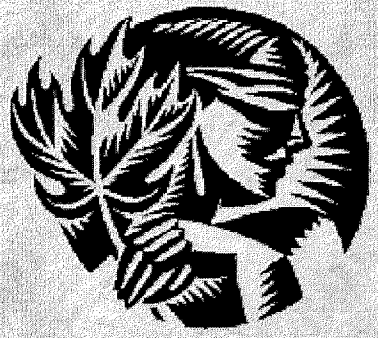
Environmental NGO Expectations for the Future Ontario's Approach to Protecting Water

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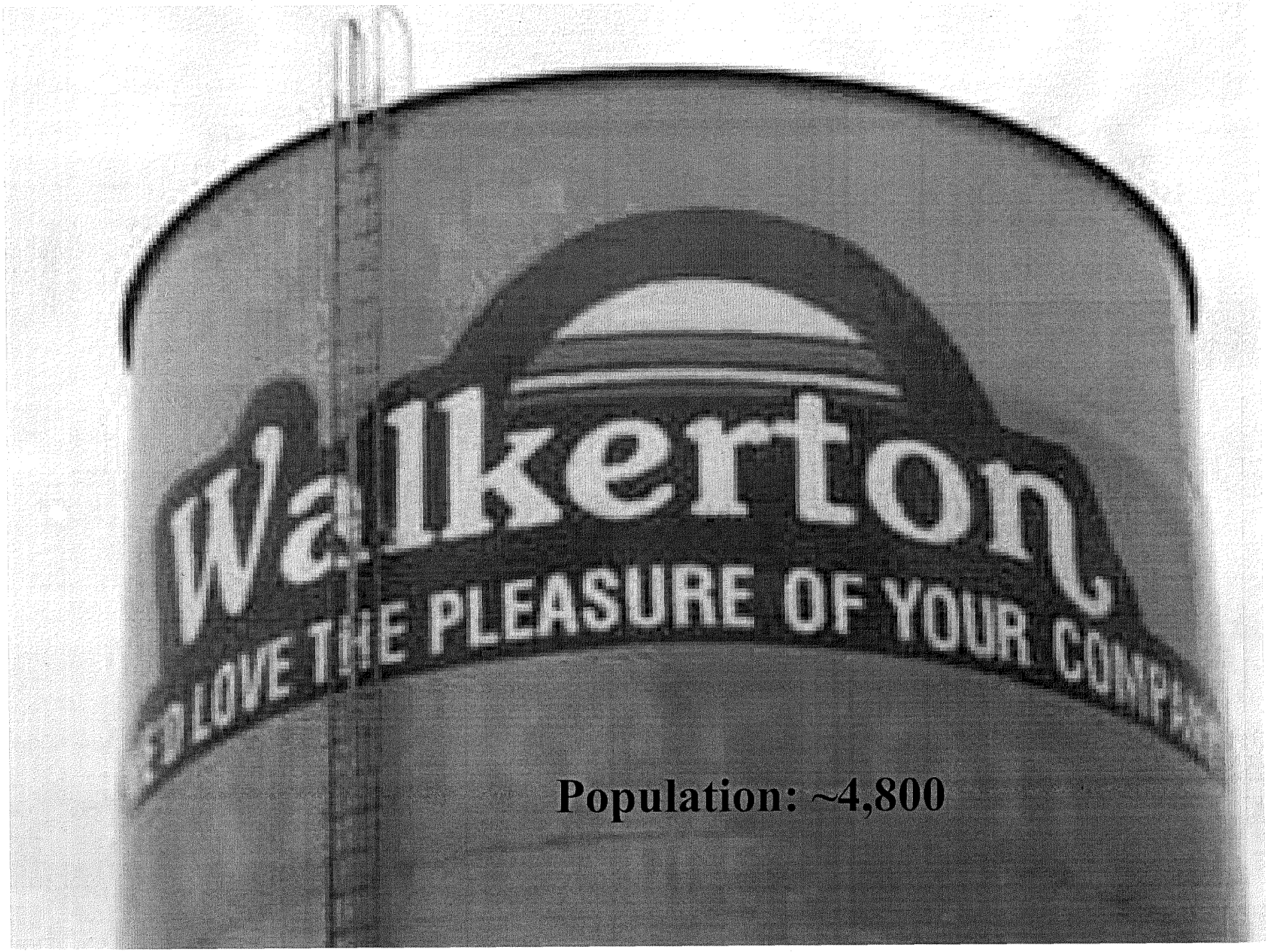
Canadian Environmental Law Association

What is the Canadian Environmental Law Association?

- CELA is a public interest law clinic located in Toronto
- Founded in 1970 for the purposes of using and improving laws to protect public health and the environment
- Funded primarily by Legal Aid Ontario as one of Ontario's specialty clinics
- Mandate for client representation, public education and outreach, law reform

Evolution of the idea of source protection planning in Ontario

- ✓ Terms of reference of Walkerton Inquiry - what will prevent tragedy in the future
- ✓ Walkerton Inquiry report - 22 recommendations re Source Protection
- ✓ Multi-barrier approach - widely accepted in water industry
- ✓ Source protection is first barrier
- ✓ But not yet implemented in Ontario



Population: ~4,800

Source Protection developments

- ✓ Conservation NGO's pushed for the source protection implementation
- ✓ Source protection advisory committee established - established a framework
- ✓ Still needed further work for technical and implementation details - two committee reports just finishing
- ✓ Government proposals to date include white paper and draft legislation on source protection

Source Protection Developments cont'd

- Expect legislation in the new year (maybe spring)
- A huge amount of interest and concern
- Government has many decisions yet to make
- ENGO's assembled May 04 to discuss several of the outstanding questions and problems

NGO Statement of Expectations

- ✓ 38 individuals with 32 environmental and community organizations participated in furthering the vision for source protection in Ontario
- ✓ Produced a "Statement of Expectations for Watershed-Based Source Protection from Ontario"

Universal Level of Protection

- ✓ Require watershed-based source protection planning in all watersheds in Ontario
- ✓ Protect individual well users as well as municipally operated systems
- ✓ Protect watersheds in the north as well as south of the Canadian Shield
- ✓ Protect both groundwater and surface water sources

Universal Level of Protection cont'd

- ✓ Protect water sources with respect both water quality and water quantity
- ✓ Protect from both non-point, cumulative and point source threats
- ✓ Must be based on the precautionary principle

Appropriate Planning Scale and Scope

- Each watershed to have its own source protection plan
- Watersheds grouped to share resources
- All waters must be protected as well as watershed features such as shorelines, wetlands, woodlands because of integral contribution to source protection

Appropriate Planning Scale and Scope cont'd

- Source protection plans to recognize intrinsic relationship between ground and surface water within and between watersheds

Thorough Public Participation

- Thorough public participation crucial to successful protection of source waters
- Any member of the public to have the opportunity to participate in watershed-based source protection planning
- Process to be open and transparent
- Financial support for those on committees

Public Participation cont'd

- Public to have easy access including electronic web access to all information relevant to source protection
- Including policy instruments, scientific data
- Source protection terms of reference, assessment reports, source protection plans should be prescribed for notice and comment on EBR registry

Integration with Existing Legislation

- Source water protection must be integrated with existing legislation including Environmental Protection Act, Environmental Assessment Act, Ontario Water Resources Act, Municipal Act, Planning Act, Provincial Policy Statement, Nutrient Management Act and many others
- Must be consistent with source water protection

Integration cont'd

- ✓ Source water protection plans once approved must supersede other relevant policy instruments
- ✓ Examples include Certificates of Approval for discharges to air and water, Permits to Take Water, other provincial instruments
- ✓ NGOs would like the list of prescribed instruments over which source protection plans prevail to be in regulation



Integration cont'd

- ✓ Source protection plans should be integrated with other federal and provincial water protection programs
- ✓ Including Great Lakes programs, flood and drought management, fisheries protection, species at risk, habitat protection, historic canals
- ✓ The more stringent requirements for water quality or quantity should be adopted

First Nations

- Federal, Provincial and First Nations agreements must be made as to how to implement source protection planning on First Nations' territories and waters
- Allocation of resources to accomplish real protection of drinking water sources is imperative for First Nations communities especially those in rural or northern communities without water treatment facilities

Conservation Authorities

- Responsibility and accountability of Conservation Authorities to be specifically delineated in source protection legislation with roles supported by governance structures
- CA's and others responsible for source protection must be provided with adequate resources including funding, funding tools, technical expertise and training for time frames expected

New Municipal Powers, Roles

- ✓ Municipal authority and accountability to be specifically delineated
- ✓ New municipal powers must be made available for source water protection
- ✓ Requirements and ability to impose water conservation and efficiency requirements
- ✓ Updates of official plans to be consistent with source protection plans

New municipal powers cont'd

- Municipalities should use sewer by-laws; septic system use by-laws; pesticide by-laws
- Water conservation plans should be in place
- Development requirements such as impervious surface restrictions should be established



Adequate Funding

- Conservation authorities, municipalities, First Nations and all others with responsibilities to develop and implement source protection plans must be provided with adequate resources to meet the expectations and the time frames
- Federal and provincial financing programs and tools must be leveraged together

Cost Recovery

- All those who impact water quality or quantity as well as those who benefit should contribute to costs of source protection
- Contribution should be appropriate given the impact or benefit

Conservation

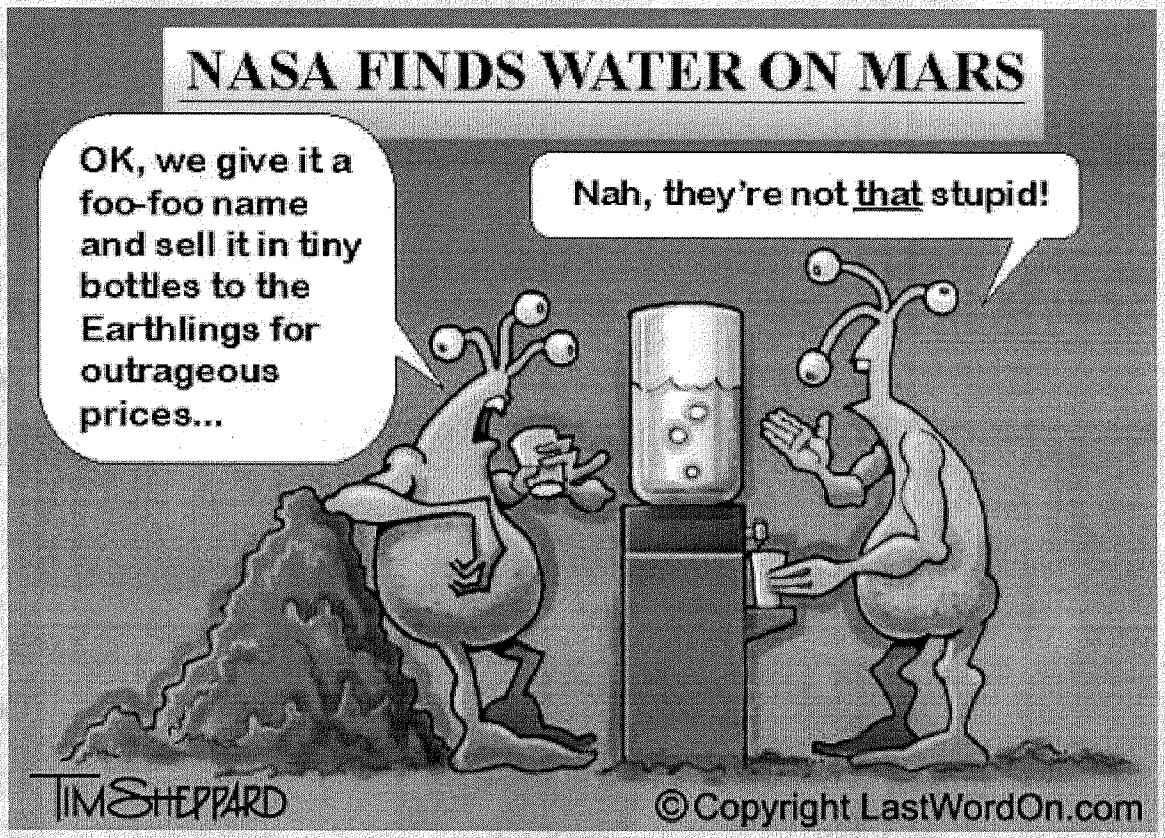
- Source protection plans must include development of water budgets and water conservation standards
- Must be based on assessment of cumulative impact of all water takings in the watersheds
- Must be publicly reported
- Must be reflected in every permit to take water and associated conservation plans

Water Taking Charges

- Water taking charges or levies should be imposed and the revenue should be allocated back to the source protection system
- Examples of areas for allocation include development of components of source protection plans and data collection and dissemination

Water Taking Charges

- Other areas for allocation of source protection funds include:
  - research
  - public education programs
  - implementation of certain measures such as land acquisition, easements and capital works
  - monitoring water quality and quantity


NASA FINDS WATER ON MARS
OK, we give it a foo-foo name and sell it in tiny bottles to the Earthlings for outrageous prices...
Nah, they're not that stupid!
TIM SHEPPARD
©Copyright LastWordOn.com

Infrastructure

- Provincial Class EA processes and other decision-making processes for water, sewer, highway infrastructure must become consistent with watershed-based source protection planning
- Future approvals of infrastructure should be made consistently with approved source protection plans

Integration with Great Lakes Protection

- ✓ Source protection must be fully integrated with Great Lakes protection
- ✓ Communities with existing and future Great Lakes demands must be required to fully participate in drinking water source protection, including research, funding and programs for point and non-point discharges
- ✓ Inter-jurisdictional agreements must incorporate source protection objectives

Enforceable Timelines

- First round of source protection plans in all regions within three years of legislation being passed
- Existing laws and regulations must be enforced and existing powers and authorities must be used to achieve an adequate level of source water protection while source protection plans are developed, approved and implemented

Strong Interim Measures

- ✓ Provincial, municipal, CA powers must be used for immediate action regarding high-risk activities while plans approved
- ✓ Preliminary steps should be taken to protect vulnerable or sensitive areas; criteria for identification of these areas should be specified by regulation



Strong Interim Measures cont'd

- ✓ No new policy instruments with potential to cause significant or irreversible harm to water sources (including Certificates of Approval and Permits to Take Water) should be issued until Source Protection Plans are in place
- ✓ Needed new tools to deal with urgent threats should be developed immediately

Long-Term Monitoring

- ✓ Data must be collected and publicly reported
- ✓ Number of completed source protection plans
- ✓ Proportion of province protected by approved watershed-based source protection plans, geographically and by population

Long Term Monitoring cont'd

- ✓ Evidence of public involvement and awareness of effort being made to protect water resources for present and future generations
- ✓ Occurrences of pathogens and viruses in water
- ✓ Source water quality after wet weather events

Long-term monitoring

- ✓ Health of biota
- ✓ Numbers and lengths of surface waters meeeting provincial water quality objectives
- ✓ stream base flows
- ✓ groundwater levels
- ✓ number of watersheds managing withing water budgets
- ✓ change in area of landscape comprised of wetlands, riparian zones, forested areas

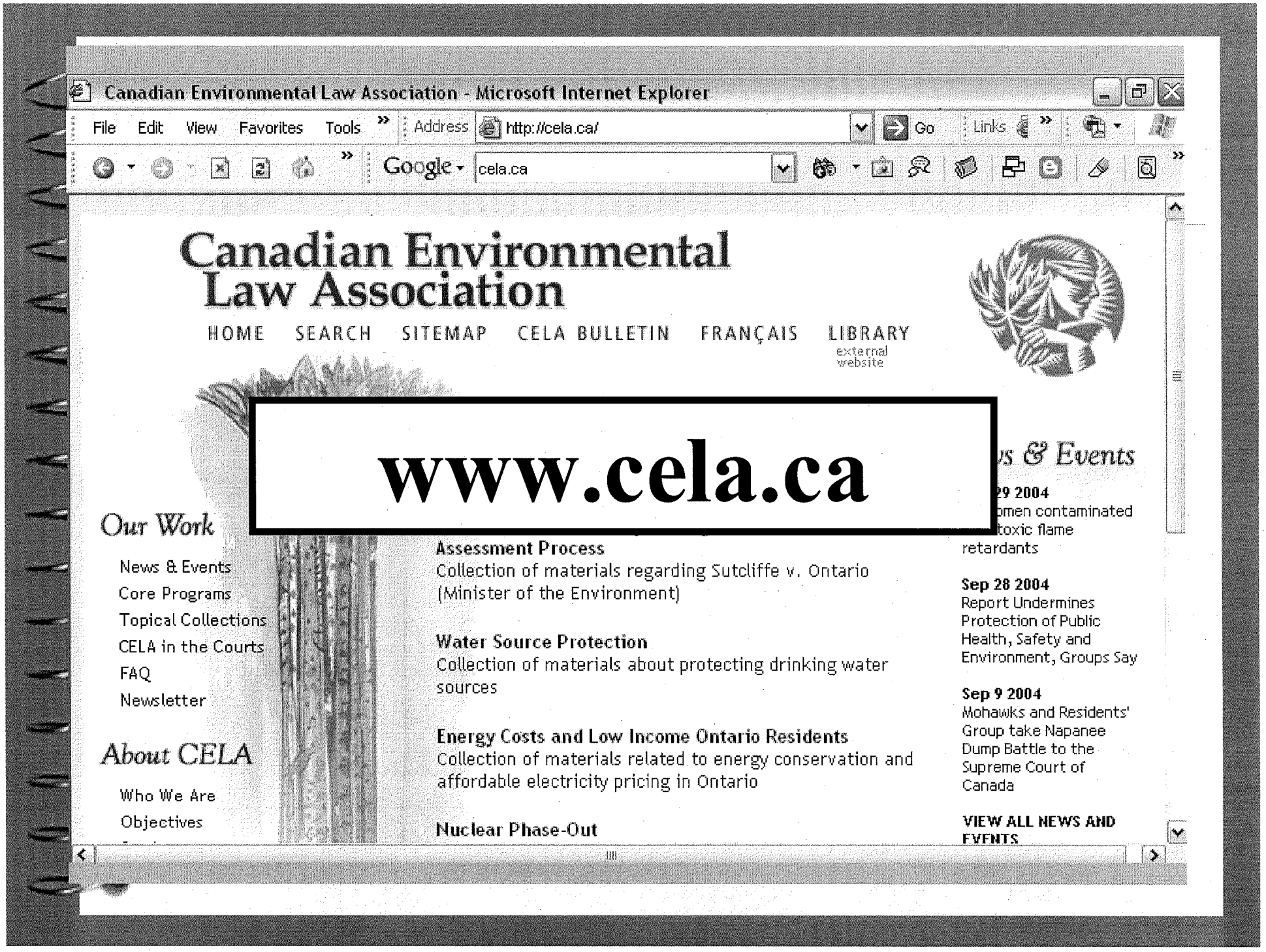

THEY SAY THE WATER IS GETTING TOO WARM FOR THE TROUT- I SAY BALDERDASH!

Review of Source Protection Plans

- Source protection plans must be reviewed and up-dated regularly
- Reflect emerging data and science
- Reflect changes in the watershed
- Reflect outcome monitoring
- Must be compared to baseline of information

Provincial review

- ✓ Provincial instruments and policies should be reviewed after first round of plans so as to be consistent with approved source protection plans
- ✓ Provincial policies to review include the groundwater reasonable use policy, the permit to take water program, provincial model by-laws and much else


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