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

Summary of
Community Liaison Group Workshop
November 8, 2018

7:00 p.m. – 9:00 p.m.
Victoria Park East Golf Club
1096 Victoria Rd. S., Guelph

Summary Prepared by Lura Consulting

1 Introduction

Meeting Purpose

The purpose of the workshop was to review the project status, to discuss and gather feedback on draft policy approaches, and to discuss next steps in the development of water quantity policy.

Background Materials

Liaison group members were provided with draft consumptive water taking and draft recharge reduction policy approaches and a policy development process FAQ. All previously shared documents, meeting summaries, and a copy of the CLG Terms of Reference remain available to members 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 inquired if there were any questions, concerns, or additional edits required for the previous (June) meeting summary. There were no additional edits suggested.

Mr. Keller presented a project update and overview of draft policy approaches to address consumptive water taking. Following this presentation, CLG members identified the consumptive water taking policy approaches they were most interested in discussing. The top policy approaches CLG members wanted to discuss were: prioritization; demand management; growth and development; and monitoring. The CLG discussed these policy approaches (summary below).

Following the first round of discussion, Mr. Keller presented and overview of draft policy approaches to address recharge reduction. Following this presentation, CLG members identified the recharge reduction policy approaches they were most interested in discussing. The top policy approaches CLG members wanted to discuss were: recharge maintenance; growth and development; and monitoring. The CLG discussed these policy approaches (summary below).

Following the second discussion, Mr. Keller provided an overview of next steps in the policy development process. A full copy of Mr. Keller's presentation is available here.

2 Summary of Discussion

Consumptive Water Taking Policy Approaches

The following is a summary of the Community Liaison Group's questions and comments, provided after Mr. Keller's presentation on consumptive water taking policy approaches. The discussion focused on policy approaches relating to prioritization, demand management, growth and development, and monitoring. Questions are marked with a '**Q**,' answers are marked with an '**A**' and comments are marked with a '**C**.'

Prioritization

Q. Does the recommendation to recognize drinking water as a high priority use also suggest that other uses should not be as high of a priority?

A. Yes. The current system is first come first serve, so the policy approach is asking the province to consider a prioritization model that would place drinking water as a higher priority than other uses. Drinking water includes domestic well use.

Q. Would this be applied on a go forward basis, or would existing permits be re-evaluated?

A. That is still under consideration, but it is more likely that this would apply on a go forward basis. However, as permits are cancelled or renewed, this new policy (if applied) could be taken into account.

Q. Is it the end use of the water (e.g. for human consumption) or the treatment of the water (e.g. potable quality) that is most important when the government makes decisions related to the provision of water permits?

A. The province considers the purpose of the water use when they allocate permits to take water.

Q. Where does bottled water fit in? Is the use of bottled water classified as "drinking water"?

A. That is yet to be discussed or established by the project team. The purpose of bottled water is drinking water, so likely yes. Though, the province currently does see bottled water as a separate use. *Note: Following the meeting, the project team provided and updated the answer: The province classifies bottled water as "commercial" rather than "water supply" as municipal or private communal supplies are designated* under the *Safe Drinking Water Act, 2002.*

Q. If there was a drought, would bottling water, as a use, be treated the same as regular drinking water?

A. If a water bottler relies on a municipal supply, in the current framework, that taking would be considered the same use as any other industrial use on municipal supply. If drinking water is a prioritized use, it would be up to

municipalities to set drought regulations over the takers they supply. *Note: Following the meeting, the project team provided and updated the answer: For water bottlers that have their own Permit to Take Water (PTTW), the Interim Procedural and Technical Guidance Document for Bottled Water Renewals (April 2017) includes mandatory reductions in water taking during low water periods. Other permitted takers are requested to voluntarily reduce during low water periods and may face mandatory reductions, if conditions warrant it.*

A. Prioritizing drinking water is a high-level policy approach which would be taken forward to the province. It would be a request to the province that drinking water be a higher priority during provincial decision making around water (e.g. permits to take water).

Q. Regarding inspection and abatement, how will the government ensure monitoring and inspections occur? Is there not already monitoring and inspections now? Is the problem instead that there is not enough staff capacity to review monitoring and inspection results?

A. We are asking the province to prioritize some inspections over others to ensure resources are directed where they are most needed.

C. It is important to remember, monitoring may also be considered a form of oversight, as is inspection, and many water takers have monitoring requirements that are contracted to third parties and must be submitted to the province for review. *Note: Following the meeting, the project team provided additional information: Monitoring is conducted by qualified persons. Monitoring results that are required under permits are routinely reviewed by the Ministry of Environment, Conservation, and Parks during inspections, permit renewal and/or regular review cycles.*

Demand Management

Q. The policy approaches don't seem to talk about the environment, for example there is nothing about the Ministry of Natural Resources and Forestry being involved, or Environmental Assessments. When we discuss Permits to Take Water (PTTW) and water quantity policy, is there a benefit to addressing things through more of an environmental lens?

A. In order to ensure the policies we suggest are within our mandate, we need to ensure they align with the Clean Water Act. We therefore have limited capacity to look at the entire ecosystem in relation to water quantity. The needs of natural systems are already contemplated under other legislation such as the Ontario Water Resources Act. Through that Act, there are existing tools to ensure the environment is considered during the decision-making process. When the province considers granting a PTTW, they have to consider legislation beyond the Clean Water Act. They already consider the environment and the needs of the natural systems. Our purpose with this work is to specifically look at the local municipalities' ability to have sustainable drinking water resources.

Q. Isn't the idea of a new well permit being denied because the taking would impact municipal servicing redundant; doesn't the Ontario Building Code (OBC) overlap in that regard, as wells are prohibited on properties where municipal supplies to buildings already exists?

A. Wells can be considered a structure on a property, so municipalities can prohibit new wells from being built. However, there are special policy areas where if the servicing isn't available, building a new well would currently be permitted. Additionally, the Ontario Building Code only speaks to the domestic supply of water, but well permits can be provided for other purposes. Additionally, regulations relating to PTTW are only applied to a taking of 50,000 L/day or more, with exemptions for ordinary household use and livestock watering up to 379,000 L/day. Though all of these processes have the same general purpose, they apply to different scenarios.

Q. Is the focus of demand management policies on existing or future takers?
A. The intention is that these policies will address new takings, to prohibit new wells that would impact municipal water quantity sustainability. If a current taker were to seek and amendment to increase their taking, the new policies would also apply (but not on a renewal of an existing taking level).

Q. How is "long term sustainability" being defined? Who decides that definition in this context?
A. The team has not put numbers on that definition and are open to suggestions.
C. Long term sustainability should mean 7 generations.
A. Right now water supply master plans are typically 25 years, and updated every 5 years to project another 5 years ahead. The difficulty is that planning much beyond that time horizon is difficult for municipalities because they can't project growth indefinitely (and growth projections are the basis for long-term planning). There would be too much uncertainty about how various inputs would change over 7 generations for the province to be able to justify limiting water takers, while also ensuring fair sharing amongst users.
C. Though renewable, we have a finite groundwater resource. If we continue to grow at a given rate, we will max out that water we have, so it really is about maintaining water supply by controlling growth as well as use. There are a variety of things to do to meet growing demand, and we are discussing matching growth with sustainability. We need to think beyond the planning horizon to ensure we plan for future generations.

Q. How does climate change fit into these policies?
A. Moving forward, we would like to create a committee of relevant agencies that will be able to coordinate and move forward to ensure municipal water quantity sustainability. We envision this committee would consider climate change and its impacts.
Q. Who would be involved?

A. We envision the committee is made up of Municipalities, CA, and MECP staff, so the discussions and recommendations can be brought back to the MECP for consideration.

C. The staff on the committee should be the staff at each agency who are making decisions related to water quantity. If there is not this degree of overlap, the committee will not be effective at influencing policy and the effort will be a waste of time.

Growth and Development

Q. What is being contemplated for updating the sub-watershed study?

A. There are a number of different triggers for sub-watershed studies. When a study is triggered, it is usually linked to a growth and development project; in those cases, the municipality usually completes those studies. Tier 3 results should be considered in those studies, and vice versa, the study should consider the Tier 3 in order to ensure that research fills gaps in the Tier 3, where possible.

C. Be clear and provide specific lists of triggers.

A. Being too specific can be detrimental. Being too specific leaves a higher probability that something may be missed, but you are also right that being too broad can be unclear; there needs to be a balance.

C. Consider saying, “for example”. We need to get a little specific, otherwise the policy is too broad to be useful.

A. Sometimes, wording is intentionally broad, or the term “may” is used because the Clean Water Act does not allow the policy to be legally binding on the province and the policies are limited to recommendations. The policy tools we were given do not always allow us to direct agencies to act, we can sometimes only suggest action. So, in creating this policy, we need to identify what we can and cannot tell others to do, legally. There will be an explanatory document provided to accompany all of the policies; that will help build understanding of the policy approach and the policies’ applications.

C. The traditional development model for municipal servicing has been to provide water first, and then sewers. In a Canadian context, we have money for municipalities to bring in both water and sewer service. However, there are examples in more rural developing areas where sewage is being brought in as a municipal service first, and people must source water from their own wells. This concept leads to people being more aware of their water use and the state of local water resources, as they see impact of changes to the system at their own wells (rather than having a municipality manage water servicing). This in turn leads to increased self-management of water resources. There is a compelling argument for this model to be used in Canada, maybe in this setting.

C. Credit Valley Conservation would likely be interested in that research.

Monitoring

Q. Will existing permit holders be asked to increase monitoring, especially if there are changes in the landscape around them (e.g. development)?

A. The province will be required to review all existing permits. Through that review, the province will look at the supporting documentation provided, including monitoring, and ensure monitoring is appropriate for the site and the taking. The Tier 3 model took a lot of data to develop, so it is important to ensure the data needed to maintain it is collected. Just because a taking was established before other takings, it doesn't grant that taker a low risk status in perpetuity; the landscape and development changes in an area will influence whether a taking remains "low risk".

If we can better understand what monitoring data is most effectively used to help us manage the system as a whole, we can have more effective, efficient, and cheaper monitoring approaches. It will take a while to get there, but the intent of the working group is to help achieve that goal, to pull and share that data, identify the data gaps, and identify how to move forward. The answer for your question around whether more monitoring will be needed, is that the answer is site-specific, and the outcome may not necessarily be more monitoring, but instead, more effective monitoring.

We would like to facilitate the sharing of monitoring resources and data so that overall, monitoring is more efficient.

Recharge Reduction Policy Approaches

The following is a summary of the CLG's questions and comments, provided after Mr. Keller's presentation on Recharge Reduction Policy Approaches. The discussion focused on policy approaches relating to recharge maintenance, and growth and development. Questions are marked with a '**Q**,' answers are marked with an '**A**' and comments are marked with a '**C**.'

Recharge Maintenance

Q. You suggest that municipalities develop and update guidelines for maintaining or enhancing recharge systems; do those guidelines fall into planning? If so, this is a concern, as the province tends to allow the Ontario Municipal Board (OMB), and its new equivalent, the Local Planning Appeal Tribunal (LPAT), too much leeway to overturn municipal plans. If we want to ensure sustainable water quantity is a priority, including maintaining or improving recharge areas, we need to ensure the OMB/LPAT are either limited in their powers to overturn plans that impact water quantity, or that those who sit on these bodies are better educated about water issues by an independent third party.

A. Policies directed at the OMB had not been considered. We will note the suggestion to consider policies about water related training for the OMB and LPAT.

A. Through land use planning and prescribed instruments, the Clean Water Act doesn't remove a third party's right to appeal, therefore the permit holder and concerned third parties can still appeal.

C. It is unclear if policy suggestions for recharge are referring to stormwater recharge or land recharge.

A. The intent of the policy is to ensure clean water recharge. There are details that need to be identified in the policy to ensure the water being recharged is clean. We may not capture all the detail in the policy we put forward because there may be site-specific considerations (e.g. managing water runoff from road salts). We want recharge promoted, but only when it is appropriate to do so (e.g. when it is clean).

Q. Would municipalities or developers be responsible for retrofitting and maintaining stormwater and groundwater recharge infrastructure? Who would retrofit locations that currently don't have recharge infrastructure/areas?

A. It could be either, depending on whether the development is a future development, or an existing development. In regard to municipalities needing to "maintain and enhance" recharge, that responsibility could impose new constraints on developers to ensure the maintenance of recharge infrastructure is maintained by developers. The municipality would be responsible for bringing in those types of regulation.

Q. Will the policies ensure that areas identified for increased recharge are not high risk (ie WHPA-A or B) from a quality perspective?

A. Yes, though how that will be done has yet to be determined.

3 Closing

Follow-up

Participants were invited to direct any additional questions or comments to either Ilona Feldmann (ifeldmann@grandriver.ca) or Martin Keller (mkeller@grandriver.ca) by November 22, 2018.

Next Steps

The project team will circulate a draft copy of the workshop summary. CLG members are to provide any feedback on the workshop summary within two weeks of receiving the draft.

The tentative next steps in the police development process are as follows:

- Policy framework and approaches to be revised and brought to the Lake Erie Region Source Protection Committee (SPC) on **December 6, 2018**
- Policy text to be drafted over the remainder of the fall and early winter and presented to the SPC on **February 7, 2019**
- Draft policy text presented to the CLG for feedback on **February 13, 2019**
- Revised policy text to be brought to the SPC on **April 4, 2019**

Note: Following the meeting the project team has started discussing revisions to the timeline as additional time is needed to develop draft policy text. Changes to the timeline and meeting schedule will be communicated to the CLG.