

ERO Submission: Concerns Regarding Proposed Amendments to O. Reg. 387/04 – Water Taking and Transfer

Thank you for the opportunity to comment on the proposed amendments to Ontario Regulation 387/04 under the Ontario Water Resources Act.

While I recognize the intention to improve administrative efficiency and reduce unnecessary burdens for water users, I wish to express several concerns regarding the potential environmental and public interest implications of these changes.

1. Reduced Public Transparency and Accountability

The proposed “streamlined” reapplication process would allow certain water takings to be reauthorized without requiring a new permit or public posting on the Environmental Registry. This raises transparency concerns, as the original context in which a permit was granted may have changed — environmentally, politically, or socially.

In particular, the exemption from ERO posting for short-term permits or those issued under the streamlined process could **limit the public’s right to know** and provide input on significant water use decisions. Water is a shared resource, and public participation is a vital part of ensuring its protection and fair allocation.

2. Undermining Local Authority on Bottled Water

The proposed clarification that streamlined permits for bottled water would **not be considered “new permits”** — and therefore would **not require a municipal resolution** — is deeply concerning. This effectively creates a **loophole**, allowing commercial water bottling operations to bypass current safeguards that reflect the wishes of local communities and governments.

Given past public controversy and growing municipal opposition to bottling groundwater for profit, this exemption could **undermine local democracy** and trust in water governance.

3. Risk of Environmental Harm Due to Outdated Information

While the one-year limit on permit expiry, cancellation, or revocation does provide some control, the proposal still allows permits to be reissued without requiring a full environmental reassessment — as long as the location, amount, and purpose remain the same.

However, **water conditions can change even within a single year**, particularly in regions experiencing drought, cumulative extraction pressures, or land use changes. Without re-evaluating current conditions and regional impacts, there's a risk of **over-allocating water or harming aquatic ecosystems**.

4. Reduced Incentive for Compliance

Allowing reauthorization through a simplified process may unintentionally reduce the incentive for permit holders to stay in compliance with administrative requirements, such as renewing permits on time or updating ownership information promptly. While it is intended to address genuine oversights, it could weaken the principle that water-taking requires ongoing due diligence and regulatory accountability.

5. Weakening of the Preventive Role of Permits

Permits to take water are intended to be more than administrative approvals; they are a **key environmental safeguard**. By reducing the rigour of the process — even for recently expired or cancelled permits — the amendments risk making water-taking approvals a procedural formality, rather than a carefully managed tool for resource protection.

Recommendations:

If the Ministry proceeds with these amendments, I strongly recommend:

- Maintaining **public notice and comment requirements** for all commercial water takings, regardless of whether the permit is "new" or under a streamlined process.
- Requiring at least a **basic environmental review** for all streamlined applications, even if the permit expired less than one year ago.
- Preserving the requirement for **municipal council resolutions** for any bottled water takings, even when reauthorized through a simplified process.
- Limiting streamlined eligibility strictly to **clear-cut administrative errors**, such as missed notifications, and not expired permits unless supported by updated environmental documentation.

While streamlining processes has its place, any reforms to water-taking approvals must continue to uphold environmental stewardship, public trust, and local decision-making.

Sources:

Council of Canadians – Bottled Water and Groundwater Justice Campaign

<https://canadians.org/analysis/ontario-municipalities-taking-stand-against-bottled-water/>

This source documents how many Ontario municipalities, including Centre Wellington, Guelph, and Wellington County, have opposed new or renewed bottled water permits, and have called for stronger protections of groundwater for public use.

Ontario to Proceed with Amendments to Water Resources Act – Municipal Support Required for Bottled Water Permits (ERO #019-2422 decision notice) <https://ero.ontario.ca/notice/019-2422>

This official decision notice explains that, as of April 1, 2021, the Ontario Water Resources Act was amended to require a municipal council resolution for new or increased groundwater takings for bottled water above 379,000 litres per day

Rapid groundwater decline and some cases of recovery in aquifers

<https://www.nature.com/articles/s41586-023-06879-8>

This peer-reviewed study analyzed data from nearly 1,700 aquifers globally and found that groundwater levels declined by more than 0.5 m per year in many areas—and that declines have accelerated over the past decades, highlighting how even relatively recent permit conditions may no longer apply.

The Sustainable Management of Groundwater in Canada

<https://cca-reports.ca/reports/the-sustainable-management-of-groundwater-in-canada/>

This national report highlights how even short-term changes including nearby construction, agricultural runoff, or weather can significantly affect both groundwater quantity and quality.