



**Groundwater Vulnerability Forum
Cataraqui Region Conservation Authority
Ministry of the Environment and Climate Change**

March 27, 2017

Today's Presentation

- Overview of Ontario Water Management Regulations and Policies
- Wells Program and EBR Review
- PTTW Program
- What to do in times of water shortage
- Land Use Compatibility and “D” Series Guidelines Updates
- Questions

Wells Legislation and Regulatory Framework

Ontario Water Resources Act and Wells Regulation

- Main legislation governing water wells in Ontario is the Ontario Water Resources Act (sections 1 and 35-50) and the Wells Regulation.
- Provides a multi-barrier approach to reduce the risk of a well acting as a pathway for contaminants to impair groundwater.
- Sets out requirements for well construction, maintenance and abandonment and licensing.

Ontario Water Resources Act

- Definitions (e.g., well, construct)
- Well contractors and well technicians licences



Wells Regulation

- Location of wells
- Licences, Well Records, Well Tags
- Construction, maintenance and repair
- Abandonment
- Well Owner's Information Package

Wells EBR Review is underway

- MOECC is undertaking a review of Ontario Regulation 903 (Wells Regulation) and related sections of the Ontario Water Resources Act, as a result of an Application for Review under the Environmental Bill of Rights (EBR) Act.
 - On December 5, 2014 MOECC wrote to the applicants advising of its decision to undertake a focused review comprised of selected issues raised by the applicants.
 - Matters raised by the applicants that are the subject of the EBR review include: location of new water wells, testing for natural gas or other gas when constructing a water well, abandonment of wells by licenced well technicians, casing, repairs, disinfection, best management practices, requirements for test holes construction on contaminated sites., etc.
 - See Appendix 1 for an itemized list of matters in the EBR review.
- This EBR review supports MOECC's commitment to increase protection of groundwater and drinking water sources, and gives MOECC the opportunity to expand on existing work, act on stakeholder feedback and consider the effect of new science, information and approaches (e.g., source protection related activities).

Regulating Water Takings

-  **Section 34 of the *Ontario Water Resources Act (OWRA)* states that a person shall not take more than 50,000 litres of water on any day by any means except in accordance with a permit.**
- Exceptions to PTTW requirements:
 - Taking <379,000 L/day for domestic purposes, other than by a municipal water system
 - Taking <379,000 L/day for the watering of livestock or poultry 
 - Firefighting
- Water taking by means constructed before “March 30, 1961” which have not been reconstructed, improved, deepened, altered or replaced are ‘grand-fathered’ and do not require a PTTW unless prescribed by a regulation.
- A PTTW is not required for any water taking associated with a renewable energy project approved under the Environmental Protection Act (the REA must incorporate proposed water taking activities).

PTTW - Key Facts

- On January 13, 2017, there were 5,628 active PTTW that allow water taking from 11,627 source locations.
- Agricultural PTTW (crop irrigation) accounted for 37% of all active PTTWs. Municipal water supply accounted for 10%, commercial and industrial for 20% and construction and dewatering for 15%.
- Permits limit water taking to maximum rates and durations that reflect the users operational needs.

What to do in times of water shortage

- The MOECC has a lot of information available at the following link:

<https://www.ontario.ca/page/managing-your-water-well-times-water-shortage>

- One of the key things to think about is long term success of your farm's water supply. We encourage sustainable and integrated water supplies (i.e. the use of multiple water taking sources to provide adequate water and to allow taking flexibility)
- Through the use of different types of sources such as ponds, wells, larger water bodies, etc.

D-Series Review - Context & Scope

- The D-Series guidelines are a suite of documents that provide advice to planning approval authorities on how to consider compatibility and other environmental issues during planning decisions
 - See Appendix A for a full list of documents
- The D-Series provides proactive advice to approval authorities on:
 - How to minimize nuisance impacts between users (e.g. industry and residential land uses)
 - How to ensure proper water and wastewater servicing is in place prior to planning approvals
- The Ministry of the Environment and Climate Change (ministry) is reviewing the guidelines and updating them as they have not been updated since their release in the 1990s
 - The D-Series are not up-to-date with the current planning framework including the Provincial Policy Statement (PPS), delegated authority and the One-Window Planning Protocol
 - The D-Series are currently not consistent with guidance / requirements from other government programs (e.g. source water protection)

Current Status

- The ministry is proposing that the current suite of D-Series documents be consolidated and replaced with the following two documents:

Land Use
Compatibility
Guidelines

- D-1 Land Use and Compatibility (general)
- D-2 Compatibility Between Sewage Treatment and Sensitive Land Use
- D-4 Land Use on or Near Landfills and Dumps
- D-6 Compatibility Between Industrial Facilities

Water &
Wastewater
Servicing

- D-5 Planning for Sewage and Water Services

Land Use Compatibility Guideline

- The ministry has initiated the internal review of the land use compatibility guidelines
- Through its review the ministry has:
 - Identified areas where guidance is out of date with existing programs and legislation
 - Found areas where more detail on the linkages to other government programs would be beneficial
 - Reviewed compliance data to determine what the causes of incompatibility are and what strategies have been successful in avoiding or mitigating these occurrences
 - Developed advice based on the ministry's experiences responding to complaints of nuisance impacts from major industries
- The updated guidelines will provide advice on how to avoid conflict between “major facilities” and “sensitive land uses” as defined by the PPS

Next Steps

- The ministry has held outreach sessions with representatives from the development community and the Regional Planning Commissioners of Ontario to discuss compatibility, and is incorporating comments into the draft guidance document.
- Any updated guidance documents will, at minimum, be posted on the Environmental Registry for a 60 day comment period

Appendix A: Current D-Series Guidelines

Guideline Name	Last Revision Date
D-1 Land Use and Compatibility: Definitions	1995
D-1-1 Land Use Compatibility: Procedure for Implementation	1995
D-1-2 Land Use compatibility: Specific Applications	1995
D-1-3 Land Use Compatibility: Definitions	1995
D-2 Compatibility Between Sewage Treatment and Sensitive Land Use	1996
D-3 Environmental Considerations for Gas or Oil Pipelines and Facilities	1994
D-4 Land Use on or Near Landfills and Dumps	1994
D-4-1 Assessing Methane Hazards from Landfill Sites	1987
D-4-2 Environmental Warnings/Restrictions	1991
D-4-3 Registration of Certificates and Provisional Certificates	1980
D-5 Planning for Sewage and Water Services	1996
D-5-1 Calculating and Reporting Uncommitted Reserve Capacity at Sewage and Water Treatment Plants	1995
D-5-2 Application of Municipal Responsibility for Communal Water and Sewage Services	1995
D-5-3 Servicing Options Statement	1995
D-5-4 Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment	1996
D-5-5 Private Wells: Water Supply Assessment	1996
D-6 Compatibility Between Industrial Facilities	1995
D-6-1 Industrial Categorization Criteria	1995
D-6-3 Separation Distances	1995
D-6-4 Mccr Bulletin No. 91003 (Environmental Warnings/Restrictions on Property)	1991

Appendix B: Provincial Policy Statement Key Definitions

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Questions?

