



June 5, 2008

Hon John Gerretsen
Minister of the Environment
12th Floor, 135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

**RE: Threat assessment of drinking-water intakes on Ontario lakes and rivers:
Concern it may fall short of providing an acceptable level of protection**

Dear Minister Gerretsen,

Millions of Ontarians rely on our lakes and rivers, especially the Great Lakes, for clean water for drinking, cooking and cleaning. With this in mind, the Ministry of the Environment (MOE) is attempting to address the protection of Ontario's surface waters, and in particular the zones around municipal water intakes, through water-intake risk assessment under the *Clean Water Act, 2006*. While this initiative is positive, we are concerned that it may fall short of providing an acceptable level of protection.

Considerable technical work on water-intake risk assessment has already been done. Many of the experts conducting this analysis, including both outside consultants and MOE scientists, are finding that the approach to identifying and evaluating threats is more complex than had been expected, and that the current simplistic approach to Intake Protection Zones is inadequate to address non-localized and persistent threats.

We understand that further regulations regarding the assessment reports are forthcoming, and that Director's Rules which may further influence the assessment process are anticipated to be completed and released for comment by the late spring or early summer of 2008.

With the finalization of the Director's Rules approaching, there are several comments that we wish to make concerning water-intake threat assessment on Ontario lakes and rivers:

- Applying a precautionary approach and development of key measures: We urge the continued application of the precautionary principle, which has been recognized by your government to be inherent in the *Clean Water Act, 2006*, and which is all the more necessary since the amount of data regarding the intake water quality available to the scientists conducting the first sets of hazard assessment has been quite limited. This is not to criticize the process to date. The province has and will continue to play a leadership role in and developing critical work around the protection of drinking-water sources. However, while that work continues, a high degree of uncertainty reinforces the importance of applying a precautionary approach.

- Sub-basin scale assessment and communication to the public: We agree that a site-specific risk-assessment approach should be taken with each intake, as one size cannot fit all when it comes to the science of determining potential impacts on drinking-water intakes. We agree that the Intake Protection Zone Three (IPZ3) of a given intake should be tailored to any on-shore activities, wind and water currents that could affect it. The intake assessment process should also include a study of ‘preferential pathways’ of contamination and the affect of relevant upstream tributaries. To this point, the public has received a message that only a one-kilometre zone around the surface-water intakes will result in meaningful threats analysis. In addition, *we suggest that local sub-basins ought to be used for assessing threats to intakes on inland lakes, rivers and the Great Lakes.* This would involve more of an emphasis on potential upstream and shoreline threats where an intake is located near a river or close to the shoreline. We strongly urge you and your officials to *ensure that the broader impacts are not only included in the assessments, but well-communicated to the public at large, as well as to the many citizens and professionals engaged in source protection planning across the province.*
- Including climate-change factors in risk analysis: The risks of climate change to water resources in the coming years make it an important factor in protecting the quality/quantity of water at surface-water intakes. With the projected increase in both the frequency and intensity of extreme events, a number of effects are possible including: the structural failure of shoreline water and wastewater infrastructure; combined sewer overflow issues; intense flushing of urban and agricultural landscapes, which will affect both shorelines and tributaries; the effect of changes in water levels on intake depths; and changes in lake-wide circulation patterns. Therefore, *the prospective impacts of climate change must be included in the risk assessment.*
- Creating a Great Lakes Advisory Committee: Finally, as outlined in section 83 of the *Clean Water Act, 2006*, the Minister of the Environment has the authority to establish an advisory committee ‘to provide advice...on any matter relating to the use of the Great Lakes as a source of drinking water.’ We feel that such a committee, if appointed, could provide invaluable advice to the MOE on threats to intakes, as well as to Source Protection Committees. We therefore strongly encourage *the creation of a Great Lakes advisory committee* and stress that it is very important that such a committee commence its work as soon as possible. Perhaps the existing Drinking Water Advisory Council could serve as the ‘Great Lakes’ advisory committee.

Your government has taken several important steps towards stronger protection of Ontario's drinking water. We offer the recommendations above as a means of furthering that work.

Yours sincerely,

Environmental Defence & the Canadian Environmental Law Association
on behalf of:

Blue Mountain Watershed Trust Foundation
Canadians Environmental Law Association
Canadians Institute for Environmental Law and Policy
Citizens Environment Alliance
Environmental Defence
Federation of Ontario Cottagers' Associations
Federation of Urban Neighbourhoods of Ontario
Friends of East Lake (Prince Edward County)
Friends of the Earth
Great Lakes United
Protect Our Water and Environmental Resources (P.O.W.E.R.)
RiverSides
Sierra Club of Canada (Ontario Chapter)
The Taylor Massey Project
Waterlooians.ca
Wellington Water Watchers

c.c. Gord Miller, Environmental Commissioner of Ontario
Ian Smith, Source Protection Programs Branch, Ministry of the Environment
Brenda Lucas, Senior Special Advisor, Ministry of the Environment

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