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Re: A regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling. **EBR # 012-8783**

The Ontario Council of the Canadian Federation of University Women is pleased to respond to the consultation concerning the regulation establishing a moratorium on the issuance of new or increasing permits to take water for water bottling.

It is long past time that the Government of Ontario did a thorough review of water taking in the province and the cumulative effect of all those takings on Ontario's aquifers and groundwater resources. Water is a vital and non-renewable resource. It must be considered a public trust by the government, and managed in the public interest.

CFUW Ontario Council applauds the Government of Ontario for the recognition that:

"In the face of climate change, population growth, increasing water consumption and drought, concerns around water security have risen. Ontario's ongoing plan to protect groundwater resources is essential to the health and integrity of the province's ecosystems and communities."
(News Release, Oct.17, 2016)

A two year moratorium is an excellent way to begin to study and understand this resource – especially as we face the uncertain effects of climate change – in order to ensure that abundant, safe drinking water be available for generations to come and that ecosystems be protected and preserved.

In order to deal with any attempt by the water bottling industry to have permits issued or renewed before this Regulation takes effect in January 2017,

CFUW Ontario Council recommends that the government add a clause to this Regulation:

Any new or expanded permit issued after the posting of this Regulation on Oct.15, 2016 and before the terms of the Moratorium are filed, will be subject to review under the terms of this Regulation and under the revised PTTW Regulations that will be filed thereafter.

Need for scientific research:

CFUW Ontario Council is pleased to see that the government of Ontario plans to "undertake research to improve understanding of groundwater in Ontario." As was discovered during the drafting of the Clean Water Act and the Great Lakes Protection Act, there has been little or no mapping of our groundwater

resources in Ontario. As groundwater resources are depleted, the ratio of heavy metals, radon and other contaminants in the water supply increases to the point where the groundwater is no longer useable as potable water for human or animal consumption.

This situation has already occurred in parts of south-western Ontario and in Michigan. Without scientific study, we will not understand which areas are vulnerable in order to prevent further degradation of our ground water resources – and further depletion of the water in our Great Lake watersheds which is being used to supply water to the affected communities.

CFUW Ontario Council asks that the government to set aside sufficient funds in the 2017 budget to address this need for scientific research on Ontario’s groundwater resources.

Recognition of different categories of water taking:

CFUW Ontario Council is pleased to see the Government of Ontario’s intention to “review existing rules for adequate protection of groundwater for future generations,” including a review of Ontario’s “current groundwater permitting process and groundwater management.”

It is important that the government recognize different categories of water taking and that those differences be reflected in the Regulations regulating the issuance of the Permit To Take Water (PTTW), the limits of water taking that are established and in the assessment of charges required of the consumer.

Heavily consumptive users, such as water bottling companies, should be assessed differently. They remove water from the ground water and the watershed in bulk with little or no return of the used water to the original watershed from which it is taken. Despite the ban on the export of bulk water, our current law does allow water to be exported as long as the individual containers don’t exceed 20 litres – regardless of the total volume of water contained in the shipment. Thus much of this water from Ontario groundwater sources, once bottled, can be exported. In the face of climate change and the droughts it is causing, the demand for the export of water will only increase.

CFUW Ontario Council asks the government of Ontario to review other categories of water takers – for instance those in the oil or mining sector - whose use of the water they take, pollutes the water – sometimes adding toxins that not only make the water unusable – but damage the environment as well. If municipalities and industry are required to treat their effluent to remove pathogens and toxins before releasing it to the environment – the mining and oil sectors should be required to do the same.

CFUW Ontario Council asks that the government of Ontario prepare a table which recognizes different categories of water takers, and establishes water taking limits and fees within the PTTW which recognize the differing volumes of water taken and the differing potential for environmental harm and/or the effect on the watershed’s groundwater resources which results from the taking.

Review of charges:

According to a Canada Press report, the province of Ontario charges \$3.71 for every million litres of water, while Quebec, the other province with major bottled water operations, charges \$70 per million litres. This disparity in pricing is an open invitation to large international water bottling companies to set up in Ontario, where their costs for water are so much lower. Even at \$70 per million litres, the cost of water is a negligible part of production costs for a bottling operation (.007 cents per litre).

The PTTW charges are intended to support the cost of provincial water quality programs, and provide income for the province – but former Environmental Commissioner, Gordon Miller, in his 2012 report noted that “the province wasn’t even recovering the cost of its water quality programs” through the low fees charged. There is another advantage of charging fees that are closer to those Quebec charges. In Miller’s words, it would be a “powerful catalyst for water conservation.”

CFUW Ontario Council asks the government of Ontario to set a PTTW charge at least equal to the Quebec charge of \$70 per million litres for bottled water operations.

Mandatory reduction of water taking during drought:

CFUW Ontario Council strongly supports the inclusion in the PTTW of a requirement for mandatory reduction in water taking during periods of low water or moderate drought.

The need for including such a limitation in the Regulation was underlined in the recent dispute over this issue with Nestlé. In the absence of a mandatory regulation, Nestle was able to appeal the province’s condition regarding drought-based restrictions in its license renewal for its well in Hillsburgh to the Environmental Review Tribunal. The government had to agree to ask the Tribunal to approve the renewed licence for Nestlé and remove drought-based restrictions on pumping.

CFUW Ontario Council asks the government of Ontario to make mandatory in the PTTW a specified reduction of water taking during times of low water or moderate drought.

Plastic bottles:

Plastic bottles are an environmental hazard. Not only does the manufacture of these bottles consume over a billion gallons of oil each year in Canada, but un-recycled plastic waste is an increasing issue. In Ontario approximately one billion empty plastic water bottles are recycled – but another one billion are thrown into landfill sites or dropped as litter on paths or city streets and many find their way into our lakes and rivers. Putting a refundable deposit on these plastic bottles would encourage less waste and litter. It can also provide a revenue source for the province which could be targeted on environmental restoration. The deposit/return program might even be partially funded by the producers themselves by government adding an “environmental” fee per bottle produced by the water bottling industry.

CFUW Ontario Council asks the government of Ontario to establish a mandatory deposit return program for plastic water bottles.

Municipal needs vs commercial interests:

The recent controversy over the sale of the Middlebrook Well Site to Nestlé as another source of water for their water bottling operation in Ontario raises another issue which should be considered during the review of PTTW protocols.

The Township of Centre Wellington wanted to purchase the Middlebrook well site to keep its water supply "safe from commercial water taking" into the future as its community grew. But Nestlé as the original bidder was given the option of matching the Township's bid – which it did – and purchased the well. According to reports, the Ministry of the Environment called the sale of the Middlebrook property a "private transaction," and said its only role was to evaluate the proposed water-permit application.

CFUW Ontario Council asks the government of Ontario to review this case, and to consider possible alternative solutions which could safeguard the access to water in the future, when there is a conflict between commercial interests and municipal interests over the acquisition of a water source in a growing community.

CFUW Ontario Council also asks that the government of Ontario consider the cumulative effects of multiple sites of bottled water takings within a single watershed – especially recognizing that these takings remove the water completely from the watershed with no replenishment of return flow.

Ontario Council of the Canadian Federation of University Women (CFUW) is a voluntary, self-funded, non-profit organization with 54 clubs across the province, which is affiliated with the national CFUW and Graduate Women International.

Our mandate is to promote education and life-long learning, to encourage the participation of members in their communities and to enhance the status of women and girls.

Our main concerns include high quality public education, universal health care, a clean safe environment, the economic security of women as well as the prevention of violence against women.

Respectfully submitted



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