

The Government of Ontario Seeks Public Input about Its New Water Quantity Management Program

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The current moratorium on issuing permits to take water for the purpose of water bottling is expected to expire on October 1, 2020. During the moratorium, the Ontario Ministry of Environment, Conservation and Parks (MECP) has studied the impacts of water taking on water resources in Ontario and is proposing regulatory changes to Ontario's water quantity management framework. Indigenous partners and communities, municipalities, industry stakeholders, and other members of the public are invited to provide feedback on the proposed changes by August 2, 2020.¹

The MECP retained BluMetric Environmental Inc. to assess water resources in some parts of Ontario and the MECP's water quantity framework. The review concluded that water bottling takings are not affecting the sustainability of groundwater resources, and that water resources are generally sustainable except in a few locations. However, it was recognized that climate change and population growth could affect future sustainability of water in Ontario.

On June 18, 2020, the MECP posted its proposal, recommending regulatory amendments to two water taking regulations:

- ◆ *Water Taking and Transfer Regulation (Ontario Regulation 387/04)*² under the *Ontario Water Resources Act, 1990* and
- ◆ *Registrations Under Part II.2 of the Act – Water Taking (Ontario Regulation 63/16)*³ under the *Environmental Protection Act*.

¹ Updating Ontario's Water Quantity Management Framework, online:
<<https://ero.ontario.ca/notice/019-1340>>.

² O Reg 387/04.

³ O Reg 63/16.

The MECP regulatory changes are intended to respond to concerns raised by BluMetric by providing: (i) more formal and consistent use of provincial priorities for water use; (ii) improved public availability of water taking data; (iii) better management of water in stressed areas; and (iv) greater municipal engagement in water taking.

A key change is that the amendments aim to provide host municipalities with a bigger role in water bottling decisions before new and expanded water taking permits are issued. With certain exceptions, there would be a regulatory requirement for an applicant to seek to obtain support from a host municipality where a proposed taking is equal to or greater than 379,000/day. If the host municipality supports the proposed water taking, the application must include the supporting municipal resolution. If the host municipality does not support the proposed water taking, the host municipality would be required to set out its reasons in writing for not supporting the application.

This proposal raises questions such as whether a host municipality may withdraw its support once given, and on what grounds could a municipality refuse support. Ultimately, municipal relationships will be very important for water taking and water quantity management. In order to address municipal concerns and obtain support, the new framework may lead to more formalized partnerships between industry and municipalities and early engagement to identify concerns and mitigation.

The MECP is soliciting comments on its proposal through a formal comment period ending on August 2, 2020. Click [here](#) to view the MECP's proposal and submit a comment.

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