

July 23, 2020

Ms. Erinn Lee
Ministry of Environment, Conservation and Parks
Water Policy Branch
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Delivered via Email
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Dear Ms. Lee:

**Re: ERO 019-1340, Updating Ontario's Water Quantity
Management Framework**

Thank you for the opportunity to provide comments on the Ministry of Environment, Conservation and Parks' (MECP) proposal to make regulatory changes for managing water takings and protection of the sustainability of surface water and groundwater in Ontario.

We have reviewed the proposal and participated in two teleconferences hosted by MECP on July 10th and July 17th, 2020 to review the proposed changes. We have also reviewed the paper titled "Updating Ontario's Water Quantity Management Framework: Proposal Paper" which provides more details about the proposed changes, including:

- Amending O. Regulation 387/04 ("Water Taking & Transfer Regulation"), to establish clear priorities on water use in areas where there is insufficient water to meet existing and new uses of water;
- Amending the Water Taking & Transfer Regulation to allow the Permit to Take Water (PTTW) Director with explicit authority to manage water takings on an area-basis;

- Amend the Water-Taking and Transfer Regulation and the Environmental Activity Sector Registry -Water Taking Regulation (O. Reg 63/16) to allow the Ministry to make water-taking data from PTTW holders as well as the monitoring data submitted by applicants for, or as a condition of, a PTTW publicly accessible; and
- Amending the Water Taking and Transfer regulation to require companies to report whether they have the support of the host municipality when applying for new or expanded water takings. The requirement is limited to water bottling companies that have a total maximum permitted daily water taking of greater than 379,000 litres per day.

The Canadian Environmental Law Association supports all the above proposed actions. These measures, if implemented, will significantly improve the management of water quantity in the province.

We would encourage the MECP to coordinate its efforts in managing water quality in the province with other government ministries whose mandate and actions will have impacts on the availability of water resources in Ontario. We note that the Ministry of Municipal Affairs and Housing (MMHA) is proposing to amend the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”). The proposed amendment will facilitate sprawling development and will have significant implications on the suitability of water resources. MMAH is also proposing to amend the definition of “Ecological Functions” in the current Growth Plan so that it will no longer include the term “hydrological functions.” Instead, it will only encompass ‘biological, physical and socio-economic interactions.’ This will decrease protections that were previously explicitly afforded to source and surface waters under the Growth Plan.

We are also concerned with some of the findings by BluMetric Environmental Inc., (“BluMetric”) the consulting firm, retained to undertake a review of the sustainability of Ontario’s water resources. BluMetric found that municipal water supply is vulnerable in the future due to growth, land-use changes, drought and climate change. In fact, in certain areas of the province such as Guelph-Wellington County and Orangeville it is anticipated that there will be challenges meeting future municipal supply needs. In those areas, future reliance on groundwater as a municipal water supply was uncertain while surface water resources are expected to become unsustainable. The consulting firm also found that in other areas, such as Innisfil and Quinte, surface water resources will be unsustainable in the future.

These findings call for the need for better integration of the work of MECPs' Water Policy Branch with the land-use planning process under the mandate of MMAH. This is necessary to ensure that the programs and policies of other government ministries do not undermine the protection of source water and surface water in Ontario.

We thank you for the opportunity to comment on the proposal to update the water quantity management framework in Ontario.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Ramani Nadarajah

Counsel

