



Aug. 2, 2020

Leo Luong, Manager
Water Policy Branch
Ministry of the Environment, Conservation and Parks
College Park 5th Flr, 777 Bay St
Toronto, ON M7A 2J3

Dear Mr. Luong,

On behalf of Ice River Springs, I appreciate the opportunity to comment on EBR#019-1340: *Updating Ontario's Water Quantity Management Framework*. Our company was founded upon this abundant, high-quality ground water resource in Ontario and we will always work to protect it. We appreciate this government's efforts on this file and respect basing the decision-making on science and evidence-based data. We feel this is the only way to truly protect the resource while finding a balance between the economy and the emotions of those that hold this file close-to-heart. Neither "side" can challenge a science-based approach; although I would venture that we are all on the same side and will hopefully find common ground in this framework.

The Professional Geoscientists of Ontario's report confirms what our onsite monitoring programs and 3rd party hydro-geologists have stated over the past 20 years. It was an emotional read for me; having grown up in the bottled water industry and been witness to a lot of the negativity associated with it. I have always known that my family operates its businesses with our community's best interests at heart, and this study further validated the environmental protection aspect for me. Bottled water takings are managed sustainably and "the science does not support the need to regulate water bottlers any differently than other takers."¹ As I said to Minister Jeff Yurek during his 2019 visit to our Blue Mountain Plastics recycling facility, true protection of the resource must include all stakeholders, not merely less than 1% of permit holders.

I look forward to moving ahead with the processing of our renewal applications for the Grafton (Northumberland County) and Gold Mountain (Oro-Medonte County) wells after the moratorium expires Oct 1, 2020. The bottled water industry requires stability in order to meet the needs of the Canadian market and our team and local communities and I believe the water quantity management framework will help provide that stability.

Please find more detailed feedback on this file in Appendix A. If you require clarification on any of the comments, please reach out to me.

Sincerely,

A handwritten signature in blue ink that reads "Crystal Howe". The signature is fluid and cursive.

Crystal Howe
Sustainability Manager
Ice River Springs Water Co. Inc.

¹ PGO. 2020, p. 6.

Appendix A

Consultation and Policy Development

We welcome the opportunity to provide our comments on the proposal paper, but we believe consultation should also be undertaken on the draft amendments to Reg. 387/04 and Reg. 63/16. The proposal paper provides high-level policy goals without detailing the instruments that will be used to achieve them. Without the text of the draft regulation, it is difficult to provide substantive feedback on the MECP's proposals.

- *We recommend that the MECP release the draft regulatory amendments with the draft guidance document for comments when the next posting is made on the Environmental Registry this summer.*

Priority 1: Priority Use

We agree that priority should always be given to providing drinking water to Ontarians.

- both tap and bottled water are essential.
- Bottled water is not only the beverage preference of many Canadians, it is also essential in a variety of situations, including heat waves, boil-water advisories and emergency situations.
- We fulfil hundreds of requests for donations every year; more so this year than ever due to the COVID-19 pandemic. We are proud to be able to assist our communities.

With the MECP's current proposal, water bottling facilities would be included in the same industrial and commercial category with permits for heavy water uses, such as aggregate washing, golf course irrigation and industrial cooling. We also understand from our discussions that municipal water systems will take priority above all other water-taking permits while making no distinction between residential, industrial and commercial water uses within a municipality.

- This approach would unfairly elevate water use by industrial and commercial operations using water from a municipal system above industrial and commercial operations using their own groundwater supply.
- This does not make human hydration from a tap or bottle a priority and does not appear to have a scientific basis.
- Further detail is required both on the MECP's planned amendments to Reg. 387/04 and the priority-use guidance document to provide full comment.

We recommend that water bottling be elevated in the proposed priority-use hierarchy and that more detail be provided on ranking water usage among the industrial and commercial permit holders.

Priority 2: Stressed Areas (drought restrictions)

Our hydro-geologist has concerns with associating a required reduction in groundwater takings with the "Ontario Low Water Response". The Low Water Response is a surface water/precipitation triggered program that has little regard for the long-term response of deep groundwater resources. In most cases, deep groundwater resources respond to long-term trends, rather than a single dry summer. A reduction of deep groundwater takings to address a dry summer will not likely assist in maintaining local surface water systems.

- Expansion of the area of technical review to incorporate the cumulative impact of all water takers within a reasonable study area (such as a sub-watershed level) is supportable.

- We believe the Low Water Response trigger should also take into consideration the ground water monitoring information at the permit site

When considering new policy approaches for stressed areas, the MECP should keep in mind the findings of its review, which were validated by the Professional Geoscientists of Ontario (PGO). The PGO report states that the current regulatory framework for allocating water-taking permits has served Ontarians well.

Without further detail on the proposal, it is difficult to provide much feedback. We would encourage the MECP to provide more information on the following:

- *Which circumstances would an area-based approach be considered?*
- *Which processes would be undertaken for assessing and developing management strategies for an area?*
- *Which methods and standards would be used to assess sustainability, cumulative effects, environmental flow needs or drought susceptibility within an area?*
- *How would consultation be managed with stakeholders?*
- *How would the MECP prevent regulatory conflict and duplication with the Low Water Response tool managed by the Ministry of Natural Resources and Forestry, source water protection under the Clean Water Act and geographically focused initiatives under the Great Lakes Protection Act?*

As the MECP develops this policy area, we would welcome the opportunity to review and discuss the information in response to the above questions.

Priority 3: **Permit Length**

Our industry has been negatively impacted by this moratorium. Applying for our permits every 5 years takes a lot of time and effort that could be invested elsewhere.

- Shorter term permits are not necessary or valuable as permit conditions require annual monitoring reports be submitted for regulatory review.
- Historically our permits have been for 10 years
- The PGO report states: “In no instance was there any evidence for continued long term declining trends in groundwater levels as a result of pumping. ...there is little prospect of additional impacts to the groundwater system in the future by continued pumping at the existing rates for these takings.”⁷

We recommend that the length of a PTTW is returned to a 10-year period to provide more stability and to facilitate investment and support jobs.

Additional Comment Area: Water Quantity Data

Providing water-taking data to the public would build more awareness about which PTTW holders are using the most water. As the government’s news release stated, “water bottling is significantly less than 1 per cent of the total permitted water taken in Ontario.”² The percentage for actual water taken by the sector is even lower.

⁷ Ibid, p. 5.

² <https://news.ontario.ca/ene/en/2020/06/ontario-proposes-to-further-protect-water-resources.html>

Communicating this data to the public will help inform better public policy. Our hydro-geologist believes this is simplest and most effective way of communicating a lack of environmental impact to a non-scientific public.

We support the MECP's proposal to develop an online platform for Ontarians to access data about water taking. This platform should be comprehensive and include data from all permit to take water holders in the province.

Additional Comment Area: Municipal Veto Power

Giving municipalities veto power over water bottling facilities: this policy proposal unfairly singles out a sector representing significantly less than 1% of permitted water-takings even though the government's review found that water bottling is sustainably managed in the province. As the MECP review's feedback on this proposal, we would ask that you consider the following findings in the PGO's report:

1. "Bottled water takings are not impacting the sustainability of groundwater resources in Ontario or of other water resources users."³
2. "Overall, water takings for bottling in Ontario are managed sustainably under existing legislation, regulation and guidance."⁴
3. "The science does not support the need to regulate water bottlers any differently than other takers."⁵

Given that the MECP's review and the PGO's report clearly state there is no basis to regulate water bottlers differently, the MECP should clarify:

- why it is proposing to regulate water bottlers differently.
- why this proposal is limited to only water bottling, which represents less than 1% of permitted water-takings
- why this proposal does not extend municipal authority to other permitted water takings for heavy-water users, such as aggregate pits, golf courses and industry.

We believe there needs to be a fair, equitable and science-based process for evaluating all water takings in Ontario. PGO's report states that "The impact to the aquifer is independent of the end use of the taken groundwater."⁶ We believe municipalities should continue to provide comments on proposals as they currently do. However, if authority is granted to municipalities over permits, there should be clear, consistent, science-based criteria that must be applied equally and fairly to all proposed permits from all sectors before a municipality can exercise its veto power. There then should be recourse for businesses to appeal disputes over the use of a municipality's veto power if one materializes.

³ PGO. 2020, p. 5. https://prod-environmental-registry.s3.amazonaws.com/2020-06/Final%20Report%20and%20Recommendations%20of%20the%20Professional%20Geoscientists%20Ontario%20Panel_.pdf

⁴ Ibid, p. 6.

⁵ Ibid, p. 6.

⁶ Ibid, p. 6.