



CTC SOURCE
PROTECTION
REGION



CTC SOURCE PROTECTION COMMITTEE

Source Protection Committee Meeting

Addendum

#1/16

November 28, 2016

10:00 A.M.

WESTON ROOM B, BLACK CREEK PIONEER VILLAGE

Interim Chair: Don Goodyear

6. Items for Committee Action
 - 6.4 REGULATION PROPOSAL: ESTABLISHING A MORATORIUM ON THE ISSUANCE OF NEW OR INCREASING PERMITS TO TAKE WATER FOR WATER BOTTLING
7. Items for Committee Information
 - 7.2 SOURCE PROTECTION PLANNING PROGRAM UPDATE - PROVINCIAL ACTIVITIES
 - 7.3 SOURCE PROTECTION PLANNING PROGRAM UPDATE - LOCAL ACTIVITIES (Verbal)
 - 7.4 RISK MANAGEMENT OFFICIAL REPORTS FOR 2015

TO: Chair and Members of the Source Protection Committee
Meeting #1/16, November 28, 2016

FROM: **Jennifer Stephens**, Program Manager, CTC Source Protection Region

RE: Regulation Proposal: Establishing a moratorium on the issuance of new or increasing permits to take water for water bottling

KEY ISSUE: Ministry of Environment and Climate Change (MOECC) Environmental Bill of Rights (EBR) Registry (EBR Registry Number: 012-8783) Notice to seek comments on a proposed regulation establishing a moratorium on the issuance of new or increasing Permits-To-Take-Water for water bottling

RECOMMENDATION

THAT the CTC SPC direct staff to prepare and submit a formal letter from Interim Chair Don Goodyear as the comments of the CTC Source Protection Committee in response to the EBR Registry posting on the proposal to establish a moratorium on the issuance of new or increasing Permits-To-Take-Water for water bottling by December 1, 2016.

BACKGROUND

In Ontario, water takings are governed by the *Ontario Water Resources Act*. Section 34.1 of the *Act* requires anyone taking more than 50,000 litres of water in a day, with some exceptions (e.g., domestic purposes, watering of livestock or poultry, and firefighting), to obtain a Permit-To-Take-Water (PTTW). The Water Taking and Transfer Regulation (Ontario Regulation 387/04) under the *Act* sets out rules the Ministry of the Environment and Climate Change (MOECC) must follow when considering applications for water taking permits, including a framework for assessing the impacts of proposed groundwater takings on other water uses, including the environment.

There is growing interest among Ontarians about the priority of uses and users of water in the Province, as well as in Ontario's current water management framework, particularly in light of uncertainties about future water availability and the need to account for situations where there are readily available alternatives to the water use, such as tap water. In light of these concerns and given the uncertainties associated with the impacts of climate change and future demand on Ontario's groundwater supplies, the MOECC intends to review the rules governing takings and assess existing water management tools.

The proposed regulation would establish a moratorium on the issuance of new or increasing permits for water bottling by 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 moratorium would apply in all of Ontario and would be in effect from the date the regulation is filed (anticipated to be before the end of 2016) until January 1, 2019. Although the water bottling industry is one of several industries using water for many different purposes, very little is returned to the local watershed from where it was taken.

During this period, the regulation would also prohibit the Director from issuing PTTW for pumping tests, where the objective of the pumping test is to provide data on the feasibility of the

water source for a future new or expanding water bottling operation. The moratorium would not apply to water bottling facilities that obtain their water from a municipal drinking water system. The regulation would prohibit the Director from increasing the amounts of groundwater a water bottling facility is authorized to take under an existing permit while the moratorium is in effect. Any renewals of existing permits would be subject to new stringent rules and restricted to the same or a lesser amount of groundwater and from the same location. As an immediate step, the Ministry will be implementing new operational practices when considering applications for renewals of permits for existing water bottling facilities. Renewal applications will be posted on the Environmental Bill of Rights Registry for a minimum 60-day public commenting period. Any application would require scientific studies, as necessary, to justify proposed takings. Proponents would be required to make these studies publicly available. After public comment and if approved, any renewal of an existing permit, would be issued for a maximum of five years (from the current ten years) and would include rules on mandatory reductions in times of drought, increased public transparency and reporting, and requiring additional ongoing scientific studies and monitoring, as necessary, to support the water taking.

Over the past several years, Source Protection Committees have undertaken water budget studies which have identified where and under which conditions groundwater resources may be stressed. These studies have identified areas where groundwater resources are already at risk, and areas where history shows that sources of water are vulnerable to drought. However, the amount of groundwater reserves available and their rates of replenishment within Ontario communities dependent on them are not fully understood. Changes in the frequency and duration of drought conditions and extreme weather events are anticipated and we do not yet understand their combined impact on our water resources. We also need to improve our understanding of the cumulative impact of water takings on groundwater and how the demands for groundwater are expected to change as Ontario's communities grow and our climate changes.

Actions Planned During the Moratorium

While the proposed moratorium is in place, the MOECC intends to carry out work directly related to groundwater and its use for water bottling purposes within the context of overall water management in Ontario. This work will include a number of interrelated initiatives, such as:

Examining water pricing and other tools – The MOECC will examine a range of pricing mechanisms that could be used to further protect and conserve water.

Reviewing water taking rules – The MOECC will review the existing rules governing water takings in Ontario to determine if they are adequate to protect and conserve water for future generations. The review would cover the relevant elements of the regulatory and policy framework, including the areas designated in regulation as “high use watersheds” and the rules that apply in those areas. As part of the review, Ontario intends to consult the public on the need to prioritize water uses to guide future policy regarding management actions when water resources may be stressed.

Advancing knowledge of water resources – In building on water budgets prepared through the source protection program under the *Clean Water Act*, 2006 and by undertaking complementary research, the MOECC intends to take a closer look at how demands for water are expected to change as Ontario's communities grow and how our supplies can meet this demand as the climate changes. The MOECC will seek input on priorities and potential policy approaches for enhancing groundwater protection and the management of water takings in the Province and on any proposed changes to how water is managed and priced.

Response to Proposed Regulation

Staff have reviewed the Proposed Regulation and identified five areas where the CTC Source Protection Committee could recommend improvements. These are outlined below:

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. Surface water and groundwater supplies are connected and thus, influence each other. It is recommended that the scope of the moratorium be broadened to adequately address all water supply issues, by considering both new and existing water takers, surface water and groundwater sources, and stressed watersheds.

2. Hydrogeological Study

The EBR Notice specifies that the MOECC will be implementing new operational practices when considering applications for renewals of permits for existing water bottling facilities. One of these practices is a requirement for a scientific study. It is recommended that the MOECC be more specific to the type of study required. In particular, a hydrogeological study is one which will contain the in-depth technical data and interpretation needed to make an informed decision with respect to the protection of the surface and groundwater supplies as a result of the proposed taking.

3. Holistic Approach

The moratorium is conceived as a measure to allow the Province the time to undertake a comprehensive understanding of Ontario's groundwater resources. To manage groundwater resources in a holistic manner, the scope of the proposed regulation should be expanded to include at the very least, the most consumptive water takers, if not all users. The tiered water budget studies completed under the *Clean Water Act, 2006* have identified and ranked the most consumptive water takings in each watershed or sub-watershed; thus making this information readily available to inform local water management decisions. To adequately understand the demand on water supplies intended to support Ontario's growing communities, the Ministry must look beyond a focus on only groundwater resources.

4. Use of Available Science

Extensive technical work has been completed, peer-reviewed, and approved under the source protection planning program to evaluate water quantity stress to municipal drinking water systems. Tiered water budget studies identified potential stress at a watershed, sub-watershed, and even local scale. In addition, the Province of Ontario has completed comprehensive regional groundwater studies through the source protection planning process under the *Clean Water Act, 2006* and even in the years leading up to the development of the Assessment Reports (the technical foundation of the local source protection plans). These studies enhanced the local understanding of water resources and should be consulted in making policy related decisions with respect to water takings.

In consideration of advancing knowledge of Ontario's water resources, the Province must look to existing academic and research-focused Centres of Excellence. The York-Peel-Durham-Toronto and Conservation Authorities Moraine Coalition (YPDT-CAMC) is a coalition of thirteen

agencies working together to better understand and manage water resources. Collectively, through this initiative, these agencies have used the information acquired through this Program to assist in the effective stewardship of the water flowing through their jurisdictions. It is essential that such existing state-of-the-art technical work be used to inform restrictions on taking water.

5. Low Water Response

The proposed actions to be undertaken during the moratorium should include a plan to correlate Ontario's Low Water Response Program (OLWRP) to reduced takings. The moratorium as it is currently proposed conflicts with the principles of the OLWRP, which is an effort to manage all water takings. It is imperative to establish the connection between permitted water takings and low water advisories, in order to effectively manage drought.

NEXT STEPS

Staff will prepare a letter documenting the comments from the CTC SPC to address the proposed new Regulation. Staff will submit the letter from Interim Chair Don Goodyear to the EBR registry by the deadline of December 1, 2016.

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Date: November 24, 2016

Attachments: 0

TO: **Chair and Members of the CTC Source Protection Committee Meeting #1/16, November 28, 2016**

FROM: Jennifer Stephens, Program Manager, CTC Source Protection Region

RE: Source Protection Planning Program Update

KEY ISSUE: Update on provincial activities to implement Source Protection Planning

RECOMMENDATION

THAT the CTC SPC receives this report for information.

BACKGROUND

The MOECC hosted the SPC Chairs / Program Managers meeting on November 9-10, 2016 in Toronto. The Province provided updates on a number of MOECC initiatives directly and indirectly related to the SWP program. A brief overview of the status of these provincial initiatives follows below:

Source Protection Committee Chair Appointment

The chair appointment process is near completion awaiting the Minister of the Environment and Climate Change's (MOECC) final approval. The newly appointed Chair, B. Denney, and J. Stephens will receive confirmation of the Minister's approval by way of a signed appointment letter.

Source Protection Municipal Implementation Fund (SPMIF)

On November 1, 2013 the MOECC provided funding assistance to small and rural municipalities to help implement source protection plans. Provincial funding can be used for programs and projects related to risk management, land use planning, education & outreach, as well as a number of other activities related to source protection policies. On July 28, 2015 the MOECC announced the extension of SPMIF by one year, to March 31, 2017. The MOECC is currently considering another extension to the funding program, but has not yet made a formal decision. The following municipalities within the CTC Source Protection Region obtained funding through this initiative:

- Township of Adjala-Tosorontio
- Township of Amaranth
- Town of Caledon
- County of Dufferin
- Township of East Garafraxa
- Town of Erin
- Township of King
- Town of Mono
- Town of Orangeville
- Township of Scugog
- County of Simcoe
- Township of Uxbridge
- County of Wellington
- Town of Whitchurch-Stouffville

Based on reporting to the MOECC at the end of December 2015, the majority of these municipalities have identified that they are substantially complete in their preparations for source protection plan implementation.

Ministry of Transportation Signage

Road signs indicating that a particular area is a 'Drinking Water Protection Zone' are expected to be installed on Highway 401 in 2017 and 2018 with the targeted completion date of Fall 2018.

Better Farming Magazine Advertisements

The Province has provided funding for advertisements to be published in *Better Farming* magazine. The over-arching theme of the initiative is 'Working Together For Our Future'. Two advertisements have been published to date: An Introduction to Source Protection (September) and Manure Spreading (October). Additional advertisements will be printed over the next four months along the following schedule:

- Biosolids Use – November 2016
- Pesticides and Fertilizers – December 2016
- Operations Planning and Expansion – January 2017
- Fuels – February 2017

Cultivating Clean Water

Farmers support life. Every day, and in every way, they're guardians of our land and water.

These and other Ontario farmers have helped to develop new policies to keep our municipal drinking water sources safe.

Learn if your property is located in a vulnerable area and if some of these new policies may apply to your farm operation. Help ensure our drinking water sources stay clean and plentiful.

We're working together to protect drinking water sources!

Dave Ritchie
dairy

John Hemsted
sheep

Odlin Elliott
dairy, cash/crops

With support provided by



Search Source Water Protection at omafra.gov.on.ca to learn more.

Protecting Our Water Sources

Spreading manure near municipal wells and intakes is managed or prohibited by source protection plan policies that generally reflect the requirements of the Nutrient Management Act, 2002.

If policies require that you have a plan for your operations, a local risk management official will contact you. Your existing nutrient management plan and/or a negotiated risk management plan will outline practical and effective measures to ensure drinking water sources remain clean. This might include not spreading manure in limited locations.

Working together to protect your community's drinking water supply.

With support provided by



Search Source Water Protection at omafra.gov.on.ca to learn more.

Municipal Assessment of Handling and Storage of Fuel at Drinking Water Systems

The Safe Drinking Water Branch (SDWB) sent letters to municipalities in late August 2016 to conduct a self-assessment of fuel handling and storage at their drinking water systems. To assess the adequacy of the information provided, the SDWB & the Source Protection Programs Branch (SPPB) will be reviewing all 397 significant drinking water threat (SDWT) self-assessments for accuracy. Drinking water systems determined to have an existing SDWT for fuel on-site will be required to request an amendment to their Prescribed Instrument or Drinking Water System License.

Existing Compliance Approvals (ECAs) - Municipal Assessment of Waste and Sewage

The MOECC is currently reviewing previously issued ECAs (1999-2016) identified to regulate SDWT activities to ensure the prescribed instrument complies with the local source protection plan policies and contains adequate terms and conditions to protect drinking water sources. Since municipalities can have multiple ECAs for sewage works and waste disposal sites, the MOECC intends to make a request directly to each municipality to identify previously issued ECAs for sewage works and waste disposal sites.

Source Protection Program Review

The Source Protection Programs Branch (SPPB) continues to advance their review of the Source Protection Planning Program. The purpose of this review is to analyze key program areas and develop design options, as well as recommendations that identify areas for improvement with regard to effectiveness, efficiency, long-term sustainability, and local accountability. The three main Program areas under review include the technical framework, the source protection plan policy framework, and looking at the overall source protection program (i.e., strengths, accomplishments, opportunities, challenges, and gaps).

Stewardship Needs Survey

The Source Protection Joint Advisory Committee (JAC) which includes representatives from the Ministry of the Environment and Climate Change (MOECC), Conservation Ontario, as well as a number of conservation authorities, has been developing the rationale for a targeted source protection related stewardship program for consideration by the MOECC. A preliminary survey of stewardship initiatives across the Province was completed in January 2016 and provided JAC with discussion points for discussion with MOECC senior management. Further to those discussions, a more focused survey has been conducted to address some of the specific questions (i.e., priority activities needing to be addressed and funded locally) posed by MOECC senior management. A meeting with MOECC senior management is anticipated in the near future to review the results of this survey.

Aggregate Resources Act – Proposed Amendments

In 2013, the Standing Committee on General Government made recommendations for strengthening the *Aggregate Resources Act (ARA)*. Following the release of these recommendations, in 2014, the Province held a series of sessions to engage on topics related to the management and regulation of aggregate resources in Ontario. In late 2015, the Province summarized proposed changes to the Act in the document “A Blueprint for Change”. The CTC Source Protection Committee (CTC SPC) submitted formal comments on the proposed amendments to the Act through the Environmental Bill of Rights Registry (EBR). The Province has now introducing a bill to amend the ARA and is seeking comments on the proposal by the deadline of December 5, 2016.

The proposed changes to the *Act* include:

- Power for the Minister of Natural Resources and Forestry (MNRF) to develop regulations to require licensees and permittees to submit information related to their operation;
 - o Provides the ability to acquire additional data required to protect water resources from activities taking place at existing operations;
- Allowing the Minister to add conditions to existing sites, without tribunal hearings;
- Creating the authority to make regulations requiring peer review of technical studies and to require the applicant, licensee or permittee to cover the cost of those reviews; and
- Clarifying that impacts to municipal drinking water sources be considered when making decisions for new licences and wayside permits.

Given the nature of the proposed changes and their alignment with those submitted by the CTC SPC in December 2015, a formal response to the request for comments through the EBR does not seem necessary.

Provincial Road Salt Working Group

J. Stephens has joined a provincial road salt management working group hosted by Conservation Ontario together with other Program Managers, Ontario Good Roads Association (OGRA), Ontario Road Salt Management Group (ORSMG), and the MOECC. The goals of the working group include sharing vulnerable area mapping with OGRA for not-for-profit use, providing input to enhance the OGRA online Winter Web Application, and determine best management practices and needs for salt management plan updates to protect vulnerable areas.

Permit-To-Take-Water Standard Operating Procedures

In March 2016, an internal MOECC working group (WG) was established to determine how to implement source protection related Permit-To-Take-Water (PTTW) policies and integrate water budget science into the PTTW program. This WG is comprised of technical, program, and policy staff. The Source Protection Programs Branch has co-led the development of draft Standard Operating Procedures (SOP) to support implementation of water quantity policies. The release of SOP has been delayed as the MOECC considers the recent direction from the Premier in the Minister of the Environment and Climate Change's updated mandate letter. It is anticipated that the PTTW SOP will be posted for public comment on the EBR in 2017. Until that time, the Operations Division is now considering the results of the tiered water budget work completed under the *Clean Water Act, 2006* in water taking decisions.

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Date: November 23, 2016

Attachments: 0

TO: Chair and Members of the Source Protection Committee
Meeting #1/16, November 28, 2016

FROM: **Jennifer Stephens**, Program Manager, CTC Source Protection Region

RE: Risk Management Official Reports for 2015

KEY ISSUE: Receipt of the 2015 Risk Management Official Reports

RECOMMENDATION

THAT the CTC SPC receives the 2015 Risk Management Official Reports forwarded through the respective Source Protection Authorities (SPA) for information.

BACKGROUND

Under the *Clean Water Act*, 2006 (the *Act*), Section 81 and Section 65 of Ontario Regulation 287/07 (the Regulation, the Risk Management Official is required to submit an annual report to each source protection authority (SPA) within which the municipality is wholly or partially located. The report is required to describe activities undertaken in the preceding calendar year pursuant to Part IV of the *Act* and must be submitted to the corresponding SPA by February 1.

Since the CTC Source Protection Plan did not become effective until December 31, 2015, although the Risk Management Officials were in place, they were not obliged to carry out any Part IV related activities. Most efforts in 2015 focused on establishing procedures to effectively implement source protection policies in 2016.

In the CTC Source Protection Region all of the Risk Management Officials have been appointed:

- Adam Gilmore; Halton Region (appointed in early 2016)
- Don Goodyear; York Region
- Mark Schiller; Peel Region (replacement to be appointed in early 2017)
- Greg Lymer, Durham Region
- Heather McGinnity, Town of Orangeville
- Dwight Smikle, Township of East Garafraxa
- Ryan Post, Township of Amaranth, Town of Mono
- Kyle Davis, County of Wellington

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