows that one too.

Impacts of Schedule 8 on Georgian Bay

1. Repeal of leave to appeal (EBR ss. 38–48)

This is the change with the most direct effect on the Bay. Shoreline sewage works for marinas, resorts, trailer parks and cottage developments are approved through Environmental Compliance Approvals. So are municipal wastewater works and waste sites. Water takings are approved through Permits to Take Water. All of these are posted on the Registry, and today residents can seek leave to appeal them to the Ontario Land Tribunal.

The leave test is already demanding. An applicant must show good reason to believe that no reasonable person could have made the decision, and that the decision could result in significant harm to the environment. This test already screens out weak appeals. It is a narrow safeguard against poor approvals, not a routine source of delay.

The bill also creates a one-sided system. Approval holders keep their own rights under the *Environmental Protection Act* and the *Ontario Water Resources Act* to appeal the terms of their approvals. Residents and organizations like GBF, who live with the effects on the water, lose theirs.

2. Repeal of applications for review (Part IV)

Today, any two Ontario residents can ask a ministry to review a law, regulation, policy or instrument that is outdated or failing. The ministry must respond with reasons within set timelines. This is how new evidence, such as monitoring that shows a gap in sewage overflow rules or invasive species rules, can formally start a review. Without it, ministries have no duty even to respond.

3. Repeal of applications for investigation (Part V)

Today, two residents who believe a law or approval is being broken can require the ministry to investigate and report back within set timelines. Examples include an unpermitted discharge, or fill placed in a coastal wetland. After Bill 140, the public could still phone in a complaint. But there would be no duty to investigate, no timeline and no report back.

The Auditor General has found that ministries miss statutory timelines on these applications. That calls for better compliance, not repeal.

4. Removing “restore” from the Act’s purposes (s. 2)

The Act’s first purpose today is to “protect, conserve and, where reasonable, restore” the integrity of the environment. Bill 140 cuts this to “protect and conserve.” It also repeals the stated purpose of increased access to the courts for the protection of the environment.

Restoration is in GBF’s mission because much of the Bay needs it: Phragmites-invaded coastal marshes, degraded fish habitat and stressed populations of species at risk. Removing restoration from Ontario’s environmental purposes is a step backward that serves no streamlining goal.

Dropping restoration also ignores its economic value. In the United States, the Great Lakes Restoration Initiative is a sustained, bipartisan commitment. From fiscal 2021 to 2026 alone, Congress allocated about US$3.1 billion to it, including $1 billion from the Bipartisan Infrastructure Law to speed up the cleanup of the most degraded Areas of Concern. A University of Michigan study found that every federal dollar spent on these projects from 2010 to 2016 will produce $3.35 of additional economic activity in the region through 2036, with tourism accounting for nearly half. The program created or supported about as many jobs per dollar as a conventional economic stimulus program.

Restoration spending has two sides. It is an investment that returns more than it costs, improving ecosystems, human health and local economies at the same time. But it is also the public paying later for damage done earlier, and that money cannot be spent on anything else. Every dollar spent repairing past harm is a dollar not available for new infrastructure, services or growth. That opportunity cost is large, and it rises as aging infrastructure across the region needs replacing at the same time.

Earlier generations built much of the Great Lakes economy on a largely intact landscape. They gained from development without carrying the full cost of the damage it caused. Today's taxpayers carry both: the cost of building for the future and the cost of repairing the past. A healthy ecosystem delivers its economic benefits without a cleanup bill, so preventing damage is almost always the cheaper path. The EBR's safeguards are part of that prevention: they catch poor decisions before they become the next generation's cleanup costs.

Georgian Bay has already shown this. Collingwood Harbour became the first Canadian Area of Concern to be restored and delisted, in 1994, and Severn Sound followed in 2003. Both succeeded because federal, provincial, municipal and community partners committed to restoration under Remedial Action Plans. Ontario's environmental rights law should keep that commitment, not drop it.

5. Repeal of Statements of Environmental Values (ss. 7–11)

SEVs require each ministry to say how it will consider the environment when it makes decisions. They also give the public a published standard to hold ministries to. Decisions that shape the Bay are made across several ministries: water levels, fisheries, shoreline planning, wetland policy and wastewater. Without SEVs, there is no stated standard to measure those decisions against. Like removing "restore," this change speeds up no approval.

6. Exemption from Environmental Registry notice and comment (ss. 15–16)

A proposal could skip ERO notice and comment if it is posted on the Ontario Regulatory Registry with a regulatory impact analysis under the *Modernizing Ontario for People and Businesses Act, 2020*. The Regulatory Registry is not backed by the EBR's legal duties. Those duties include a minimum comment period, the duty to consider comments, and the duty to publish how comments affected the decision. In GBF's understanding, the impact analysis under that Act is aimed mainly at regulatory burden, not environmental effects. Environmental groups and Bay residents watch the ERO, not the Regulatory Registry. Moving notices there would sharply cut informed public comment.

7. Repeal of the right to sue and the public nuisance rule (Part VI)

Two court remedies would be repealed. The first lets a resident sue to stop a contravention that is causing, or will imminently cause, significant harm to a public resource such as Georgian Bay. The second is the rule that a person who suffers economic loss or injury from a public nuisance that harmed the environment cannot be barred from suing just because others suffered the same kind of harm. That rule matters on a shared waterbody: when a spill or discharge harms the Bay, many shoreline owners and tourism businesses are affected in the same way.

8. Narrower reprisal protection (s. 105)

Employees are protected today if they apply for a review or investigation, seek enforcement of environmental law, give information to authorities, or give evidence. Bill 140 cuts this to participation in Part II decision-making only. Workers at a facility discharging to the Bay would lose protection for reporting problems.

9. Retroactivity and no compensation (ss. 119.1, 121)

The repeals of leave to appeal and of Parts IV to VI are deemed to have come into force at first reading, on October 27, 2026. This means:

- approvals issued since then cannot be appealed, even though they were posted while the right existed;
- pending applications for review or investigation appear to be extinguished; and
- the public is being asked to comment on rights the bill treats as already gone.

The Lieutenant Governor in Council (in practice, Cabinet) would also gain power to make retroactive transition regulations, and no compensation would be payable. Removing rights retroactively runs against a basic rule-of-law principle: the rules should not change after the fact. Doing so while the public is still being consulted also undermines the consultation itself.

Impacts of Schedule 9 (Environmental Protection Act)

GBF supports Ontario's move to renewable energy. Our concern is narrow: Schedule 9 removes the public's only right to a hearing on renewable energy approvals, at the same time as it widens what counts as renewable.

- **Hearing rights repealed (ss. 142.1, 142.2, 145.2.1 and related provisions).** Today, any Ontario resident can require a Tribunal hearing on a Renewable Energy Approval. The grounds are limited to serious harm to human health, or serious and irreversible harm to plant life, animal life or the natural environment. The test is very hard to meet: the Tribunal may consider only those two grounds, and the resident bears the onus of proof (s. 145.2.1). It is not a meaningful source of delay. With Schedule 8 also repealing EBR leave to appeal, the public would be left with no appeal route on these approvals. Like Schedule 8, the repeal is deemed in force at first reading.

  Schedule 9's commencement section is numbered (1) and (3), with no subsection (2). GBF asks that this be clarified, since no provision in the schedule addresses hearings already under way.
- **Biomass counted as renewable by regulation.** Any biomass prescribed by regulation would count as a renewable energy source. Biomass facilities can involve water takings, process effluent, ash and air emissions near tributaries and shorelines. Which feedstocks qualify should be set openly, with criteria, through an Environmental Registry posting, not by regulation alone.

Process and accountability concerns

The evidence on how the EBR is working points toward fixing how it is applied, not repealing its tools.

- **The Auditor General's 2025 report** on the EBR found that ministries missed statutory timelines on applications for review and investigation. It also found that Bill 17 (2025) was passed before EBR consultation on it was complete, and before ministries could consider all public comments.
- **The Law Commission of Ontario's 2024 report**, *A New Environmental Bill of Rights for Ontario*, made 58 recommendations to update and strengthen the EBR after broad consultation. Bill 140 moves in the opposite direction, with no comparable review.
- **Bill 140 is an omnibus bill** that amends 25 Acts and enacts two new ones. It passed second reading on November 2, 2026, six days after it was introduced. The Standing Committee on the Interior closes written submissions on November 17, nine days before the Registry comment period ends. Changes to Ontario's main environmental rights law deserve their own bill, and their own debate and committee hearings.

Another part of Bill 140 compounds the loss. Schedule 7 repeals section 17.5 of the *Environmental Assessment Act*, which requires a landfill proponent to obtain council resolutions of support from the host municipality and from neighbouring municipalities with residential areas within 3.5 kilometres. With Schedule 8 also ending leave to appeal, a new landfill near the Bay would no longer need council support, and residents could no longer seek leave to appeal its approval.

Bill 140 also adds to other recent changes in how decisions about the Bay's watersheds are made:

- The independent Environmental Commissioner's Office, which oversaw the EBR, was closed in 2019 (passed in 2018, in force April 1, 2019) and its duties moved to the Auditor General.
- Ontario's 36 conservation authorities, including those managing the watersheds that drain to Georgian Bay, are being merged into nine under a provincial agency.
- Simcoe County and Muskoka, which shape shoreline and growth planning around the Bay, now have provincially appointed heads with strong powers.

Each change may have its own rationale. Together, they reduce the local and independent voices, including watershed science, that inform decisions affecting the Bay. That makes the EBR's remaining tools more important, not less.

GBF asks that the bill not proceed past committee until this comment period closes on November 26, 2026, and until a decision notice explaining how comments were considered is posted on the Registry.

A better path: solutions that protect water and build the economy

Strong environmental safeguards and a strong economy are not opposites. Two examples from the Bay show why.

Microfibre filters

Microfibres shed from synthetic clothing in the wash are now the most common type of microplastic in the Great Lakes. Wastewater plants capture most of them, but the rest flow into the lakes. What is captured ends up in sewage sludge, which is commonly spread on Ontario farmland as fertilizer. Microplastics have been found in fish, drinking water and the human body. Research on their health effects is only beginning.

The solution is simple and proven. In 2019, GBF and the University of Toronto fitted washing machine filters in 97 Parry Sound homes, about 10% of those connected to the town's treatment plant. Microfibres in the plant's treated effluent fell by about 41%. GBF later extended the program to 304 households in southern Georgian Bay communities. Filters cost about $200 as a retrofit, and less when built into new machines.

Requiring filters in new washing machines is the kind of reform Ontario should pursue:

- **It prevents pollution at the source,** rather than leaving municipalities, farmers and taxpayers to manage it in water, sludge and soil after the fact.
- **It creates economic activity** in filter design, manufacturing, installation and servicing. Ontario could lead. France's 2020 law set a 2025 start date for filters in new machines, and a 2025 Oregon bill proposed 2030. Ontario has not yet acted, although bills to require filters were introduced in 2021 and 2023.
- **Delay compounds the cost.** Microplastics persist and accumulate, so every year without action adds to the load that the Bay, and future taxpayers, will carry.

Bill 140 points the other way. It treats safeguards as costs to be cut. An application for review under the EBR is how new evidence like this, gathered by charities, universities and residents, can formally ask a ministry to update its rules. Removing that tool makes cost-effective prevention harder to bring forward, and leaves the costs of inaction to keep accumulating.

Energy storage

Ontario needs more storage to meet peak electricity demand. The province has committed up to $285 million toward pre-development of a 1,000-megawatt pumped storage plant at Meaford. It would pump water from Georgian Bay up to a reservoir on the Niagara Escarpment, then release it back through turbines. Ontario's own electricity system operator raised early concerns about the project's cost and its ability to meet near-term needs.

GBF set out its concerns in its April 2026 submission to the Impact Assessment Agency of Canada (Registry #89803). The project is open-loop: Georgian Bay itself would be the lower reservoir, with large daily withdrawals and discharges. GBF identified unassessed risks to municipal and private drinking-water intakes, fish entrainment, quagga mussel fouling and the

antifouling chemicals used to control it, and karst geology beneath the reservoir. It also found no full assessment of alternatives or of cumulative effects.

California shows a faster, distributed way to meet peak demand. Its Demand Side Grid Support program pays households to share their home batteries when the grid is under stress. In a July 2025 test, more than 100,000 home batteries delivered about 535 megawatts for two hours. In September 2026, more than 140,000 batteries pushed over 580 megawatts onto the grid during a heat wave. An analysis by the Brattle Group, commissioned by two battery providers, estimated $223 million to $402 million in benefits from 2025 to 2028, against about $196 million in program costs.

For Georgian Bay communities, distributed storage offers advantages that a single large plant cannot:

- **Resilience at home.** Batteries keep homes running during outages, which matters in rural and shoreline communities.
- **Savings shared by households.** Payments go to the residents who host the batteries, and less costly peak power is needed.
- **Local jobs** in installation and servicing across the region.
- **No new footprint on the Bay.** No water withdrawals, no loss of fish habitat and no new structures on the shoreline.

Distributed batteries are best suited to peaks lasting a few hours, and longer-duration needs will still call for other tools. That is why GBF has asked for a full assessment of alternatives, including options that do not use Georgian Bay as a reservoir, before more public money is committed.

The Meaford project also shows why provincial accountability matters. It is on federal land, where third-party activities are not necessarily subject to provincial environmental laws. In its April submission, GBF asked for federal–provincial coordination so that these activities meet provincial standards. That request matters more, not less, when the province is removing the public's tools to scrutinize and challenge its own decisions, including how it spends public money on projects like this one.

Closing

Taken together, the impacts and examples above point to one conclusion: Ontario can make approvals faster and still keep the public's ability to test them. Better capacity, prevention and open comparison of options would deliver both. The recommendations at the start of this submission set out how. Georgian Bay is a shared public resource. The rights in the EBR are how the people who know it best can bring evidence to decisions that affect it. Public scrutiny can be slow, and at times frustrating. But it is how errors in approvals are caught before they become permanent harm to the Bay. GBF would welcome the chance to discuss these comments with ministry staff and Committee members. We also offer our science and local knowledge to help make approvals both faster and sound.

Respectfully submitted,

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