



Friday, November 20, 2020

Juwairia Obaid
Senior Program Advisor
Ontario Ministry of the Environment, Conservation and Parks,
135 St. Clair Avenue West, 1st Floor,
Toronto, ON M4V 1P5

Dear Ms. Obaid,

RE: Proposed amendments to regulations made under the Environmental Protection Act and Ontario Water Resources Act to make modifications to Environmental Activity and Sector Registry requirements and exemptions for low risk short-term water taking activities – Environmental Registry Notice #019-2525

The City of Guelph (City) appreciates the opportunity to comment on the proposed regulatory changes under the *Environmental Protection Act* and *Ontario Water Resources Act* to streamline permissions for certain low risk short-term water taking activities. The proposed regulatory amendments are intended to reduce regulatory burden while ensuring that human health and the environment are protected. These amendments include introducing low risk pumping tests with well understood impacts as a new prescribed activity for registration on the Environmental Activity and Sector Registry. In addition, the amendments would remove certain Environmental Activity and Sector Registry restrictions related to construction site dewatering and road construction activities which, the Province indicates, do not further environmental outcomes and create undue burden for businesses and individuals.

The City has a keen interest in the efforts of the Province and the Ontario Ministry of Environment, Conservation and Parks (MECP) to manage water takings to protect the long-term sustainability of Ontario's water resources. The City's interests are primarily with respect to protection of the water resources in and around the City of Guelph that are used as sources of municipal drinking water. Under the Ontario Clean Water Act (CWA), a Wellhead Protection Area for water quantity (WHPA-Q) has been defined for the City's water supply system, which extends beyond City limits. The City's water supply system has been determined to be at significant risk of not being able to meet its water demand in the future (2031) under drought conditions. For the water budget details see – [Source Protection Areas in Guelph and Guelph-Eramosa Tier 3](#).

The City has reviewed ERO 019-2525 and the related Discussion Paper as provided in the ERO posting. Please find below our comments on the Proposal as it is

currently provided. These comments may be subject to further detail or clarification as more information is provided by the Province.

General Comment

With respect to protection of water resources used for municipal drinking water, the City is generally supportive of the proposed amendments provided that the proposal achieves the same level of protection to water resources as has been provided in the past. The City suggests that the Province continually review the proposed amendments and the final regulation changes to ensure that municipal drinking water sources are protected from losses of water quantity.

Detailed Comment – Notification Requirements

The City suggests that the Province review the notification protocols for the proposed amendments, particularly with respect to short-term pumping tests and construction dewatering to ensure that the protocols are protective of municipal drinking water sources. The City should be consulted and notified prior to the water taking within the WHPA-Q.

The City maintains a number of municipal water supply wells and has a designated WHPA-Q in which water quantity is to be protected. For groundwater takings associated with pumping tests and construction dewatering within the WHPA-Q, the City Risk Management Official (RMO) should be consulted during the preparation of the pumping test design report or the dewatering water taking report and discharge report. The RMO can identify potential issues and concerns with respect to the water taking, aid in the development of the reports and avoid potential delays upon notification prior to the water taking. Similarly, the RMO can identify potential issues or concerns with respect to the discharge plan, the potential for contamination in the groundwater in the area of the proposed water taking and identify wellhead protection areas for water quality. The City suggests improved notification protocols are required in the WHPA-Q and the WHPA-B for the City.

The City suggests that the Province should consider improved consultation and notification protocols in proximity to municipal water supply wells. For example, a pumping test in a bedrock aquifer within 500 m of a municipal well could cause a well interference problem with the City's wells and reduce the water supply capacity of the municipal well. In addition, the City's operation of a municipal well could affect aquifer water levels during a proposed pumping test and could significantly complicate the interpretation of the pumping test results. During consultation, the rationale for the pumping test or dewatering could be discussed (if not already known) and the City could provide input on any potential long-term implications of the water taking. For example, if the pumping test is for a proposed long-term water supply or a geothermal system, the City could advise the proponent of potential conflicts with the City's municipal water supply system and its protection of its drinking water sources. A similar approach may apply for deep construction dewatering if a long-term foundation dewatering system may be required as an end result.



The City also suggests the Province add details in the amendments with respect to compliance with community Source Protection Plans particularly with respect to water quantity policies. The City is developing water quantity policies under the requirements of the Clean Water Act and the policies will apply to water taking activities that are considered to be significant drinking water threats within the WHPA-Q. While the City policies are in development, the City expects that the policies would apply, once finalized, to the water takings (i.e., greater than 50,000 L/day) proposed in the amendments.

All of which is respectfully submitted:

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