

# Lake Erie Source Protection Region Guelph-Guelph/Eramosa Water Quantity Policy Development



## Summary of Community Liaison Group Workshop March 7, 2018

Summary Prepared by Lura Consulting

# 1 Introduction

## Meeting Purpose

The purpose of the workshop was to discuss the effectiveness of existing legislation, programs, and various policy tools to protect sources of drinking water quantity.

## Background Materials

Participants received discussion questions for the March 7<sup>th</sup> workshop at the close of the previous workshop (February 13<sup>th</sup>, 2018). Participants were asked to consider, share and discuss these questions with their organizations, in order to relay the thoughts and concerns of their stakeholders. The backgrounder on policy tools and approaches for protecting drinking water quantity, and a copy of the CLG Terms of Reference, which were provided at the February 13<sup>th</sup> workshop, remain available to participants online.

## Meeting Format

The workshop opened with a welcome, agenda review, and introductions, facilitated by Susan Hall, of Lura Consulting and Martin Keller, of the Grand River Conservation Authority. Ms. Hall provided an overview of the February 13<sup>th</sup> workshop summary; the CLG approved the summary. Ms. Hall, Mr. Keller, and three table facilitators then led participants in table discussions on each of the four following discussion questions:

- 1. What are your desired outcomes of any legislative, program, or policy changes relating to protecting sources of municipal drinking water quantity?**
- 2. What is currently working well to protect sources of municipal drinking water (i.e.: legislation, programs, and policies)?**
- 3. What are the current gaps or challenges to protecting sources of municipal drinking water quantity (i.e.: gaps or challenges in existing legislation, programs, and policies that lead to inadequate protection of drinking water quantity sources)?**
- 4. What do you think are the most effective tools and approaches that could be used to protect sources of municipal drinking water quantity in the future, and why?**

The results of this workshop will be considered for integration into the discussion paper for consumptive water taking and recharge reduction.

## 2 Summary of Community Liaison Group Feedback

The following section summarizes the meeting discussion, organized by discussion question. Participants were able to submit additional comments until March 16<sup>th</sup>, for incorporation into the workshop summary. One additional comment was received.

### Question 1

*What are your desired outcomes of any legislative, program, or policy changes relating to protecting sources of municipal drinking water quantity?*

Participants desire legislation, programs and policy changes that:

- Reflects the key elements from the February 13<sup>th</sup> meeting, which include the following:
  - Balanced
  - Data driven
  - Educational
  - Transparent
  - Representative
  - Precautionary
  - Considerate of both short-term and long-term needs
  - Inclusive of all water quantity threats
  - Practical
- Ensure safe and adequate water quantity now and into the future (seven generations).
- Balance the needs of all types of existing and future water uses (e.g. residential, commercial, business) and promote cooperation around water resources.
  - Ensure adequate consultation with all affected groups, including residents.
  - Ensure adequate timelines for users to adjust to new or changing legislation, programs, and policies.
- Are fair, equitable, transparent, predictable, and applied to all users equally (e.g. the same policies should apply to all users in a Tier 3).
  - The current system is not equitable as Permit to Take Water (PTTW) users are required to cap water takings and report takings, unlike well users.
- Provide a clear dispute resolution tool or framework to solve water quantity conflicts in a transparent and predictable manner.
- Include effective enforcement mechanisms and tools.
- Include public outreach and education to raise understanding and awareness of water issues.
- Plan for the impacts of climate change (e.g. the impacts of climate change should be incorporated into modeling and projects).
- Set a priority list for addressing multiple water quantity threats.

- Streamline and reduce the number of existing legislations, programs, and policies, rather than creating new ones.
- Promote the implementation of best practices.
- Make navigation and compliance clear, easy, and affordable (e.g. Risk Management Plans are difficult for small companies and individuals to complete and can be very costly; this should change).
- Include increased monitoring, led by the Ministry.
- Require municipal water leaders and decision makers to be knowledgeable and accountable.
- Are science based (sub-watershed data).
- Include locally-based decision-making and input from First Nations.

## Question 2

*What is currently working well to protect sources of municipal drinking water (i.e.: legislation, programs, and policies)?*

Participants stated that the following are working well at protecting sources of municipal drinking water:

- Groundwater and aquifer monitoring programs including monitoring requirements for large takers and the associated analysis, which ensures oversight of large water taking activities.
- City of Guelph programs and policies including:
  - Water restrictions (activated during drought conditions).
  - Incentive programs, including the Smart Meter Program and toilet rebate programs. These have led to more responsible water use, conservation, and useful data collection.
  - Official Plans that protect water recharge areas and source water (e.g., Wellington County Official Plan protects the Galt and Paris moraine).
- Public awareness in Guelph about reliance on groundwater, and the responsibility of water users to conserve and protect water.
- Permits to Take Water (PTTW), though there is opportunity for adjustment. Positive aspects of the PTTW process include:
  - The tiered structure, which prevents undue burdens on small water takers.
  - Exemptions for fire and agricultural uses.
  - Differentiation between large industrial farm uses and small family farm uses.
  - New restrictions which require fewer monitoring wells, saving landowners money.
  - A science-based approach using technical reports from credible third parties.
  - Consideration of adjacent users.
  - The inclusion of a public feedback process.
  - The peer review process.

- Transparency of process (through there was disagreement amongst participants on this point, with some participants stating there was a lack of transparency in the permitting process).
- It is relatively a well-known and understood process overall.
- The application assessment process is effective; it clearly identifies who wants water permits and who is applying for new water permits.
- Changes to the Clean Water Act which lead to greater oversight and accountability.
- Transition towards a watershed and holistic approach to water management.
- Green Belt and Blue Belt Plans, which include a focus on protecting water.
  - However, many see these plans as ineffective and overly reliant on political will.
- The Fisheries Act, which protects headwaters.
- The Environmental Registry, which encourages transparency.

### Question 3

*What are the current gaps or challenges to protecting sources of municipal drinking water quantity (i.e.: gaps or challenges in existing legislation, programs, and policies that lead to inadequate protection of drinking water quantity sources)?*

Current gaps and challenges include:

- Poor education and understanding of water issues and solutions.
- Poor enforcement of water legislation, programs, and policies.
- Onerousness monitoring requirements (e.g., the need to fund and drill multiple monitoring wells).
- Lack of open data. There is a lot of monitoring completed, but there is no central database for this information to be shared. This could enable neighbours to share monitoring sites and reduce unnecessary expenditures and monitoring overlap.
- A lack of engagement between large takers and the surrounding community. Though some large takers do try to engage, efforts have been fairly unsuccessful. There need to be more open lines of communication between large water takers and the surrounding community.
- Lack of a framework for conflict resolution between two or more water users (this will be especially challenging in the future when more conflicts will be caused over climate change caused droughts).
- Drought response:
  - Inconsistent low-water responses across users in the same watershed.
  - Lack of adherence to municipal water conservation programs.
  - Inconsistency in defining low water conditions.
  - Basing drought restrictions on surface water and precipitation rather than deep aquifer conditions.
  - Communications and messaging regarding drought response.

- Lack of a tool, mechanism, database, or guide to identifying potential water re-use opportunities.
- The inability to set thresholds for portions of WAPQs under the Clean Water Act.
- Source Water Protection policies don't assess cumulative impacts.
- Ineffective Green Belt and Blue Belt plans, which allow politicians to override water-protecting policies.
- Threats to water quantity at wellheads.
  - Inadequate time horizons for Wellhead Protection Area (WHPA) planning.
- A lack of understanding around the GGET Tier 3 model (i.e. how it was developed and how it was used to determine the WHPA-Q).
- Confusion around what constitutes a consumptive use and how consumptive water use is managed.
- Concern that the WHPAs do not include future planning and that the WHPAs should be extended to protect areas that may be developed in the future.
- PTTW process:
  - Unclear and inconsistent expectations and outcomes of the PTTW process.
  - Lack of differentiation in the types of permits required depending on where water is moved (e.g., keeping water within the watershed or moving it outside the watershed).
  - A lack of tracking of non-PTTW takers (e.g. well-users).
    - Inequality of regulations for different water users (i.e. some users don't require a PTTW).
    - Assessment of cumulative PTTW impact
  - A gap in knowledge about how much water is available. This creates contention between water users who are worried there may not be enough water for current and future uses. The current PTTW process is facing scrutiny for allocating water when a cap on allocations has not been identified.
    - This is reflective of a lack of science-driven and data-driven decision making (policies are politically and emotionally driven) and a lack of transparency in PTTW allocation decisions.
- Laden terms in water policy (e.g., “threat” and “risk” provoke an emotional response to water issues).
  - There is a lack of language options for discussing water takings that pose no risk to water quantity.
  - Manage water consumption in recharge areas (threat 19) – need policies.

## Question 4

*What do you think are the most effective tools and approaches that could be used to protect sources of municipal drinking water quantity in the future, and why?*

Participants suggested providing the following tools and approaches to protect sources of municipal drinking water:

- Greater clarity, transparency, and ease of use in legislation, programs, and policies, for all water takers (e.g., for groundwater management guidelines).
- Simplified tools and approaches that meet the needs of most cases, while creating a separate process for the few, more complex cases. This will lead to a simpler system and straightforward guidelines for the majority of users.
- Provide the province's pre-built, existing, or base models for groundwater monitoring so that water takers do not have to build their own from scratch. This will help ensure continuity, comparability, and accuracy of monitoring data.
  - Although current Tier 3 models include high level monitoring (compared to the level of detail water takers must provide), the initial model would still be helpful for permit applicants and would lead to more consistency amongst the entire geography.
  - Investment in Tier 3 model so it stays up to date.
- There was discrepancy around the use of fees as an effective tool. Though it may result in reduced water takings and conservation, placing a fee on water could open up issues related to free and fair-trade agreements.
- PTTW, which is overall an effective tool, especially in regard to monitoring requirements, which are useful in ensuring water quantity data collection and adherence to water taking limits. However, monitoring requirements are usually higher than they need to be and may not be placing limits at necessary levels; the Ministry should review limits.
- PTTWs for all users including currently exempted users
- More enforceable conditions in the PTTW
- Municipal water reduction programs, which work well at encouraging conservation; the key is effective communication to ensure communities are aware of water conservation controls.
- Effective education and outreach to ensure water takers understand why water conservation is important.
- Increased protection of recharge areas.
- Prohibition was a contested tool, with many participants viewing prohibition appropriate only as a tool of last resort. Others suggested prohibition be applied to water takings within a certain radius of a municipal well (citing that a blanket prohibition would have to be done very carefully).
- Prioritize consumptive water uses (e.g., between municipal systems, private users, and business).
- Existing best management practices, which are effective but require more effective channels for sharing (e.g., more pilot projects and case studies).
- Stewardship programs, which affect behavioral change.

- Officials Plans, which have the potential to do more to protect water quantity through long-term planning. However, this will require that effective enforcement abilities are built into policy.
- Risk Management Officials.
- Specify Actions:
  - Encouraging the maintenance of Tier 3 models and continuous peer-review.
  - Take available data through current monitoring programs and use it to make source protection hydrogeology models more robust and site specific
  - Make data more accessible (e.g., open data).
- Partnerships between industry and municipalities to encourage responsible water quantity management.

## 3 Closing

### Follow-up

Participants were invited to direct any additional questions or comments to either Susan Hall ([shall@lura.ca](mailto:shall@lura.ca)) or Martin Keller ([mkeller@grandriver.ca](mailto:mkeller@grandriver.ca)) by **March 16, 2018**.

More information about the Guelph-Guelph/Eramosa Tier 3 Water Budget and Risk Assessment, including technical reports, presentations, executive summary, existing FAQ, a project outline for the policy development study, and a glossary, are available at [www.sourcewater.ca/GGET-Tier3](http://www.sourcewater.ca/GGET-Tier3)

### Next Steps

The project team will circulate a draft copy of the workshop summary after March 16<sup>th</sup>. CLG members are to provide any feedback on the workshop summary by **March 21, 2018**. The next workshop will be held on **Monday April 9, 2018**. During the workshop, CLG members will receive the results of the technical study and the Frequently Asked Questions (FAQ) document.