



VISION 2016 – 2020

Conservation Ontario will be the leader in engaging Conservation Authorities in matters of common interest and in shaping effective policy related to Conservation Authorities

## Conservation Ontario Council Report

From: Chitra Gowda, Source Water Protection Lead (CO)  
Bonnie Fox, Manager, Policy and Planning (CO)

Date: November 24, 2016

Subject: Conservation Ontario Submission on the “Proposed Permit To Take Water Moratorium”

### Summary

Conservation Ontario (CO) submitted the attached comments dated November 24, 2016 to the Ministry of the Environment and Climate Change (MOECC) on “A Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling” (EBR#012-8783). CO’s letter encourages the Province to broaden the scope of the proposed moratorium, and consider Low Water Response programs, *Clean Water Act* water budget studies, surface water-groundwater interactions and partnering with local Conservation Authorities in proposed research towards water resource management. Conservation Ontario staff will continue to monitor this file for opportunities to leverage its relationship to the *Clean Water Act*, and the *Conservation Authorities Act* (CAA) Review. In particular, leveraging the investments made into science studies conducted under the *Clean Water Act*, improving multi-ministry engagement in the Low Water Response Program, and, encouraging effective engagement of and partnership with Conservation Authorities overall and in water resources research.

### Recommendation

***THAT Council endorse the letter, dated November 24, 2016 on the “Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling” (EBR#012-8783)” submitted to the Ministry of the Environment and Climate Change.***

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### Background

On October 17, 2016, the Ministry of the Environment and Climate Change posted a Regulation Proposal Notice titled “A Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling” (EBR#012-8783) to the Environmental Registry for public review and

comment. As stated on the Environmental Bill of Rights (EBR), the proposed regulation would establish a moratorium in Ontario on the issuance of new or increasing permits for water bottling or prohibiting a person from using groundwater for the purpose of manufacturing bottled water or manufacturing water as a product that is sold in other types of portable containers. The Province posted the draft regulation entitled “Taking groundwater to produce bottled water” for a comment period ending December 1, 2016.

### **Current Status**

In response to this posting, in November 2016, CO staff prepared and circulated a draft letter to Conservation Authorities for review and comment. The attached final letter incorporates comments received and encourages the Province to broaden the scope of the moratorium, and, for the “Actions Planned” to consider Low Water Response Programs, *Clean Water Act* water budget studies, surface water-groundwater interactions and partnering with local Conservation Authorities in research towards water resource management.

### **Conclusion**

CO staff have submitted the attached final letter to the Ministry of the Environment and Climate Change before the comment due date of December 1, 2016. Conservation Ontario staff will continue to monitor this file for opportunities to leverage its relationship to the *Clean Water Act*, and the *Conservation Authorities Act* (CAA) Review. In particular, leveraging the investments made into science studies conducted under the *Clean Water Act*, improving multi-ministry engagement in the Low Water Program, and, effective engagement of and partnership with Conservation Authorities overall and in water resources research.



November 24, 2016

Leo Luong  
Manager  
Ministry of the Environment and Climate Change  
Climate Change and Environmental Policy Division, Land and Water Policy Branch  
135 St. Clair Avenue West, Floor 6, Toronto Ontario, M4V 1P5

**Re: A Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling (EBR #: 012-8783)**

Dear Mr. Luong:

Thank you for the opportunity to provide comments on the proposed “Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling”. Conservation Ontario is the network of Ontario’s 36 Conservation Authorities. Below are comments on the proposed regulation. These comments are not intended to limit consideration of comments shared individually by Conservation Authorities.

### **1. Scope of the Proposed Moratorium**

The scope of the proposed moratorium should not be limited to new and increasing permits, water bottling companies and groundwater supplies only. Low water/drought situations are often exacerbated by existing water users not limited to water bottlers. Further, where surface water sources become stressed, both surface water and groundwater supplies could be impacted. It is recommended that the scope of the moratorium be broadened in order to adequately address water supply issues, by considering both new and existing water takers, surface water and groundwater sources, and stressed watersheds.

### **2. Actions Planned**

#### **a. Low Water Response Program**

The proposed actions to be undertaken during the moratorium should include a plan to correlate Ontario’s Low Water Response Program to reduced takings. Under the response program, low water advisories are issued by Conservation Authorities to indicate the state of water resources, including an impacted state where water supply fails to meet demand despite water conservation measures. Low water advisories can also indicate a severe risk to public and private drinking water supplies. A low water advisory could be utilized to trigger a reduced water taking condition in a Permit To Take Water for the duration of the advisory. Further, certain uses (such as public and private drinking water) could be prioritized during low water conditions. It is imperative to establish the connection between permitted water takings and low water advisories, in order to effectively manage drought.

#### **b. Advancing knowledge of water resources**

##### **(i) Utilizing water budget studies prepared under the *Clean Water Act***

Water budget studies prepared under the *Clean Water Act, 2006* are instrumental in understanding our water resources. Conservation Authorities are Source Protection Authorities under the *Clean Water Act*, leading and providing awareness about water budget studies, stressed watersheds and drinking water

supplies, and associated Source Protection Plan policies. It is recommended that, in partnership with local Conservation Authorities, water budget studies be updated where needed for climate change, growth scenarios, etc. as needed in order to better understand and address water resource issues.

**(i) Interactions between surface water and groundwater**

The regulation proposal notice describes the need to gain a better understanding of groundwater resources and the rules that govern water bottling facilities that take groundwater. However it fails to acknowledge the interaction between surface water and groundwater, and the impacts of land uses on the interaction.

According to the 2016 report “Groundwater Science Relevant to the Great Lakes Water Quality Agreement: A Status Report”, groundwater-surface water exchanges provide several services and values especially during times of drought, such as:

- Maintaining base-flows in rivers and streams
- Maintaining surface water levels and moderate fluctuations in water levels in lakes and ponds
- Supplying water and maintain saturated conditions for certain kinds of wetlands
- Buffering the changes in the quantity and quality of water entering surface water bodies through transition zones
- Providing water purification, maintaining ecosystem health, mitigating erosion and floods, providing source of nutrients.

Further to the above, surface water takings could impact surface water recharge to groundwater. As well, groundwater takings could impact the amount of groundwater baseflow to surface water bodies, especially during drought. Therefore, it is necessary to study the surface and groundwater interactions and impacting land uses, and this should be included in the research proposed.

**(ii) Conservation Authorities and water resources research**

Conservation Authorities are a commenting body in the planning processes that complement/include the permit to take water approval process. Conservation Authority staff have extensive knowledge regarding their local watersheds from both a water quality and water quantity perspective, and deliver several water monitoring programs across the province either in partnership with provincial and federal governments, or stand alone. Watershed level management could help evaluate water takings cumulatively on a watershed or regional level rather than individually, and this vastly improves water management in the province. Conservation Authorities can bring this extensive knowledge to the table by being actively involved in the research that the province indicates they will be doing to understand groundwater better as part of the proposed actions.

Thank you for the opportunity to provide comments on the proposed “Regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling”. Should you have any questions about this letter, please contact Chitra Gowda, at extension 225 or Bonnie Fox, at extension 223.

Sincerely,

Chitra Gowda  
Source Water Protection Lead

cc. Kathy Woeller, MNRF  
All CAs, CAOs

*References*

Conant B, Danielescu S, Reeves H, Coulibaly P. 2016. Groundwater/surface water interaction. Chapt. 2 in Grannemann, G. and Van Stempvoort, D. (Eds.), Groundwater science relevant to the Great Lakes Water Quality Agreement: A status report. Final version, May, 2016. Published (online) by Environment and Climate Change Canada and U.S. Environmental Protection Agency.

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