

February 4, 2021

Ontario Ministry of the Environment, Conservation and Parks

Attn: Brent Taylor
Water Policy

Re: Proposed Implementation of Updates to Ontario's Water Quantity Management Framework
Environmental Registry of Ontario Posting No. 019-2017

Submitted by email to waterpolicy@ontario.ca

Dear Mr. Taylor,

On December 7, 2020, the Ontario Ministry of the Environment Conservation and Parks (MECP) posted a regulatory proposal on Ontario's Environmental Registry (ERO): *Proposed Implementation of Updates to Ontario's Water Quantity Management Framework*. The project number is 019-2017 and the public comment period is 60 days from December 7, 2020, until February 5, 2021.

This proposal seeks "input on the draft guidance to help manage water taking in areas where water quantity is a concern and where there are competing demands for water."¹ MECP is "also proposing to revoke the interim guidance once updates to Ontario's water taking program are in place, aligned with the end of the bottled water moratorium on April 1, 2021."²

Links to the following two related files were provided: *Draft Water Quantity Management Implementation Guidance* and *Proposed amendments to Regulation 387/04*. These two documents reflect "the findings of MECP's review of the province's water taking policies, programs, and science tools and their proposed changes to Ontario's water taking program."³

MECP proposes the draft guidance as an update to its current guidance for managing and deciding permits to take water (PTTW) in stressed areas and water use priority.

In response to MECP's request for the public's feedback, my observations on the proposed draft guidance are as follows:

¹ <https://ero.ontario.ca/notice/019-2017>

² <https://ero.ontario.ca/notice/019-2017>

³ <https://ero.ontario.ca/notice/019-2017>

I support updating the current PTTW process to reflect changes associated with increased water usage, competing demands for its use, long term sustainability, and the impacts of climate change.

Area-based Water Taking Management Strategy

Greater focus on an area-based approach to managing PTTWs in stressed areas and priority of water use is encouraged, provided they are a basis for a more thorough and proactive approach to managing PTTWs.

The draft guidance focuses on water quantity without considering whether or not water is "fit to drink." Increasing chloride levels in groundwater is a growing municipal concern, and the chemical contamination of Elmira's groundwater is a wake-up call regarding a lost municipal water supply. Municipal and private water treatment cannot adequately remove all contaminants from a water supply, increasing the importance of source water protection. Assessing water quantity without considering water quality is a concern.

The proposed document is purposely vague regarding when an area-based strategy is required. Instead, there should be greater certainty and direction as to its requirement.

A successful strategy will require collaborative working relationships between MECP, municipalities, conservation authorities, indigenous communities and other local agencies to ensure local information and recommendations are incorporated and considered in the water quantity management strategies. Establishing these relationships at the start and maintaining them through the entire process is key to a successful strategy.

A one size fits all strategy may not suffice given the local complexities of some watersheds, so I support the need to maintain some flexibility for unique situations. In Centre Wellington, the local geology's complexity required engaging the Ontario Geological Survey's (OGS) assistance for the Tier 3 study. Any proposed groundwater-based strategy should consider OGS assistance to develop the geological models.

Defining the limits of an area-based strategy needs to consider multiple water users and their cumulative impacts that may require broadening rather than limiting the area of focus. Better to err on the side of caution rather than expediency to ensure adequate area coverage.

Considerations for Initiating a Water Taking Management Strategy

The *Growth Plan for the Greater Golden Horseshoe's* assigned growth projections requires a proactive rather than retrospective approach to prioritizing use in meeting provincially mandated municipal growth targets.

Triggering the strategy after well interference, water level decline or adverse impacts to an ecosystem's health is too late. Instead, early adoption of proactive strategies is

encouraged to reduce costs, conflicts and long-term depletion of water resources associated with the delay in identifying, responding to, and resolving an issue.

Instead of waiting for the MECP to become aware of potential issues, concerned water managers outside the MECP should also have the ability to request the implementation of a strategy.

Cape Town, Mexico City, Chennai, Beijing are examples of cities facing uncertain future water supplies. Since 2014, \$76 billion has been spent on aqueducts sending water to a parched Beijing.⁴ What plans are in place to address a similar water shortage that may impact municipalities within the Greater Golden Horseshoe? Early adoption of a strategy is the preferred approach to waiting until the challenge is upon us.

Preliminary Assessment

It is not a matter of MECP "may engage with other ministries, water users, conservation authorities, municipalities and other local stakeholders, as well as Indigenous communities"⁵ but rather "will engage" in undertaking a preliminary assessment. Early engagement of all stakeholders is necessary to achieve greater buy-in and support for the assessment decisions.

Early adoption of data and knowledge from existing water management programs (e.g., source water protection, municipal water supply planning, subwatershed studies, and the low water response program) should be a prerequisite to determining the need for an area-based management strategy. The search for data and knowledge and its inclusion in the assessment needs to be broad rather than limited. Use of the term "may access" should be replaced with "will access" to reinforce a commitment to thoroughly evaluating the challenge.

Hereto a proactive approach to determine a need for water management in stressed areas or areas encountering or anticipating increased growth pressures is encouraged.

Preparing a Water Taking Management Strategy

Whereas the current PTTW program focuses on individual reporting, an area-based strategy will require collective monitoring and assessment that will require an identified champion to manage and analyze the data. Conservation authorities are the best positioned, given their knowledge of and relationships within a watershed, to be the champions.

Municipalities have invested significant effort and expense in various Tier 3 source water protection plans and models, municipal water supply master plans, university groundwater research, municipal wastewater master plans, and water management

⁴ <https://www.msn.com/en-us/weather/topstories/11-major-cities-that-are-running-out-of-water/ss-BB11nB9w#image=6>

⁵ https://prod-environmental-registry.s3.amazonaws.com/2020-12/DRAFT%20Guidance_English.pdf p.5.

infrastructure. Area-based water quantity management strategies should prioritize leveraging this work and engaging the local agencies and stakeholders involved in the work.

Ultimately, MECP should integrate this information and data into regional-scale computer models to support the proposed water management framework. These models would provide baseline conditions for future scenarios to help source water protection planning, master water supply planning and other water management analysis. These models would provide a consistent and current information base shared freely between agencies based on a cost-sharing framework to manage, update and maintain the models.

MECP should also help municipalities maintain and update their various water management studies and ongoing research in return for their data's integration into the province's regional-scale models.

Engaging Water Users, Local Stakeholders, and Indigenous Communities on a Water Taking Management Strategy

The proposed draft guidance is vague concerning its proposed engagement strategy to involve and collaborate with local agencies and stakeholders through all process stages. Currently, it identifies only two points where MECP “would formally initiate engagement.”⁶

A well-defined process is necessary to prescribe interaction with local agencies (e.g., indigenous communities, conservation authorities, municipalities, etc.), identify and source local knowledge and expertise, reduce duplication of effort and cost, and promote sharing resources and capabilities.

Delegating the development of a strategy or its components to a local agency (i.e., a conservation authority) that may have considerable knowledge and expertise of an area and established relationships with various agencies and stakeholders should be considered.

Aligning a Water Taking Management Strategy with Other Provincial Policies and Programs

The integration of other Provincial policies and programs (e.g., Low Water Response, Clean Water Act, Lakes and Rivers Act, Ontario Water Resources Act, Greenbelt Plan and Growth Plan for the Greater Golden Horseshoe)⁷ into area-based strategies needs to be better defined, as well as ensuring sufficient alignment with the various studies (e.g., municipal water supply master plans, municipal wastewater master plans,

⁶ https://prod-environmental-registry.s3.amazonaws.com/2020-12/DRAFT%20Guidance_English.pdf p.10.

⁷ https://prod-environmental-registry.s3.amazonaws.com/2020-12/DRAFT%20Guidance_English.pdf p.11.

watershed and subwatershed management plans, stormwater management, source protection studies, etc.)⁸.

Ultimately, an overarching province-wide water management framework is required, of which the PTTW strategy is an element.

Draft Guidance to Support Priorities of Water Use

It is a significant and proactive step to propose guidelines for priorities of water use.

However, the guidance's intent to be applied only to established water users in areas experiencing a water shortage is reactionary. A more appropriate approach would be to look forward before a water shortage, conducting what-if scenarios assessing future growth and water demands for the area.

The *Growth Plan for the Greater Golden Horseshoe's* (GPGGH) assigned growth projections requires a proactive approach to prioritizing use in meeting provincially mandated growth targets for municipalities. The guidance's decision to not reserve water for a municipality's long term future water needs appears at odds with GPGGH growth demands. How can we assign growth to an area without sufficient water reserves to accommodate that future growth?⁹ This situation reinforces the importance of integrating other Provincial policies and programs in area-based strategies.

MECP should consider future municipal water supply planning needs, based on municipal water and wastewater supply plans, when applying water use priority.

Additional details are required to address conflict within a priority level. Whose need would be more significant and take precedence? Would a poultry farm take precedence over a municipality?

Wetlands need to be added to the list of environmental needs for water.

Proposed Implementation of Updates to Ontario's Water Quantity Management Framework

Please refer to my comments above that apply to this document.

Proposal to Revoke the Interim Guidance for Bottled Water Renewals

MECP's proposed and recent changes to several ERO listed policies, programs have addressed several of the concerns triggering the implementation of the moratorium.

Two concerns remain before revoking it.

⁸ https://prod-environmental-registry.s3.amazonaws.com/2020-12/DRAFT%20Guidance_English.pdf p.11.

⁹ https://prod-environmental-registry.s3.amazonaws.com/2020-12/DRAFT%20Guidance_English.pdf p.18.

MECP proposes reducing the notification period from 90 days to 30 days on Ontario's Environmental Registry for PTTW renewal applications. It would be helpful to know the reason for this change. This decision goes against the public's demand for greater transparency and sufficient notice concerning water bottling PTTW's. Reducing the notification period increases the difficulty for the public and other agencies to respond.

Issuing permits for up to a maximum of 10 years instead of five years is also a concern given public concern about water taking by bottled water producers. Five years is more appropriate, especially in light of area-based water management strategies and managing water use priorities. Extending the permits' terms may create less flexibility in initiating restrictions or withdrawal of permits. Has MEPC considered legal challenges to its enforcement of regulations?

In summary, modifying the PTTW process to include an area-based approach to managing PTTWs in stressed areas and priority of use is necessary.

The process must be comprehensive and proactive in its management of PTTWs. Its focus must be the quantity of water "fit to drink" rather than merely water quantity.

The process must encourage collaborative working relationships with various local agencies and stakeholders, incorporating local information and recommendations, minimizing duplication of effort and cost, and sharing resources and capabilities.

The process must engage early on, and throughout its duration, all local agencies and stakeholders with a vested interest in an area's water strategy.

Developing regional scale models to support a water management framework that would provide a consistent information base shared freely between agencies based on a cost-sharing structure to manage, update and maintain the models are worth considering.

Integrating other provincial policies and programs into area-based strategies needs to be better defined and ensured.

Wetlands need to be added to the list of environmental needs for water.

Addressing conflict within a priority level and the possibility of denying or cancelling a permit requires clarification in their application and direction.

Ultimately, an overarching province-wide water management framework needs to be established, of which this area-based PTTW strategy is but a component.

Reducing the notification period on the ERO site for PTTW renewal applications from 90 days to 30 days and extending PTTW permits to a maximum of 10 years from five years are concerns and should be reconsidered if removing the moratorium.

Thank you for allowing me to share my views on the proposed draft guidance and regulatory changes.

Should you have any questions regarding my comments, please do not hesitate to contact me.

Yours truly,