



July 31, 2020

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Environmental Policy Branch  
Ministry of Environment, Conservation and Parks  
c/o Erinn Lee  
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**RE: Updating Ontario's Water Quantity Management Framework (ERO#019-1340)**

Thank you for the opportunity to provide comments on the proposal to update Ontario's Water Quantity Management Framework. Conservation Ontario is the network of Ontario's 36 conservation authorities who recognize that water security during times of drought and sustainable water resources overall are vital to a healthy economy. These comments are not intended to limit consideration of comments shared individually by conservation authorities.

As outlined in the "Made in Ontario Environment Plan", the Province has committed to enhancing the ways in which water takings are managed to ensure Ontario has access to sustainable water resources in the face of a changing climate and continued population growth. Conservation Ontario is generally supportive of the proposals included in the *Updating Ontario's Water Quantity Management Framework* proposal paper to ensure water resources are sustainably managed and adequately protected for future generations.

Conservation Ontario offers the following general comments on the four goals outlined in the proposal paper. Additional responses to the specific discussion questions are included in Appendix A.

**Goal 1: Establish clear provincial priorities of water use**

Conservation Ontario is supportive of the Ministry's proposal to amend the Water Taking and Transfer Regulation (O. Reg. 387/04) to establish clear provincial priorities of water use in regulation. Establishing such priorities will be critical in informing guidelines and protocols for water use / takings in areas subject to drought or water quantity stressed areas, ensuring the demand for essential uses is satisfied, and helping communities adapt to impacts of a changing climate.

Regarding the proposed priorities of water use, Conservation Ontario supports the proposal to identify both the environment and drinking water as the highest priority uses. Although not explicitly stated in the examples provided in the proposal, it is our understanding that water bottling is categorized as an industrial/commercial use in the priorities and not drinking water. With regard to the environment, it is recommended that all water takings, regardless of prioritization, must meet criteria to maintain adequate ecosystem health to ensure that water resources are adequately protected and sustainably used and include future climate change considerations. The protection of natural features, functions and areas, including streams, lakes, wetlands and groundwater resources, is an important tool to ensuring water security, quantity and quality, for future generations.

Conservation Ontario is further supportive of the proposal for the Province to provide guidance on applying the priorities of water use, including ensuring that high priority users are considering water conservation and efficiency practices to effectively manage water use. It is recommended that this guidance speak to the need for proactive approaches in the PTTW process to ensure measures are taken to optimize water supply and increase water use efficiency for all water users. Overall, guidance will provide clarity to water users, and increase transparency associated with the processing and management of water taking applications.

## **Goal 2: Update our approach to managing water takings in stressed areas**

Conservation Ontario is generally supportive of the proposal to amend the Water Taking and Transfer Regulation (O. Reg. 387/04) to add explicit direction for Permit to Take Water Directors to consider, where relevant, the effects of a group of water takings on water availability and aquatic ecosystems within an area. The premise of evaluating cumulative water takings in the context of overall water management is vital to ensuring that water resources are adequately protected for future use. It is recommended that the Province best support the protection of water resources through a watershed management approach which recognizes the integrated nature of hydrological and ecological systems across Ontario, using the watershed or sub-watershed as the area of study. Conservation authorities have considerable expertise in applying a watershed management approach and can partner with the Province, municipalities, and other stakeholders to effectively support this goal.

To assist with considering the effects of a group of water takings on water availability and aquatic ecosystems within an area, it is recommended that Permit to Take Water Directors utilize the information contained in the Approved Drinking Water Source Water Protection Plans developed by Source Protection Authorities/ Source Protection Regions across Ontario, under the *Clean Water Act* (2006). These plans contain valuable source water area (sub watershed basis) assessments with strong science foundations to protect the existing and future drinking water sources. Part of the watershed and sub-watershed scale assessments include water budgets, watershed characterizations, and estimates of permitted and non-permitted water uses for the area; in addition to identifying vulnerable ground water areas (Wellhead Protection Areas-WHPA) and lake intake areas (Intake Protection Zones-IPZ) and potential threats to drinking water sources. PTTW applications should adhere to the current Source Water Protection Director's Technical Rules for assessment under the *Clean Water Act* if in vulnerable areas or SWP IPZ and WHPA zones as per Table 4A & B (Rule 103 & 104).

It should be noted that work completed through the Drinking Water Source Protection program needs to be updated from time to time, to ensure that our water resources are protected and are sustainable through changing factors including growth, development, agricultural use changes (i.e. cash crops vs passive farming) and climate change.

Conservation Ontario suggests that strong consideration for climate change impacts be included in the PTTW application process. Currently, in collaboration with the Ministry of Environment, Conservation and Parks, a Conservation Ontario Climate Change Vulnerability Assessment Tool has been developed and could assist in determining future vulnerabilities pertaining to the permit location.

Other available resources for consideration include the individual Conservation Authority's watershed and sub watershed management plans and technical watershed characterization reports.

In addition to the amendments to O. Reg. 387/04, the Province is proposing to update existing guidance for managing water takings on an area basis. Conservation Ontario is supportive of this action, especially if it is done on a watershed/subwatershed basis, which will assist in improving stakeholder and permit holder

knowledge of cumulative impacts associated with multiple water takings in an area. As drought and low-water declarations are becoming more frequent, particularly due to impacts of climate change, the need for additional guidance for managing water takings in drought conditions is increasingly important. Conservation Ontario is highly supportive of the proposal to develop additional guidance to encourage proactive measures to manage water takings under drought conditions. In addition to guidance materials, it is recommended that guidance be included directly with the permit text to identify proactive measures for water users in conjunction with the Ministry of Natural Resources and Forestry's (MNRF) Low Water Response Program. When updating the existing guidance, the Ministry should consider engaging directly with active and experienced stakeholders from across the Province, such as other ministries (i.e. MNRF), municipalities, conservation authorities, Indigenous communities, locally relevant Federal agencies (e.g. Parks Canada- Trent Severn Waterway) and source protection authorities/regions.

Lastly, with regard to the proposal to amend O. Reg. 387/04 to replace high use watershed maps and policies that apply within high use watersheds, it is recommended that a precautionary approach be taken, perhaps through a time-limited 'transition period' approach, to enable time for the guidance to be completed and implemented. Currently, it is unclear how the proposed actions (developing additional guidance) will replace high use watershed maps, or if the original intent and purpose of the high use watershed maps will be retained through the proposed framework. An option to update as opposed to eliminate the high use watershed maps and policies should be considered.

### **Goal 3: Making water taking data more accessible**

Conservation Ontario is supportive of the proposal to amend the Water Taking and Transfer Regulation (O. Reg. 387/04) and the Environmental Activity Sector Registry – Water Taking Regulation (O. Reg. 63/16) to allow the Ministry to make water taking and monitoring data available to the public. This data is used by municipalities and conservation authorities for a variety of planning activities and studies, as well as may be helpful for proponents in preparing applications for water takings. When finalizing the amendments to the regulations, it is recommended that the Ministry specify timelines by which water quantity data would be published. While the proposal suggests annually, the data would be most useful especially in water stressed areas and during times of low water/drought if it were to be published seasonally (4 times a year).

### **Goal 4: Give host municipalities input into water bottling decisions**

With modification, Conservation Ontario is supportive of the proposal to require water bottling companies to report whether they have support from the host municipality when applying for a new or expanded water taking. Increased consultation with the host municipalities will serve to improve the level of collaboration in the management of water resources. The requested modification is that this not be limited to the host municipality, but also include the affected municipalities. Water sources cross multiple municipalities and impacts from a water taking will not be restricted to the 'host' municipality where the water bottling company is proposing to locate.

It is our understanding from the posting that this requirement "would be in addition to any other requirements or conditions that the ministry might have in deciding whether to issue a Permit to Take Water" and that the Ministry will be undertaking technical analysis necessary for permit approvals that ensure sustainable water management.

Thank you for the opportunity to provide comments on the proposal to update Ontario's Water Quantity Management Framework. Should you have any questions about this letter, please contact myself at extension 223 or Deborah Balika (Source Water Protection Lead) at extension 225.

Sincerely,

A handwritten signature in black ink that reads "Bonnie Fox". The signature is written in a cursive style with a large, prominent initial 'B'.

Bonnie Fox  
Manager, Policy and Planning

cc. All CA CAOs/GMs

**Appendix A**  
**Conservation Ontario Responses to Discussion Questions**

Discussion Questions	Conservation Ontario Responses
<b>Goal 1: Establish clear provincial priorities of water use</b>	
<p>1. Do you support including priorities of water use in regulation? Why or why not?</p>	<p>Conservation Ontario is supportive of the proposal to include priorities of water use in regulation. Prioritization will be critical in informing guidelines and protocols for water use / takings in areas subject to drought or water quantity stressed areas, ensuring the demand for essential uses is satisfied, and helping communities adapt to impacts of a changing climate.</p> <p>Conservation Ontario supports the proposal to identify both the environment and drinking water as the highest priority uses. The Ministry should consider establishing criteria for maintaining adequate ecosystem health for all water users in regulation.</p>
<p>2. How should priorities of use be applied to water taking decisions? When should it be applied? What process should be followed? Who should be involved? What information should be considered?</p>	<p>Conservation Ontario recommends that priorities of use for water takings should be based on the premise of ecosystem health and source water protection considerations, particularly in areas where water resources are stressed. Clear criteria around the maintenance of adequate ecosystem health should be included in the regulation, supported by updated and detailed guidance for PTTW applicants.</p> <p>Guidelines should address examples relevant to both urban and rural watersheds/subwatersheds with consideration to Indigenous communities.</p> <p>When applying priorities of water use, consideration should be given to potential direct or cumulative environmental impacts associated with a proposed water taking. It would be a best practice to further ensure that lower priority uses are not permitted should they directly impact highest priority uses.</p> <p>A number of resources are available which should be considered when making water taking decisions. Drinking water source protection water budget and stress assessment results can be used to inform water management decisions being made by the Province, as they identify current and projected future water takings in each watershed or sub-watershed in Ontario to evaluate the vulnerability of municipal drinking water supplies.</p> <p>Additionally, the Province may consider incorporating provincial climate change risk assessment tools, such as the Conservation Ontario Climate Change Vulnerability Assessment Tool and/or local Conservation Authority studies/technical reports to identify additional stressors on vulnerable Drinking Water Source Water.</p> <p>During this process, it is recommended that the Ministry engage with Indigenous communities, other provincial ministries (MNR, OMAFRA),</p>

	<p>municipalities, conservation authorities, the Ontario Low Water Response Program, PTTW applicants / permit holders and other interested stakeholders. Localized Federal agencies such as Parks Canada should be consulted in areas pertaining to the Trent Severn Water Way and Rideau Canal System.</p>
<p>3. 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)?</p>	<p>Conservation Ontario recommends that planned growth and longer-term growth should be considered priorities, unless there are areas where the current municipal supply does not meet the current demand. Longer-term growth projections should be used to determine the sustainability of available water resources to ensure a sufficient supply to service current populations as well as planned and longer-term growth.</p> <p>To ensure both planned and longer-term growth are considered, it is recommended that the water taking permitting process and priority of uses should be embedded into the planning process to avoid PTTW applications in areas with limited water supplies or pre-existing higher priority uses.</p> <p>In addition to municipal drinking water needs, it is recommended that this framework prioritize longer-term drinking water needs of Indigenous communities, long-term care homes, daycare centers, trailer parks, and hospitals; and users of non-municipal/private drinking water systems which include, in some areas, agricultural practices.</p>
<p><b>Goal 2: Update our approach to managing water takings in stressed areas</b></p>	
<p>1. Under what circumstances should the ministry consider assessing and managing water takings on an area basis?</p>	<p>Conservation Ontario recommends the following circumstances where the Ministry should consider assessing and managing water takings on an area basis:</p> <ul style="list-style-type: none"> <li>• The proposed taking is located in areas (watershed/sub-watershed) that are water quantity / quality stressed, or drought-susceptible areas. The identification of stressed sub-watersheds included in Drinking Water Source Protection Assessment Reports will be useful tools for the Ministry in this regard;</li> <li>• Areas where significant down-gradient takings currently exist, or where existing studies demonstrate cumulative impacts within the sub-watershed/watershed;</li> <li>• Areas where provincial or local climate risk assessment results indicate potential moderate or significant climate change impacts;</li> <li>• Areas in vulnerable areas or SWP IPZ and WHPA zones. See Table 4A &amp; B (Rule 103 &amp; 104) in the Director’s Technical Rules in the <i>Clean Water Act</i> (2006).</li> <li>• Areas where the Province has been aware of concerns by private drinking water supply owners regarding reduced water supply; and</li> <li>• Areas where additional water takings would impact existing users and the environment.</li> </ul>

	<p>Ideally, it is recommended the Ministry consider working towards the goal of assessing and managing water takings on a watershed/ subwatershed area basis under <u>all</u> circumstances and begin this assessment at the receipt of the permit application.</p>
<p>2. 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?</p>	<p>As a first step, it is recommended that the Ministry determine the area basis for the strategy, with the watershed or sub-watershed as the recommended unit of area. Water management is most effective when based on the watershed or subwatershed scale rather than geopolitical boundaries such as towns, municipalities and cities.</p> <p>Once the area basis has been defined, it is recommended that the area surface and groundwater resources be assessed for capacity, and an assessment of currently active permits be undertaken to develop an understanding of current water-taking needs. Drinking Water Source Protection Water Budget and Stress Assessment results should be incorporated in this assessment, along with Climate Change Vulnerability risk assessments and data from the Ontario Low Water Response program.</p> <p>Following these assessments, it is recommended that the Ministry engage stakeholders in discussion on the managed areas' present capacity and requirement thresholds and what the maximum sustainable water use may be.</p> <p>It is recommended that the Ministry identify and engage with key stakeholders early in the process. These stakeholders may include: Indigenous communities (individual communities and collective Treaty Nations), other provincial ministries (MNRF, OMAFRA), municipalities, conservation authorities, source protection authorities/regions, the Ontario Low Water Response Program PTTW applicants / permit holders and other interested stakeholders. Engagement sessions are recommended as useful forums for discussion and collaborative decision making, however regular communication should exist outside of these sessions to ensure stakeholder groups remain engaged through the process of developing the strategy.</p> <p>Lastly, it is recommended that the Ministry consider the 2010 Watershed Management Framework <a href="#"><i>Integrated Watershed Management: Navigating Ontario's Future</i></a>, prepared by Conservation Ontario, in partnership with the Ministry of Natural Resources and the Ministry of the Environment. The Framework outlines planning direction for water management while supporting sustainable resource and environmental management and recognizing the need to consider long-term cumulative impacts.</p>
<p>3. How can the province help water users be more prepared for drought?</p>	<p>To help users be better prepared for drought scenarios, the Province should invest in outreach and education for water users, outlining when droughts may be taking place, what to expect under various drought scenarios in their area, and the importance of water</p>

	<p>conservation during these scenarios (including identifying water storage options when water is more available to assist with drought scenarios and establishing contingency plans for such scenarios). Education and outreach materials may include: plain language descriptions and visualizations of localized climate change impacts, promotion of Low Impact Development measures, opportunities to transition to higher-efficiency water use practices, details of the Low Water Response program, and climate change vulnerability assessment tool use, adaptation and mitigation measures.</p> <p>Re-establish the Low Water Response funding for conservation authorities to re-start the on the ground conversations with various users. Ongoing active local participation requires stable funding.</p>
<b>Goal 3: Making water taking data more accessible</b>	
<p>1. Is there any water quantity and monitoring information reported to the ministry that should not be made publicly available? If so, why?</p>	<p>Conservation Ontario recommends that water quantity and monitoring information subject to FIPPA and MFIPPA should remain private and confidential. All remaining information should be made publicly available.</p>
<p>2. 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?</p>	<p>The proposed online resource would be useful for conservation authorities. Such a resource could provide a more timely process for conservation authorities and other agencies to access new and existing data related to reported water takings. It would be useful for local planning processes including land use, low water, and watershed.</p> <p>The data would be most useful especially in water stressed areas and during times of low water/drought if updates were to be published as soon as they become available.</p> <p>It would be helpful if any online resource developed by the Province celebrated partnerships and agreements with conservation authorities in water resources management.</p>
<p>3. What data would you like to see included in the online resource?</p>	<p>Conservation Ontario recommends that the following data be included in the online resource:</p> <ul style="list-style-type: none"> <li>• All data and information pertaining to the permit (permitted taking volumes, water source, location of water taking, company name and address, expiration date of permit, permitted duration of taking, water quantity volume taken, groundwater levels, surface flows and levels, temperature, rainfall data and products, etc.);</li> <li>• PTTW technical studies;</li> <li>• Monitoring reports associated with the PTTW;</li> <li>• Monthly recorded water takings by source (surface water or groundwater);</li> <li>• Historical water taking data;</li> <li>• Identification of water quantity stressed areas and other vulnerable areas; and,</li> </ul>



	<ul style="list-style-type: none"> <li>Climate change risk assessments, including climate data trend analyses and level of risks.</li> </ul> <p>Links should be provided to existing online resources of water resources data for sustainable water management. For example, most stream flow and water level data is currently available on-line in near-real time. It is available through various sources such as Environment Canada (Water Flow and Level Monitoring program) and some conservation authorities.</p>
<p>4. 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)?</p>	<p>Both tabular and spatial information and reports/studies would be useful to conservation authorities. Having the ability to perform a spatial query would be useful for accessing information for a certain location, and would allow agency stakeholders to assess permits and areas for watershed management purposes.</p> <p>Conservation Ontario is supportive of the suggestion to use story maps and maps with embedded information as visual tools for outreach and education with the general public.</p>
<p>5. What water resources information and guidance would you like to see made available to the public?</p>	<p>Conservation Ontario supports the Province’s plans to share knowledge and build water literacy in Ontario. For members of the public, it is recommended that the Province develop resources which promote an understanding of the water cycle, including information on how water takings may impact or maintain this cycle. Conservation Ontario’s website has existing resources which could be referenced and built upon.</p> <p>Additionally, the value of partnerships should be promoted and links should be provided to existing online resources of water resources data and information to ensure all data relevant to sustainable water management is accessible to stakeholders and the public in a centralized online location.</p>
<p><b>Goal 4: Give host municipalities input into water bottling decisions</b></p>	
<p>1. 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?</p>	<p>Conservation Ontario is supportive of the proposal to require water bottling companies to seek support from their host municipality when applying for a Permit to Take Water. This approach will allow municipalities to review long-term growth plans and determine if the proposed 100% consumptive water taking would interfere with municipal plans for longer-term growth. Additionally, support should be obtained from affected municipalities that share the source water.</p> <p>A rationale should be provided in guidance materials to explain why water bottling applications for water takings that are less than 379,000 litres per day are proposed to be excluded from this requirement. Additionally, the Province should consider whether this threshold should be different in stressed areas.</p>