

Ministry
of the
Environment

Office of the Minister

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File Number 71155

JUN 11 2001

Ms. Teresa McClenaghan, Counsel
Ms. Karyn Keenan, Student-at-Law
Canadian Environmental Law Association
517 College Street, Suite 401
Toronto ON M6G 4A2

*DAM, PM, RC, RD, SM
(ret. to DAM)*

Dear Ms. McClenaghan and Ms. Keenan:

Thank you for your recent letter and your letter of February 5, 2001, addressed to my predecessor the Honourable Dan Newman, regarding the Ministry of the Environment's Permit To Take Water Program, as well as details of six specific Environmental Bill of Rights (EBR) postings.

Many applications for new or the renewal of Permits To Take Water (PTTW) in the Province of Ontario are posted to the EBR electronic registry when they are received so that interested parties can submit comments prior to the ministry making any decisions on these applications. The proposal file placed on the EBR electronic registry contains information taken directly from the application and does not contain any conversion or interpretation by our ministry. This allows the public to see exactly what the applicant is requesting. This unedited posting occasionally results in information in the EBR proposal posting being different than the permit issued by the ministry. It may also occasionally indicate that a proponent is seeking something different than the ministry has indicated that it is prepared to allow. For PTTW, this tends to be in the areas of duration, rate and amount. I assure you that these are considered and any necessary limitations are imposed at the time of the ministry's review of the application and consideration of all comments received. You will note that, in the decisions of four of the files you have specifically identified, appropriate expiry dates were set. The remaining two files are still awaiting a decision.

I trust you have made any submission by the expiry date of each of these to the ministry office directly, as indicated in the posting.

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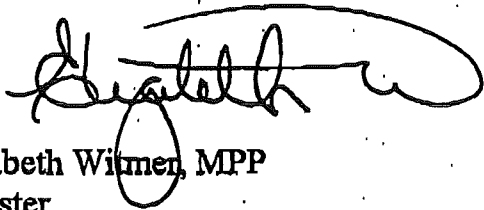
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Most PTTW now issued by my ministry have a set duration. The current practice for PTTW in the province is to issue with a term of ten years maximum for groundwater takings and takings from the Great Lakes; five years for takings from other surface waters and two years for bottled water operations. The issuing Director does have discretion in setting the period, among other conditions, and may from time to time, determine that a different period to these is justified. Guidelines relating to the PTTW program will be reviewed on a regular basis to determine the need for revision to meet our legislated mandate or operational requirements.

The ministry is currently looking at our PTTW database for permits that may need to be reviewed or updated, given the requirements of Ontario Regulation 285/99. We are continuing to work to standardize all permits which do not have terms that follow our current practice, with a particular emphasis on those PTTW issued prior to O. Reg. 285/99 being made. The ministry is not hindered by lack of an expiry date or term in reviewing and modifying a PTTW. Section 34(6) of the *Ontario Water Resources Act* allows the Director of the program to alter the terms and conditions of a permit after it is issued and they will continue to do so, as necessary.

Thank you again for informing me about your interest in these matters.

Sincerely,



Elizabeth Witmer, MPP
Minister

c: Mr. Gord Miller
Environmental Commissioner of Ontario