

February 4, 2021

Memorandum

To: Ontario Ministry of the Environment, Conservation and Parks, 135 St. Clair Avenue West, 1st Floor, Toronto, ON, 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 019-2017 – Proposed Implementation of Updates to Ontario’s Water Quantity Management Framework

On December 7, 2020, the Ontario Ministry of the Environment, Conservation and Parks (MECP) posted another regulatory proposal on the Environmental Registry of Ontario (ERO) related to water taking. The proposal is:

- [019-2017: Proposed Implementation of Updates to Ontario’s Water Quantity Management Framework](#);

The public consultation period is for 60 days from December 7, 2020 until February 5, 2021. This proposal follows up on the previously released *Ontario’s Water Quantity Framework*, the Ontario government’s moratorium for new and increasing bottled water takings, proposed modifications to the [Environmental Activity and Site Registry](#) (EASR) and recent legislation changes to require municipal support for new or expanding bottled water takings. The moratorium is currently set to expire on April 1, 2021.

These comments are provided by Wellington Source Water Protection, a partnership of the Wellington County municipalities, on behalf of the Townships of Centre Wellington, Guelph / Eramosa, Mapleton, Puslinch and Wellington North, the Towns of Erin and Minto and the County of Wellington. In preparing these comments, presentations were given to the municipal Councils of the Townships of Puslinch, Centre Wellington and Mapleton. Comments from Council have been included in this document. The following table provides the specific comments from staff, and where available, from Council. Attached separately are comments from the Township of Puslinch hydrogeologist.

In closing, thank you for this opportunity to provide comments on the above ERO postings, our municipalities welcome and appreciate the opportunity. 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.

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CAO's and Directors of Infrastructure of Townships of Centre Wellington, Guelph / Eramosa, Mapleton, Puslinch, Wellington North, the Towns of Erin and Minto

Director of Planning and Development – County of Wellington

Comment Table

Comments on 019-2017: Proposed Implementation of Updates to Ontario's Water Quantity Management Framework	
Sections of Draft Guidance	Comments
Overall comments	Overall, staff are supportive of the proposed amendments to the regulation and the draft guidance document. Both will advance the implementation of the water quantity framework, protection of the overall water resource and integrate well with existing programs such as source protection. The Province is laying out a process to manage stressed areas, consider cumulative effects, establish priorities of use and provide data. At a high level, these proposals are positive and beneficial to water management in the Ontario. In making this statement, it is staff's understanding that this proposal is enabling legislation and guidance, not prescriptive. It will be up to the discretion of the MECP Director and staff, in consultation with all stakeholders, to determine when to implement either area management and / or priority of use and that the priority of use guidance has been identified as a tool of last resort. Given this, the proposal appears to provide additional tools and processes that will help the overall protection of the water resource while ensuring a consultative approach.
Overall comments	The MECP should update the Blue Book and PTTW manuals to reflect the recent updates to the Ontario Water Quantity framework and this guidance document. This is important to clearly lay out how fair sharing, first in time, first in right and priority of use complement each other and interact to protect Ontario's water. It would also be important to clearly lay out how the different water management programs interact such as, but not limited to: source protection, municipal drinking water licencing, Class EAs, PTTWs, contaminated site management, water wells etc.
Overall comments	The MECP should prepare a series of education and outreach products that simply explain the many different facets of water management in Ontario. This was discussed at the External Water Quantity Stakeholders group a number of years ago and should now be completed and released.
Overall comments	"Strategies adapted over time as conditions change and water use" More detail should be provided on the anticipated review or reassessment timeline.
Considerations for Initiating a Water Taking	Overall the theme of the implementation guide seems positive in terms of discussing sustainability improvement, having specific

Management Strategy (page 5)	<p>objectives being action-oriented, and having measurable indicators however a management strategy is not being used as a preventative approach. It is only used where a flag has been identified and a risk identified. Implementation should occur earlier <i>before</i> a flag occurs. Proactive vs reactive approach. Why wait for a stress?</p> <p>Criteria should be used to determine when a strategy is required well in advance of a crisis situation.</p>
Preliminary Assessment	<p>Page 5 - In undertaking the preliminary assessment, it should be written as the ministry “will” and not “may” engage with other ministries, water takers, conservation authorities, municipalities..... It is important that local stakeholders be involved up front in the process. Agreed to criteria should be established upfront to determine whether an assessment is to be undertaken.</p>
Preliminary Assessment	<p>p.6 in regards to communication & ‘the geographic extent of the area’</p> <p>Would residents in the geographic area be notified or are they expected to go to the government webpage? – notification should be given in a proactive approach by the MECP. Municipalities can help with this notification and outreach as we routinely mail and / or contact our residents through social media and other means.</p>
Preliminary Assessment	<p>In areas with WHPA-Q and policies on collaboration between municipalities, agencies and stakeholders (ie working groups), the MECP should ensure they engage with those working groups in the preliminary assessment and other stages of the strategy development. This should be clearly identified in the guidance document as a step. Similarly, in areas where there are low water response teams or watershed management groups, engaging these teams / groups should also be clearly identified in the guidance document as a step.</p>
Preparing a Water Taking Management Strategy	<p>Goals and strategies should consider available local area technical studies, reports, and plans. Management measures should be discussed with local stakeholders, affected water users, including municipalities before implementation.</p>
Preparing a Water Taking Management Strategy	<p>Source protection vulnerable areas, in particular, a WHPA-Q (quantity) are not identified as an automatic reason for an area management strategy to be initiated. Instead, it is one of multiple factors that will be considered by the MECP Director in making their decision on initiation of the strategy. This approach has merit as it allows province wide application of this document in a variety of scenarios related to sustainability of the water resource broadly, not the sustainability of one particular water use such as municipal use. However, the identification of a WHPA-Q with a moderate or significant risk level</p>

	should be a major consideration in whether a water taking management strategy is needed, especially in areas with multiple PTTWs and / or low water scenarios. And this should be clearly identified as a major consideration in the guidance document.
Preparing a Water Taking Management Strategy	p.7 in regards to the strategy A-D Would input from stakeholders not be included as E?
Preparing a Water Taking Management Strategy	p.7 re: goals and objectives We support use of phrases such as “improve the sustainability...”, “...objectives should be specific and action-oriented...” and “with measurable indicators” It is important to collect, analyze and use clear data to measure impact and make decisions.
Preparing a Water Taking Management Strategy	p.7 re: management measures “When implementing the strategy, these measures WOULD BE CONSIDERED by the permit Director...” It is understood that the MECP will not fetter the discretion of the signing Director, however, this wording is vague. Stronger wording should be used such as “SHALL BE CONSIDERED” and decisions on what measures are used or not used be documented. This better reflects the collective approach outlined in the strategy while still retaining the MECP authority on PTTWs
Preparing a Water Taking Management Strategy	p.8 re: management measures “The types of management measures that COULD be included...” rather see “SHOULD” Should still allows discretion while strengthening the requirement. <ul style="list-style-type: none"> - “setting a collective expiry date” is an interesting idea and would encourage assessing the cumulative effects - would like to see water efficiency audits encouraged or mandated to ensure better water conservation - At a minimum, the wording should be “permit holders SHOULD develop a contingency for drought management plan”. The language seems vague that they COULD... In areas where drought is an identified risk to surface water or groundwater, then the requirement should be permit holders SHALL develop a drought management plan.
Preparing a Water Taking Management Strategy	p.9 Would like to see more detail about EASR users needing permits or at least ensuring they are being included in cumulative calculations. What criteria will be used to require an EASR user to apply for a permit? Similarly, clear criteria should be provided on when non-regulated users would be required to apply for a permit.
Engaging Water Users, Local Stakeholders,	Municipalities are not specifically mentioned but should be included and Source Protection Committees. Notification should be provided

<p>and Indigenous Communities on a Water Taking Management Strategy (pg 10 and 11)</p>	<p>to area stakeholders including municipalities ahead of and in addition to the ERO posting. Sufficient time should be provided to respond to the ERO of at least 60 days. There needs to be multiple avenues for engagement. In our experience, proper engagement takes months if not years and the MECP should be willing to commit to that type of process and sufficiently resources to achieve that engagement. Existing groups such as Community Liaison Groups from Tier 3 studies, Watershed management groups, low water response teams etc should be leveraged to help with the engagement.</p>
<p>Aligning a Water Taking Management Strategy with Other Provincial Policies and Programs</p>	<p>Should include consideration of relevant local policies and programs. In particular, this strategy will need to align with the Source Protection Plan policies for quality and quantity. To achieve this, meaningful consultation will need to occur during development of the strategy.</p>
<p>Aligning a Water Taking Management Strategy with Other Provincial Policies and Programs</p>	<p>When a water taking management strategy has been implemented, regarding PTTW renewals, the guidance document should provide guidance to the signing Directors regarding synchronizing PTTW expiry dates on a rolling basis. This would ensure they don't all come due the same year, however, would provide some consistency and broader review (ie cumulative effects) of the PTTWs in the area. Considerations could be made in this review on the appropriate term of PTTWs either broadly in the area or site specific as required.</p>
<p>DRAFT GUIDANCE TO SUPPORT PRIORITIES OF WATER USE - General</p>	<p>This document is reactive and not proactive. Priorities of water use in the long term should be a consideration as each PTTW is approved.</p>
<p>What are the Priorities of Water Use?</p>	<p>Priority 1 is all drinking water systems – private and municipal, also includes poultry, livestock watering and aquaculture and environment (including environmental flows and environmental remediation) and that they are all considered equally. This is important and should be maintained in the final document. It should be made clear that environmental flows also include wetlands. By maintaining the equality in Priority 1, it means that existing tools will need to be used to resolve conflicts within the category such as voluntary, negotiated reductions, optimization of municipal or private systems, water conservation measures etc. This reinforces the need, in WHPA-Q, for clear policy direction in the Source Protection Plans and the need for a clear link between this guidance document and the Source Protection Plan policies.</p> <p>Within the other 3 categories, priorities or direction on priorities could be established within each category, especially within Priority 3 where industrial and commercial uses span a wide range of uses. For example on page 14, the list of industries could be prioritized. We</p>

	received some comments that golf courses should be last in the Priority 3 – Industrial and Commercial.
When do the Priorities of Water Use Apply?	Area municipalities, water users and stakeholders must be consulted to provide input when there are competing demands
How do the Priorities of Water Use Apply?	<p>Again area municipalities must be consulted to provide input when there are competing demands.</p> <p>This is especially critical in situations where there are privately serviced lower priority uses (such as industrial) with a competing demand with municipal use (a higher priority use). This is critical because municipal uses include drinking water (a priority 1 use) as well as industrial use (a priority 3 use). To ensure fairness, the MECP should include wording in this document to outline the process to confirm / work with municipalities on the volume of lower priority use water in their system and methods to ensure that water is being used efficiently. It is understood that the MECP has more direct authority over the PTTW program and therefore, it is clearer how to manage private users with PTTWs in a competing demand system. However, the MECP has authority over the municipality as well in PTTW and SDWA licences and approvals, therefore, the MECP should ensure that if priority of use is being enacted that it is fairly applied across all lower priority users regardless if they are municipally or privately serviced.</p>
Other Considerations for Applying Priorities of Water Use	Again area municipalities must be consulted to provide input when there are competing demands
Other Considerations for Applying Priorities of Water Use	MECP should consider and provide guidance on how priority of use (and water taking management strategies) interact with the Class EA process for new municipal wells. Are there additional steps the municipality must take to complete the EA? Will the MECP only prioritize the drinking water portion of the municipal demand?
Regulation wording	Regarding Goal 3, it is recommended that the Province also include reports in the proposed regulation wording in addition to data. Publication of relevant ground and surface water monitoring reports and assessments, completed for water takers by licenced professionals, is important as the reports are critical for understanding the interpretation and context of the data. Currently, the process for receiving these reports by municipalities or other stakeholders is to either request the report directly from the water taker or to submit a Freedom of Information request to the MECP. It would be more efficient to have these reports publicly posted for download.