

July 31, 2020

## Memorandum

To: Ontario Ministry of the Environment, Conservation and Parks, 135 St. Clair Avenue West, 1<sup>st</sup> Floor, Toronto, ON, [waterpolicy@ontario.ca](mailto:waterpolicy@ontario.ca)

*Submitted Online: Via Environmental Registry of Ontario website*

From: Kyle Davis, Risk Management Official, Wellington Source Water Protection

**RE: Environmental Registry Number 019-1340, Updating Ontario's Water Quantity Management Framework**

On June 18, 2020, the Ontario Ministry of the Environment, Conservation and Parks (MECP) posted a regulatory proposal on the Environmental Registry of Ontario (ERO) entitled: *Updating Ontario's Water Quantity Management Framework*". The proposal is numbered 019-1340 and the public comment period is for 45 days from June 18 until August 2, 2020. More information can be found at: <https://ero.ontario.ca/notice/019-1340>. This proposal is a key part of the Ontario government's moratorium for new and increasing bottled water takings which is currently set to expire on October 1, 2020. As part of the moratorium, the Ontario government committed to complete a review of the Province's water taking programs, policies, and science tools. ERO proposal 019-1340 provides the results of that review and recommendations for provincial action.

## Background

In December 2016, the Ontario government put in place a temporary moratorium on new or increased permits to take groundwater to produce bottled water. A regulatory charge of \$500 per million litres of groundwater taken and updated technical guidance on water bottling applications were also put in place. Although there were a number of factors involved in establishing the moratorium, there was heightened public scrutiny and interest locally, as well as at a provincial level, related to Nestle Canada's operations in Wellington County, in particular the purchase of the Middelbrook well in the Township of Centre Wellington. At the time of the moratorium, the Ontario government also announced that the MECP would complete an assessment of water resources in the Province and review the Province's water taking programs, policies and science tools. The moratorium was extended a number of times, most recently in December 2019 and is currently set to expire on October 1, 2020.

To complete the assessment and review, the Province retained BluMetric Environmental Inc. (BluMetric). BluMetric completed seven reports including detailed reviews of water bottling and water quantity study areas, an overall science review, a jurisdictional review of best practices in other provinces, states and countries and summaries of recommendations, consultations, and overall work. In addition to the BluMetric reports, the Province also completed a plain language summary of the BluMetric reports and the main Provincial proposal paper. The Province also commissioned a third party review by a panel of independent experts assembled by the Professional Geoscientists Ontario, of the BluMetric reports and

the Provincial proposal paper. Prior to the release on the Environmental Registry of Ontario, the Province also conducted consultations with a Water Quantity Protection External Working Group and municipal / conservation authority water managers. Various staff and consultants representing the Wellington County municipalities participated in the consultations in 2017 and 2018. As part of the Water Quantity Protection External Working Group, the MECP held an online question and answer session on July 17, 2020 with approximately thirty members of the working group including the Wellington County Risk Management Official (the undersigned).

## Proposal

There has been a significant amount of time and effort by the MECP and its consultants for this ERO proposal, and MECP staff have indicated that an additional proposal will be posted to the Environmental Registry of Ontario containing the detailed guidance documents for implementing the proposed water quantity framework (detailed guidance proposal). It is anticipated that the second proposal will be sometime in the summer or early fall 2020. MECP staff indicated that they wish to incorporate feedback from the first proposal prior to posting the second proposal. As there is a second proposal planned that includes the more detailed guidance, the regulatory changes from the current proposal are intended to be broad and enabling especially as it relates to Goal 1 and 2, the detail is to come in further ERO postings.

The main conclusions of the provincial review are as follows:

- Ontario has an effective framework for managing water takings.
- Bottled water takings are being managed sustainably under the existing framework.
- Water resources in Ontario are generally sustainable, with a few local exceptions (Note that the Guelph – Wellington area is identified as an area with some uncertainty for future groundwater municipal supply systems and where some stream flows may not be sustainable in the future under drought or climate change).
- Opportunities to enhance the current management framework to be more resilient to current and future challenges.

For further detail on the conclusions of the review or the results of the assessments, a summary of BluMetric’s reports is available here <https://ero.ontario.ca/notice/019-1340>.

Based on the conclusions of the provincial review, the MECP has proposed four goals to improve water quantity management in Ontario.

- Goal 1: Establish clear provincial priorities of water use
- Goal 2: Update our approach to managing water takings in stressed areas
- Goal 3 Make water taking data more accessible
- Goal 4: Give host municipalities more input into water bottling decisions

Further detail is provided in the referenced proposal paper and in particular in the summary of proposed actions on page 20 of the proposal paper.

## Comments

The MECP has requested that comments be focused on the Goals and Key Actions identified in the proposal paper and to provide feedback on specific questions outlined in the document. The comments are provided in that format, with additional comments relating to other supporting reports in the ERO posting (ie BluMetric reports) provided at the end.

### Goal 1 – Priority of Use

*1. Do you support including priorities of water use in regulation? Why or why not?*

Yes, the inclusion of priorities of water use in regulation will be of benefit to manage water resources in the Province. Adding priorities to the current fair sharing framework, will assist MECP staff, municipalities, agencies and applicants in decisions related to Permits to Take Water (PTTW) and will provide everyone with clear expectations. This inclusion will provide clarity that is currently lacking in the current system where established takers, regardless of what the water is being used for, cannot be interfered with by new takers.

The order of priority proposed seems reasonable and consistent with other jurisdictions that have included priority of use. In particular, giving the same priority to drinking water supplies regardless whether the supplies are for private, municipal, Indigenous, schools, institutional or livestock purposes is critical to ensure fairness. The purpose of Category I - Highest Priority Use is water to sustain life and this is further reflected by the inclusion of environmental needs and agricultural irrigation along with drinking water. Broadly, there are no concerns with the division into the priority of use categories and sub-categories. It is noted, however, there is a concern related to how priority of use may be applied. In particular, municipal water is a broad sub-category that includes industrial and commercial water use (Category II uses) within it. This needs to be considered when applying priorities of use to water taking decisions and is discussed further in the next comment.

*2. How should priorities of use be applied to water taking decisions? When should it be applied? What process should be followed? Who should be involved? What information should be considered?*

*3. Municipal drinking water supply is proposed as a highest priority use. What municipal drinking water needs should be considered a priority (e.g., current, planned growth, longer-term growth)?*

The current proposal appears to balance adequately the concept of fair sharing with priority setting by limiting the application of priority setting to situations where there are competing interests or recurring low water conditions that have not been able to be resolved through other means. In the External Working Group presentation on July 17, 2020, MECP staff emphasized that priority setting is meant to be a tool of last resort. MECP staff further stated that the existing framework already allows for collaborative approaches to share water resources and that collaborative approaches would be the first tools to be used when there are competing interests for water (see Goal 2). Applying priority of use in this manner is a prudent strategy as it relates to municipal water use. Firstly, it establishes municipal water use as one of the highest priority uses (a Category I use), this complements the current

implementation of the *Clean Water Act* as the source protection program has been scoped to municipal drinking water protection. Also given the Provincial growth targets, municipal water use should be one of the highest priorities to support municipalities in achieving their growth targets by ensuring there is adequate water supply for servicing growth. In this regard, the municipal drinking water sub-category should include current, planned growth and long term growth (ie Water Supply Master Plan). To support these growth targets, the inclusion of municipal water use as a Category I use should be accompanied by direction in the detailed guidance proposal to MECP staff to fully utilize and engage in the collaborative processes related to priority of use and area management (Goal 2) including use of Tier 3 models, reports and data in its evaluation of new or expanded municipal takings, especially where those new or expanded municipal takings could affect a reduction in the assigned risk level for a WHPA-Q or IPZ-Q. This is consistent with BluMetric recommendations for the Guelph – Wellington area.

Secondly, and as noted above, municipal water use is a broad category that includes drinking water (Category I uses) but also water to support industrial, commercial and institutional users that are key to economic development (Category II uses). MECP staff have indicated that priority setting for municipal water use will not subdivide within the municipal water category, therefore, whether municipal water is used for Category I or Category II uses, it will be all treated as Category I uses. This poses a concern for some municipalities where rural municipalities may have privately serviced employment lands in direct competition with municipally serviced employment lands in a neighbouring urban municipality. This can be further compounded, in some cases, where rural municipalities are mostly reliant on employment lands for growth in property tax revenue compared to urban municipalities that typically will have property tax growth in multiple sectors such as residential and employment lands. This example currently exists within the County of Wellington. The MECP should note that all municipalities, whether urban or rural, have provincially approved targets for population and employment lands requiring service whether the services are municipal or private. Both municipally and privately serviced employment lands are designated employment lands in accordance with Provincial planning policies to provide a balance of employment and residential lands. The private servicing of rural employment lands should not be treated differently than employment lands on urban services and this should be considered in the MECP's application of the priority of use categories.

It is understood that the current proposal is enabling legislation and that the detailed proposal on how to implement these changes are still forth coming. It is recommended to the MECP and Province that guidance be prepared, in the detailed proposal, on how to address this concern. It is noted that MECP indicated that priority of use is a tool of last resort and that other collaborative measures will be used first where there are competing water uses. It is anticipated that those collaborative measures will include the approaches discussed in Goal 2 and would be included in the forthcoming detailed proposal.

Within the forthcoming detailed guidance proposal, the MECP should give consideration to whether uses will be prioritized within Category I and Category II. If so, the MECP should clearly outline how this will occur and under what criteria.

Regarding process, who should be involved, and what information should be considered, the application of priority of use should be a provincial process as ultimately it is tied to a provincial decision on Permits to Take Water. This provincial process should likely be led by the signing Director at the MECP, usually

the Regional Technical Support Manager, located in one of the five MECP Regional offices. It is anticipated that the process would, as a first step, take the form of the collaborative measures mentioned above. It is understood that priority of use is tied to a provincial PTTW decision and although a collaborative approach is preferred as the first step, ultimately the MECP signing Director has authority to make the final decision, subject to appeal.

The collaborative process should include, at minimum, the affected PTTW applicants, the municipalities (upper and lower tier) including neighbouring municipalities, agricultural users (regardless if there is a PTTW or not), the conservation authority including the Source Protection Authority staff and technical / planning staff, Indigenous communities, and other water users in the area especially those above the 50,000 litres per day threshold. The process should be linked to information sharing groups established through source protection policy or practice (ie working groups recommended for Tier 3 WHPA-Q areas) and linked to the Low Water Response Teams managed by the conservation authorities. The process should rely on the scientific and technical data that is typically used for PTTW decisions. Additional technical information should also be utilized, such as whether higher priority users have implemented optimization, conservation and / or efficiency measures, and whether the lower priority users have uses that are Category I (ie drinking water) that should be protected. Beyond the scientific / technical information, there is an economic facet to applying priority of use, therefore the MECP should consult with municipalities, during the detailed proposal stage, on what economic factors and data should be included in priority of use decisions by the MECP. To properly complete that consultation, either a longer ERO posting time should be given or pre-consultation with municipalities (before the ERO posting) should occur.

## **Goal 2 – Update our approach to managing water takings in stressed areas**

1. *Under what circumstances should the ministry consider assessing and managing water takings on an area basis?*

The Ministry should be assessing and managing water takings on an area basis in all WHPA-Q's with a moderate or significant risk level, that have been identified through the source protection process. The WHPA-Q's should be established as a mandatory area for area management of water takings within the revised regulation and / or guidance documents. Ideally, the area management should begin as soon as a WHPA-Q has been delineated in draft and presented to the applicable Source Protection Authority. At a minimum, this should begin once the WHPA-Q has been approved by the Minister and included in an approved Assessment Report and Source Protection Plan. As outlined in Recommendation 1 of the BluMetric report on the Guelph-Wellington area (pg 101), the MECP should include additional guidance and methodology in the PTTW program for area management and to harmonize with Source Protection Plans and management of water quantity threats as identified under the *Clean Water Act*, 2006.

The Ministry should also consider assessing and managing water takings on an area basis in areas that have a history of reoccurring low water conditions, especially where there are a number of surface water or shallow groundwater water takings such as the Whiteman's Creek area of the Grand River watershed. Other examples would be the high water use maps in the current regulation. The Ministry should also consider whether, independent of WHPA-Qs or areas with a history of low water conditions, there should be a density threshold and any areas with a higher density of water takings should be managed on an

area basis. To calculate this density threshold, permitted water takings and non-permitted water takings especially those over 50,000 litres per day, should be considered.

- 2. What suggestions do you have for the process of assessing and developing a strategy to manage water takings on an area basis? For example, how should local water users, stakeholders and Indigenous communities be engaged?*

As discussed above, it is anticipated that the implementation of Goal 1 will be tied closely to Goal 2. As such, both should be collaborative approaches, and since they are tied to provincial decisions, led by the MECP Regional offices. Although it is recommended that these processes are led by the MECP, it is recommended that the actual engagement process be managed, where possible, by the local conservation authority, including Source Protection Authority staff. Conservation authorities have experience in managing effective engagement processes, and the area management of water takings should leverage these existing processes such as Source Protection (working groups, community liaison groups, Section 34 / 36 consultation experience), watershed management planning groups, Low Water Response Teams, and Water Manager Committees. The process should be clearly set out first in the detailed ERO proposal later this summer and then specifically in individual Terms of Reference for the area being managed. It is envisioned that the MECP Regional Office would be required to lead the process, however, would have the flexibility to sub-contract / delegate the engagement process to the conservation authorities. By utilizing conservation authority staff, experience, and existing stakeholder networks, this would mean efficient use of public funds and allow the engagement process to be separate from the regulatory decision. For this arrangement to work, however, sufficient provincial funding would need to be transferred to the conservation authorities. Additionally, given the current uncertainty related to changes to the Conservation Authority Act, if this approach was to be used, it should be clearly identified where this engagement work would fit in terms of mandatory or non-mandatory conservation authority programs. Since this is a provincially led process, the Province should fund the conservation authorities to lead the engagement process. It is possible that the engagement process for area management of water takings could be incorporated into or be created from already existing groups especially Source Protection community liaison groups, watershed management plan groups, Low Water Response Teams and / or Water Manager Committees. Consideration in the detailed guidance should address how to merge this requirement with existing groups so we don't end up with multiple water management groups with similar but slightly different goals.

If the conservation authority led engagement approach is not feasible, then the MECP Regional and District Offices should be tasked with leading the engagement process with input from the conservation authorities. Conservation authorities are generally the best positioned public agency to achieve buy-in from all the stakeholders. It is recognized that some Conservation Authorities will not have the capacity to manage the engagement process, which is why it is suggested that the overall process be led by the MECP so the MECP can also lead the engagement process where needed. Given the cross-boundary nature of the issue, and since they are one of the largest water users, it is not recommended that municipalities be tasked with leading the engagement process for area management of water takings. Instead, municipalities should have a seat at the table along with other water users. Municipalities involved should include all municipalities that have jurisdiction within the area management area (ie WHPA-Q) regardless whether municipalities operate municipal systems. The MECP should also consider



in the detailed proposal, as outlined in BluMetric recommendation 3 for the Guelph-Wellington area, what guidance and assistance is needed to assist management of water resources between municipalities within the area management framework.

In the detailed proposal, the MECP should consider how better to integrate the PTTW process and the municipal planning process both development and growth planning. Since the PTTW approval generally happens later in a development timeline, many of the planning decisions have already been made or approved conditionally. It is often a classic chicken / egg scenario, where an applicant does not wish to invest in the studies required for a PTTW until the planning approvals are obtained, but often the PTTW studies would better inform the planning approval. Some strategies to better integrate the two processes are at the municipal level such as holding zones and / or development permit systems. However, the MECP should consider what actions can be taken provincially to encourage applicants to collect, and make available, data earlier to support planning decisions.

The MECP should provide guidance in the detailed proposal on how to operationalize the use of the Tier 3 models for PTTW applications, municipal water supply master planning, and other uses as required. This is consistent with BluMetric recommendations 1, 2 and 5 for the Guelph-Wellington area. As discussed in Goal 1, this should include direction to MECP staff on how to incorporate the Tier 3 models. In the detailed guidance proposal, the MECP should consider and implement the BluMetric recommendations 1, 2 and 5 as it pertains to the Guelph-Wellington area. In particular, guidance on how to make the Tier 3 models available and support for an online portal, similar to Oak Ridges Moraine portal, would be beneficial. Given the number of Tier 3 models in the province, the MECP should consider whether the online portal infrastructure could be funded and managed by the MECP, while allowing the data management and licencing to be handled by the owners of the Tier 3 models (often municipalities or conservation authorities).

Within an management area for water takings, the MECP should consider whether data collection could be strengthened for exempted uses (exempted from the PTTW requirement) without overburdening those industries. This could take the form of a requirement to report water takings similar to the reporting requirement for water takings with a PTTW.

### *3. How can the province help water users be more prepared for drought?*

Where applicable, the Province should, and already does in some cases, require drought management plans as a term or condition of the PTTW. This should be required in any of the areas identified as requiring area management of water takings. Alternatively, the Province could consider a province-wide, regulatory requirement mandating drought response plans for water takings over a certain threshold of water taking volume in the summer months, based on an average of the past 5 years water taking data. Consideration should be given to whether drought management plan guidance should include thresholds for certain actions (ie implementation of watering bans or restrictions), and how this ties into the Low Water Response Program guidance.

The removal of the high water use maps and prohibitions from regulation and being replaced with the outlined area management approach is a reasonable approach. It is difficult to lock into regulation what

areas will require management, as the areas will change based on water conditions and data. It is better to provide a flexible approach in the regulation and enable decision makers to identify new areas, and remove old areas in the conditions change.

Given the proposal for area management of water takings, consideration should be given on how they integrate with the Low Water Response Teams and the Tier 3 water quantity policies, where applicable, especially so we don't end up with multiple water management groups with similar but slightly different goals. The Province should consult about this and implement the feedback from the Provincial (MECP and MNRF) and Conservation Authority staff currently tasked with running the Low Water Response program and the Source Protection program. It is understood that some Low Water Response related comments are being submitted by Conservation Authorities as part of this posting.

### **Goal 3 – Make water taking data more accessible**

- 1. Is there any water quantity and monitoring information reported to the ministry that should not be made publicly available? If so, why?*

All water quantity and monitoring information reported to the MECP should be made publicly available. This includes the application documents and monitoring reports required as a condition of the PTTW.

- 2. Would the proposed online resource be helpful to you? Why or why not? Are there other mechanisms for sharing this information that would be helpful to you?*
- 3. What data would you like to see included in the online resource?*

The proposed online resource is a useful tool that can likely serve multiple purposes including providing better access to the data at a high level or in a dashboard format, along with bulk data download and a report / document repository. The MECP should consider using existing online tools such as Access Environment for providing the data analysis and display tools. Application documents and monitoring reports should be made available in pdf format so that the data can be reviewed in the context of the report that it was collected for. These should be locked pdfs, including signature pages of the report authors, which are simply posted in an online tool for download and reference, organized by site. If there is proprietary information, the report authors could contain all that information in one appendix that is easily removed for posting, similar to the approach BluMetric used in their reports for this proposal. If this approach is used, a brief summary should be included to outline what was removed and the rationale for removing it. Posting of locked pdf documents will reduce the number of FOI requests to the MECP, and increase productivity and efficiency for municipal and conservation authority reviewers (ie reduce the time needed to request copies of the documents).

All of the data currently collected through PTTW conditions in monitoring reports should be included in the data download and dashboard tool, including monitoring well / piezometer and pumping well data, including water level and water quality data. The MECP should also clearly indicate permit conditions in the data such as seasonal pumping restrictions (ie can only pump between April and October), as currently that information is difficult to extract from the available PTTW data. All data provided through



the online portal should include detailed metadata, including how the data was collected, by whom, and when. To facilitate upload of monitoring and water taking data into the system, the Province should consider commercial and in house options for data upload tools, and specify a specific format (or provide a template) that is required for data upload. Otherwise, there will be a large volume of data being submitted in a variety of formats and there will be long delays in providing that on the portal. The online portal will not be useful if data cannot be made available in a timely manner (i.e. less than a year from submittal). There are examples of other jurisdictions (US EPA Regions) that have specified data upload formats.

Given the number of Tier 3 models in the province, the MECP should consider whether online portal infrastructure to make the Tier 3 models available could be funded and managed by the MECP, while allowing the data management and licencing to be handled by the owners of the Tier 3 models (often municipalities or conservation authorities). It is envisioned that the Tier 3 models would be made available in a similar approach used for the Oak Ridges Moraine portal, and that the Tier 3 portal would be separate, or a separate section, from the online portal discussed in the proposal.

4. *How would you like to see water quantity data presented? What are the most useful formats (e.g. maps with embedded information, reports, tables, story pages)?*

There are multiple audiences for the water quantity data, and differing levels of interest. To be robust, and to increase trust, the format should start with high level dashboards and maps of the data that then allows users to drill down into increasing levels of detail and complexity, including access to signed pdf reports and data download / reporting tools for different scales of data (site, region, province etc). The recent online portals and experience from Public Health Ontario and Public Health units for the COVID data should be used as examples to follow.

5. *What water resources information and guidance would you like to see made available to the public?*

The goal is to build trust with the public around what is currently an opaque and complicated process. To do this, the applications and monitoring reports, the data discussed above, Ministry Approval Branch and Technical Support Section review memorandums, and inspection reports should be made readily available through the online portal. Summaries of associated incidents and complaints (ie well interference complaints, reduced flow to surface water bodies etc) should also be published, along with the resolution of the incident response. As discussed above, the online portal format should start with high level dashboards and maps of the data that then allows users to drill down into increasing levels of detail and complexity, including access to signed pdf reports and data download / reporting tools for different scales of data (site, region, province etc).

The guidance documents should continue to be made publicly available, including the PTTW manual, the Blue Book-Water Policy guidelines. As part of the detailed proposal, the MECP should outline a timeline for updating the PTTW manual (published in 2004 or 2005), as well as the Blue Book-Water Policy

guidelines (circa 1994). It is recognized those are large tasks, however, given the proposed changes and the time since the last updates, these guidance documents need updating now. It is difficult to build trust in the public that water resources are being managed properly when some of the key documents have not been updated in over 25 years.

The MECP should implement the PGO recommendation f) regarding better science communication with the public. As noted in the PGO report, our experience with COVID has taught us that effective science and policy communication can occur, and can help the public understand complex issues. The MECP previously had an education and outreach focus (in the 1980's and 1990's), however, in the past 25 years, allowed municipalities and conservation authorities to fill that gap. There is a need for some consistent MECP communication products that form the baseline of water science and policy communication related to water quantity (and other areas of MECP mandate). This work should be prioritized, and should include the brief mentioned in the PGO recommendation, along with other communication products such as social media posts, infographics, fact sheets, website content, brochures, and videos. Provincial-level communications products will help with consistency of message, and also will help build trust especially in areas where municipalities and / or conservation authorities may not be believed by segments of the public. Provincial level products will also mean more efficient use of public funds as municipalities and conservation authorities will not need to reinvent the wheel. There are some recent examples from the source protection program where Conservation Ontario developed social media posts, and other products, that were then made available to implementing bodies. These products included spaces on the products to allow municipal or conservation authority logos to be added, or included the editable files to generate your own social media posts. This strategy meant that one agency developed the content but multiple agencies delivered the message, ensuring consistency of message and a wide audience.

#### **Goal 4 – Give host municipalities more input into water bottling decisions**

- 1. Do you support the proposal to require water bottling companies to seek support from their host municipality when applying for a Permit to Take Water? Why or why not?*

Yes, the concept to seek support from host municipalities when applying for a water bottling PTTW is reasonable. It is noted that the MECP's proposal is that host municipality support will be one factor considered by the signing Director in the issuance of the PTTW. As discussed at the July 17, 2020 meeting, MECP is not able to fetter the discretion of the signing Director pursuant to the *Ontario Water Resources Act*, therefore, the host municipality resolution is only input not a veto. There are other specific details, however, that should be reassessed.

Within our municipalities there are a variety of opinions regarding whether the host municipality requirement should be expanded to include any new or expanded water taking within an area management of water takings described in Goal 2. There is support for it being only focused on water bottling as proposed and there is support for expanding the requirement to all new or expanded water takings requiring a PTTW.

Within the area management for water takings areas, the threshold for host municipality input should be reduced to the PTTW threshold of 50,000 litres. Although it is understood the proposed threshold of 379,000 litres is the Great Lakes / St. Lawrence River Basin Agreement target, within stressed areas where water takings are being managed on an area basis, the threshold should be 50,000 litres per day, so the cumulative impact can be considered by the host municipality and input provided. The higher threshold of 379,000 litres is suitable for areas of the Province where it has not been identified as stressed area requiring area management. For stressed areas requiring area management of water takings, however, the need to properly manage the cumulative impacts of the resource outweigh the business impact to a water taker between 50,000 and 379,000 litres per day. This should be stipulated in the detailed guidance proposal.

Separately, notification of neighbouring municipalities within the area management for water takings areas should also be a requirement, as currently neighbouring municipalities are not consistently notified of PTTWs, even in areas where there is high public interest and scrutiny. For neighbouring municipalities, notification and an invitation to comment is likely sufficient, as opposed to a resolution of support requirement. This is to help reduce the number of formal resolutions required, while balancing with the need to ensure neighbouring municipalities are sufficiently informed. This recommendation is tied to BluMetric recommendation 3 in the Guelph-Wellington area.

The proposed criteria for the grounds on which a host municipality can refuse support are sufficient and robust. Since the PTTW process is and should remain a scientifically driven regulatory process, the grounds to refuse support will carry more weight if they are based in a technical or scientific rationale, and the proposed criteria are broad enough to support a host municipality refusal. A reference to a Water Supply Master Plan, Tier 3 studies, or other applicable studies should be made in the second bullet point. In the detailed proposal, the MECP should indicate the level of detail that is expected from the municipalities to substantiate a host municipality refusal. The MECP should consider that extensive data collection by municipalities to support a refusal would be an unreasonable request for most small to rural municipalities. Therefore, although there should be a technical or scientific rationale for refusal by the municipality, the primary burden for data collection, scientific analysis / interpretation and expert opinions should be placed on the applicant and MECP. Similarly, the MECP's proposal to only apply the host municipality support requirement to new or expanded takings is reasonable. The host municipality support requirement should not apply to administrative changes including new ownership or renewals for existing PTTWs where taking amount or location does not change.

### **PGO Report and Blumetric Reports**

There are many detailed recommendations included in the PGO and Blumetric reports. As part of these comments, an initial review of these reports was completed, however, it is understood from MECP staff that the focus of the ERO proposal is the Water Quantity Management Framework document. As such, the majority of our comments have focused on this document. Review will continue on the PGO and Blumetric reports, as their detailed recommendations and analysis will be applicable to the detailed proposal that the MECP has indicated will be posted to the ERO later in 2020, and to the ongoing Tier 3 policy development in Wellington County. That being said, the following comments are provided for MECP consideration on the PGO and Blumetric reports:

- The MECP should thoroughly review and incorporate the PGO and Blumatic recommendations into the forthcoming detailed proposal;
- It is noted that the PGO report highlights that the Middlebrook well was not evaluated by BluMetric, and was not fully assessed as part of the Centre Wellington Tier 3 Risk Assessment. Given the reluctance to evaluate this taking based on the 2005 data set, and as per the PGO recommendation, the MECP should consider exempting pumping tests for the purpose of collecting scientific data during future moratoriums; and
- BluMetric recommendations 1 through 5, regarding water management in the Guelph-Wellington areas, should be incorporated into the detailed guidance proposal, specifically guidance on how to incorporate water management between municipalities into the area management proposal. Some specific examples have been given above for this and other BluMetric recommendations. The BluMetric recommendations will also be considered during the Tier 3 policy development for the Wellington County chapter of the Grand River Source Protection Plan.

In closing, thank you for this opportunity to provide comments on the Province's proposed water quantity management framework, our municipalities welcome and appreciate the opportunity. Please note that these comments are provided from a staff level and are not provided as municipal Council comments from the municipalities that we represent. If you have any questions or wish to discuss these comments further, please do not hesitate to contact the undersigned.

Sincerely,

Kyle Davis  
Risk Management Official  
Wellington Source Water Protection

Wellington Source Water Protection is a municipal partnership between the Townships of Centre Wellington, Guelph / Eramosa, Mapleton, Puslinch, Wellington North, the Towns of Erin and Minto and the County of Wellington created to protect existing and future sources of drinking water.