

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **50 04-00-0031-T**
Your File/V/Réf.

DATE 03 May 2000

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Environment and Transportation Commissioner

SUBJECT/OBJET **APPLICATION TO TAKE WATER FROM TAY RIVER -
 RESPONSE TO OUTSTANDING INQUIRY NO. P&E - 18 (00)**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee receive this report for information.

BACKGROUND

This report is in response to an inquiry from Councillor Stewart at the 28 March 2000 Planning and Environment Committee meeting regarding the application by OMYA (Canada) Inc. to the Ontario Ministry of Environment (MOE) for a Permit to Take Water (PTTW) from the Tay River. The Tay River is a tributary to the Rideau River outside the Region of Ottawa-Carleton in the Perth area. The PTTW application is for approximately one million gallons per day. The timeline for comment to the MOE on the application was very short. Staff were requested by Committee to review the application and respond with a letter to the MOE and to report back to Committee with a copy of the correspondence to the MOE.

DISCUSSION

The letter from the Director Water Environment Protection Division to the MOE on this issue is attached. Staff response speaks more to the broader policy and watershed management issues than to the specific volume of water requested within the application. Without more information on the nature of the operations of OMYA, it is difficult to ascertain what specific water level impacts would result from the approval of this permit. For example, the water level fluctuations in the watershed will be different if the water is taken within a few hours during the day versus over a 24-hour period. Staff did not research this level of detail since there is limited ecological information available on which to base an assessment of impact, even if more detailed operational information were analyzed.

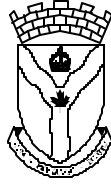
Also attached for your information is a copy of a letter received from W. Terrance Denison, Solicitor for the Applicant. Mr. Denison had been provided a copy of our comments addressed to the MOE and had written in response to same. A copy of our response to Mr. Denison, prepared in consultation with our Legal Department, is attached as well.

Approved by
M. J. E. Sheflin, P. Eng.

MT/lr

Attach (3)

Region of Ottawa-Carleton
Robert O. Pickard Environmental Centre
800 Green Creek Drive
Gloucester, Ontario K1J 1A6
Environment and Transportation Department
Water Environment Protection Division
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6 April 2000

Supervisor, Water Resources Unit
Eastern Region, Technical Support
MINISTRY OF THE ENVIRONMENT
133 Dalton Avenue
P.O. Box 820
Kingston, Ontario
K7L 4X6

Dear Sir or Madam

**Re: Input to MOE Regarding OMYA Ltd.
Permit to Take Water Application
EBR Registry No. IA 00E0427
Ministry Reference NO. ER-9062**

The Region of Ottawa-Carleton has considered and discussed the above-noted application for a permit to take water (PTTW) which has been filed by OMYA Ltd. Although Perth is outside the Regional boundaries, the downstream portion of the Rideau River Watershed comprises a significant portion of the Regional area.

The Region urges caution and requests the MOE review this application within a very conservative framework for the following reasons.

1. **Absence of Provincial and Federal Policy Direction for Water Resources Allocation**

At this time, there is no policy framework from which to evaluate this application. The question of how to properly allocate water resources of a river such as the Tay for municipal uses, private corporate uses, recreational uses, aesthetic value maintenance and ecosystem health maintenance is not addressed at the provincial or federal levels. Such policy development must not take place in an ad hoc manner through the process for PTTW approvals. Not all valid potential uses will be represented through this process. Precedent-setting practices may be established that will endanger the long-term viability and potential for other water allocation. Further, a first-come-first-served basis for addressing allocation will be wholly inadequate in the absence of policy-establishing priorities and identifying stakeholders.

2. **Absence of Information**

The fact that flow data more than 75 years old was used to support the application is a clear indication that adequate, timely data is lacking. Watershed development and the realities of climate change must be included as decision-making factors. We urge that conservative estimates be used when estimating water levels required to maintain the biologic community health of the Tay and lower Rideau ecosystems.

A review of impacts of existing PTTWs within the Rideau system should be part of this application review.

3. **Unique nature of the application**

Approximately 80% of the water to be taken under this application will be transported out of the watershed. This is fundamentally different from a municipal use permit for drinking water, for example, where most of the water would be treated and returned to the watershed. Other water uses such as recreational ones do not remove significant volumes, although they do exert some stresses on the ecosystem.

This application has the potential to limit growth in the Perth area due to water removal from the watershed.

The Region of Ottawa-Carleton and its residents have an interest in, and concern for, the health of the Rideau Watershed. The Region also requests provincial and federal leadership to establish policies for fair and proper allocation of water resources. Canada's natural resources are world-renowned and permits to use them require due consideration within the global context.

(Original signed by)

Nancy B. Schepers, P.Eng
Director Water Environment Protection Division

MT/bs/l

cc: Ministry of Natural Resources
Parks Canada
Rideau Valley Conservation Association
Fisheries and Oceans

DENISON & TAYLOR LAW OFFICES

BARRISTERS & SOLICITORS PRACTISING IN ASSOCIATION

April 13, 2000

"WITHOUT PREJUDICE"

Region of Ottawa-Carleton,
Robert O. Pickard Centre,
800 Green Creek Drive,
Gloucester, Ontario,
K1J 1A6

Attention: Nancy B. Schepers, P. Eng., Director Water Environment Protection Division

Dear Sirs:

RE: Permit to Take Water Application of OMYA (Canada) Inc.

I am the solicitor for OMYA (Canada) Inc.

I have been provided with a copy of your letter dated April 6, 2000 addressed to the Supervisor, Water Resources Unit, Eastern Region, of the Ministry of the Environment regarding my clients application for water taking from the Tay River.

It would appear that the assumptions for your comments are not correct.

Please advise me when this matter was considered by Regional Council or if there is other authority for you to make these comments. Please provide me with a copy of your report to Council upon which any recommendations to Council were made.

Yours very truly,

(Original Signed By)

W. Terrance Denison, B.A., LL.B.

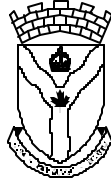
cc. Olivier Chatillon/Ray McCarthy, OMYA (Canada) Inc.
Bob Chiarelli, Chair RMOC by fax (613) 560-1380

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03 May 2000

50 04-00-0031-T

W. Terrance Denison, Esq.
Barrister & Solicitor
DENISON & TAYLOR LAW OFFICES
2720 Queensview Drive, Suite 1100
Ottawa, ON K2B 1A5

Dear Mr. Denison

**RE: Application of OMYA (Canada) Inc.
to the Ontario Ministry of Environment
For a Permit To Take Water - Your Letter Dated 13 April 2000**

Your client's proposal was raised as an "Inquiry to Staff" by Regional Councillor Wendy Stewart at the Region's Planning and Environment Committee meeting which took place 28 March 2000. Staff were directed by the Committee to evaluate the need for a response from the Region with respect to your client's proposal.

In response to this direction, the Region provided comment on the broader policy issues raised by OMYA's application.

Please contact me if you have any further questions.

Yours truly

(Original Signed By)

Nancy B. Schepers, P. Eng.
Director Water Environment Protection Division

NBS/JJJ/l

cc: Planning & Environment Committee
M. J. E. Sheflin, P. Eng., Environment and Transportation Commissioner
M. Trudeau, Manager Surface Water Quality Branch