

July 31, 2020

Erinn Lee

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## Public Works

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### **Re: Updating Ontario's Water Quantity Management Framework, ERO number 019-1340**

Dear Ms. Lee:

We want to thank you for the opportunity to comment on the [Ontario's Water Quantity Management Framework](#). Region of Peel staff recognize the Ministry's efforts to strengthen policies and propose a new regulatory regimen that will further safeguard sources of drinking water and provide host municipalities with more input into water bottling decisions.

We are pleased to provide feedback from Region of Peel staff, including recommendations to segments of the proposed changes to Ontario's Water Quantity Management Framework as outlined in this letter.

### **Do you support including priorities of water use in regulation? Why or why not? How should priorities of use be applied to water taking decisions? When should it be applied? What process should be followed?**

The Region of Peel supports the decision to prioritize water use in Ontario with takings being ranked as follows:

- top importance given to the natural environment,
- drinking water needs of Ontario communities and focus on 'water for people' that considers municipal water supply and lasting sources of water in private residential wells, and
- agricultural needs before water takings get approved to serve water bottling operations.

Adding priority criteria to the regulation will make decision making more consistent and competing priorities easier to manage or resolve through enforcement of established requirements.

Priority based water allocation must rest on science, available data and expert review of potential impacts, now and in the future, with consideration of influencing factors from population growth and urban planning to climate change and economic demands. Transparency of the priority approach and the science behind decision making are important to gaining public understanding and to encouraging consensus.

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It is recommended that a preliminary step should include a screening mechanism to self-assess the likelihood of water taking in the subject area, which would eliminate the need to initiate the water taking application process. Further, it is suggested that the review of the Permit to Take Water (PTTW) application clearly identifies interested parties, relevant to the subject area, including historical and current pressure points as well as trends and the impacts of water taking over time.

Integration of the subject application with parallel requests at different stages of the application review must be considered to align against the regulatory criteria. Where two applications for water taking are being reviewed for the same water source, it is important that the Ministry apply priority-based decisions regardless of the application submission order, not “first-come-first-served”, but who is more authorized to the water even if it’s the later applicant.

Intergovernmental collaboration should be encouraged to ensure common objectives and consistent conclusions with public health and environmental protection in mind.

We would also like to know if an opportunity exists through the new framework for the Ministry to amend (decrease) existing permits issued to water bottling operations. This would be in the event where a new application for PTTW is submitted for takings associated with high priority demand, such as a new municipal supply required to meet growing need in the community.

### **Who should be involved? What information should be considered?**

Priorities must be based on historical data, trends and current water resource conditions. Climate change should also be an important component of ranking decisions. Priorities should be considered when monitoring data show impacts to water resources (water quantity or water quality) and should be thoroughly reviewed at PTTW renewal or amendment.

The main stakeholders in the review of water taking application should include the Ontario Government (Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry etc.), local and regional municipalities, conservation authorities and area PTTW holders that make up the newly established prioritization.

It is strongly suggested that annual reports be required under every PTTW issued by the Ministry, with a threshold that triggers impact to the water resources and the environment. Decisions on PTTW should also take into consideration the following information:

- provincial investigation from the Ontario Geological Survey (OGS) with regards to water resources, such as regional aquifers, recharge areas, groundwater age, etc.
- source water protection and watershed models (local and regional scale)
- annual monitoring reports for PTTW within the Zone of Influence or 500 metres, whichever is bigger
- historical monitoring data within the Zone of Influence or 500 metres, whichever is bigger.

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### **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)?**

Region of Peel is encouraged by the proposed priority, which places public needs in the centre, allowing communities to thrive. We do agree that municipal drinking water supply must be the highest priority after the natural environment.

Good planning necessitates preparing for the unexpected; and therefore, longer-term growth must be considered a priority with future sources of water secured and adaptable to the cumulative effects of climate change or economic growth.

Therefore, water taking permit decisions should be made based on projected growth, at least up to 20 years ahead of time to ensure proper water supply demand to meet future growth. It is recommended that Master Plans become an instrument for the Ministry's use in relation to community growth proposed and approved by the Province.

### **Under what circumstances should the Ministry consider assessing and managing water takings on an area basis? 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?**

A watershed-based approach, the existing Source Protection program and data should form the basis for decision making in the quantity sensitive areas.

The Ministry should be coordinating water taking decisions on an area basis with other provincial programs, such as Source Protection as well as considering municipal planning needs and conservation authority watershed plans.

Circumstances to consider include:

- where water quantity has been identified as a significant drinking water threat through a water budget study (Tier 3) completed under the Source Protection Program
- other "critical" groundwater areas where resource is stressed/at risk, high density of takings, overdrawn
- where a pattern of interference between wells is observed.

Water takings should always be assessed and managed based on water resource boundaries, based on watersheds for surface water and aquifers boundaries for groundwater. This would cover cumulative impacts from all water takings within the same boundary.

It is important that the Ministry have a very clear concept of what is considered an "area basis". It is suggested that the term be identified according to water taking (surface water or groundwater) to avoid misinterpretation.

It is also suggested that a tiered approach be used to assess and develop a strategy to manage water takings, as follows:

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- Tier 1: Background information:  
Identification of the water resources available on a regional and local scale. This would be based on regional and local water resources studies prepared by the OGS, conservation authorities, regional and local municipalities etc. Maps and models need to be consolidated in a provincial database for use of all water users and for the Province to aid with decision making.
- Tier 2:  
Consultation with local and regional water users, local stakeholders, Indigenous communities to refine water resources models
- Tier 3:  
Public consultation with local communities

### **How can the Province help water users be more prepared for drought?**

Calibration of hydrological water models and access to data and trends allows the water users to assess availability and capacity of area water sources. The integration of indicators would help water users escalate priority of water use (with municipal drinking water takings of most importance) through a built-in mechanism (regulation or PTTW condition). Permission to take water for uses other than those that are top priorities would be scaled down or paused while allowing for increase in takings for municipal sources beyond the established limit without the consequence of non-compliance.

The Province can also help water users, through conditions in permits, to identify water use priorities and approval contingencies during periods of drought.

Availability of regional and local water resources maps and models would make an excellent source for water users to be prepared for drought conditions and an awareness of the state of the water resources and fluctuation during dry periods would also allow better planning capabilities.

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

All monitoring data on water quantity and water quality taken under the use of any water resource, must be made available to the public.

### **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?**

The proposed resource would be useful to the Region of Peel and support the decision-making process for current and projected water demands. On-line data sharing would be a sufficient tool for information sharing at any time.

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### **What data would you like to see included in the online resource?**

The online resource should include the following information:

- A private wells database
- PTTW associated records: approvals, hydrogeological studies, annual reports, non-compliance reports, etc.
- Activities registered in the Environmental Activity and Sector Registry (EASR) system
- Environmental Compliance Approvals for storm water and wastewater management and its associated studies and monitoring reports
- Provincial, regional and local maps and water resources models

### **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)?**

It would be very useful to see water quality data presented in a visually illustrative format with historical trends for comparison. It would also be highly suggested to include maps with the location of the monitoring station(s) supplemented by studies reports and tables as well as summary reports with results of exceedance, contingency and mitigation measures.

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

It is suggested to only have the data that has been interpreted by a Qualified Professional available to the general public, with background information on regional and local water resources maps and models also being made available to all.

### **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?**

The Region of Peel fully supports the proposal to require water permit takers to obtain the support of the host municipality and looks forward to becoming a key stakeholder in the collaborative review of applications from the water bottling companies. Currently, public consultation typically focused on technical feedback without thought to other environmental impacts associated with bottled water production such as plastic pollution and microplastics, which recently were categorized as contaminants of emerging concern in water and the air; consequently, creating environmental impacts and potential impacts to human health.

The proposed exemption of water bottling companies with water takings of 379,000 litres per day should be reconsidered and every record of application made known to the host municipality. The cumulative impact of smaller water bottling companies can become significant in managing municipal drinking water supplies and a low-yield water source may be impacted by even small takings.

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Considering the “host municipality” as the single-tier or lower-tier municipality where the proposed water taking is located is problematic for the Region of Peel and its local municipalities (Caledon, Brampton and Mississauga). In the context of the Region of Peel, where the upper-tier municipality owns and operates the drinking water system, and where the Regional Public Health Unit oversees private well safety, the local municipalities would not have the expertise to make an informed decision about potential quality and quantity impacts to private and communal water supplies. The Region therefore proposes that all tiers within the municipality must be provided with an opportunity to be consulted regarding water taking application by a bottling company. An alternative recommendation is that in a two-tier municipal government structure the host municipality be defined as the municipality with responsibility for municipal drinking water system and public health.

When considering whether to support a PTTW, host municipalities have the duty to protect the public interest within their jurisdiction just like when they make any decision regarding the use of land and natural resources. Host municipalities must be part of the stakeholders who will provide comments on the proposed PTTW and their comments have to be based on science.

In conclusion, the Region of Peel staff supports the proposed changes to the Ontario’s Water Quantity Management Framework, subject to the recommendations noted in this letter. We are looking forward to our continued partnership with the Ministry to further our collaborative work in safeguarding the sources of drinking water in Ontario and the Region of Peel communities.

With Best Regards,



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