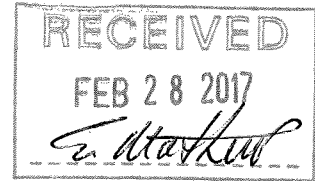


Ministry of the Environment
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West Central Region

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Ministère de l'Environnement
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February 10, 2017

Mr. Eric Mathews
Manager, Safe Water Program
Health Protection Division
Public Health Services
City of Hamilton
110 King Street West, 3rd Floor
Hamilton, ON
L8P 4S6

RE: Permits to Take Water

Dear Mr. Mathews:

Thank you for your email inquiry regarding the Permit to Take Water (PTTW) program and the process and requirements to obtain a Permit to Take Water in Ontario, as well as, water bottling.

The purpose of the PTTW program is to ensure the conservation, protection and wise use and management of the waters of the Province. Water takings in Ontario are governed by the *Ontario Water Resources Act* (OWRA) and the Water Taking Regulation (O. Reg. 387/04) a regulation under the OWRA. Section 34 of the OWRA requires anyone taking more than a total of 50,000 litres of water in a day, with some exceptions, to obtain a Permit from a Director appointed by the Minister. This includes the taking of water for any use; whether agricultural, commercial, construction, dewatering, industrial, institutional, recreational, remediation, water supply or other purposes. Permits are not required for taking water for firefighting, domestic use and farm use (ie. watering of livestock).

The Water Taking Regulation enhances the Ministry's role in protecting Ontario's water resources. It prohibits water transfers out of a water basin, as defined in the Regulation, and sets out specific matters for the Ministry to consider when reviewing applications for a Permit to Take Water. It also contains other important provisions such as protecting watersheds, notifying others, water conservation and reporting of water takings. In regards to protecting watersheds, the Ministry must refuse new and expanded takings that would remove water in especially large quantities from watersheds that already have high levels of use. All tertiary watersheds in Ontario have been classified as high-use, medium-use or low-use, based on average annual conditions and summer low flow conditions. In terms of notification, the Ministry must notify all affected municipalities and conservation authorities of Permit applications posted on the *Environmental Bill of Rights* Registry. To promote water

conservation, anyone applying for a Permit must document in their application all water conservation measures and practices that have already been undertaken or will be undertaken. For the reporting of water takings, Permit holders are required to keep track of the volume of water they take each day and to report these amounts on a yearly basis to the Ministry.

Proposals for water taking are classified according to their anticipated risk to the environment; the greater the anticipated risk, the more evaluation required. Three proposal categories have been established as Category 1 (unlikely to pose adverse environmental impacts), Category 2 (requires a scoped assessment) and Category 3 (requires a detailed ecological, hydrological and/or hydrogeological study). Categories 2 and 3 applications require assessments completed by a Qualified Person. For groundwater studies, a Qualified Person is a licensed Professional Geoscientist or Professional Engineer. For surface water studies, a Professional Engineer or a person with a degree in environmental science with specialization in hydrology, aquatic ecology, limnology, biology, physical geography and/or water resource management, as appropriate.

The Ministry approves PTTW only after thorough scientific and technical studies demonstrate that the water taking will not have adverse effects on other water users and on the natural environment. The Ministry takes into account comments posted to the *Environmental Bill of Rights* Registry, technical assessments, site-specific monitoring and reporting requirements and other specific conditions of the proposal prior to making a decision. For more information on the PTTW program, application process, classifications, and other information regarding the program, please refer to the following website: <https://www.ontario.ca/page/permits-take-water>.

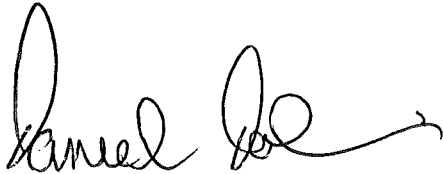
In regards to water bottling specifically, on October 17, 2016 the Ministry posted on the *Environmental Bill of Rights* Registry a proposed regulation establishing a moratorium on the issuance of new or increasing PTTW for water bottling. The proposal was posted for a 45-day commenting period. The moratorium applies to all of Ontario and will be in effect until January 1, 2019.

On December 2, 2016, the Ministry posted a proposed Procedural and Technical Guidance Document for water bottling PTTW applications on the *Environmental Bill of Rights* Registry. The proposal was posted for a 60-day comment period which recently closed on January 31, 2017. Comments received are under review by the Ministry.

Finally, on January 18, 2017, the Ministry posted on the *Environmental Bill of Rights* Registry a regulation establishing a new regulatory charge that would apply to water bottling facilities that take groundwater. This proposal is currently posted for a 61-day commenting period which will close on March 20, 2017.

I hope you find this information helpful. Please contact me if you have any further questions regarding the PTTW process.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dan Dobrin", with a stylized flourish extending to the right.

Dan Dobrin
Manager
Technical Support Section
West Central Region