

Great Lakes Compact Agreement Progress Report- Canada

February, 2011

It is important to understand that the Agreement does not come into force in Canada until both Ontario and Quebec complete ALL regulations to bring implementing legislation into force. Only when this is accomplished will the Agreement timetables be set for submitting baseline data etc. This differs from the US Compact which is already in force. Until this occurs, any proposals for withdrawals which originate in Canada will be reviewed under the terms of the 1985 Great Lakes Charter.

Québec

In 2009, Québec passed legislation that enables the implementation of the Agreement: *An Act to affirm the collective nature of water resources and provide for increased water resource protection* (Water Act).

Regulations will be required to fulfill Québec's obligations under the Agreement. On baselines, Québec has not yet submitted its list, as the applicable section in the Agreement has not come into force. Québec adopted a National Water Policy in 2002, which includes some conservation and efficiency measures. On water management, the 2009 legislation requires permits for new or increased withdrawals and consumptive uses of at least 379,000 liters per day (approximately 100,000 gallons per day, or another threshold set by regulation. The first regulation enacted in August 2009 requires water withdrawers in Québec to report withdrawal data. In 2010, regulation was passed to collect fees for water use. Québec plans to work on additional regulations in 2010 and 2011.

Publication expected soon for 2 regulations

For example, there is a regulation being developed to prescribe the rules for certain water transfer projects out of the St-Lawrence River Basin (Jan 11). There is another regulation being developed regarding the declaration of water withdrawals and is being in a reading period between Jan 26th to 28 Mar 11.

The MOE is working to develop cumulative impact evaluation method to be used on tributaries of the St-Lawrence River.

Quebec has developed an online water use reporting system. Future regulation will merge legislation on water withdrawals, specifically to add provisions prohibiting shale gas drilling. Quebec expects to have final water conservation and efficiency program objectives in early 2011. A program is expected by 2013. A strategy on the conservation and wise use of drinking water may be ready before then. Under this topic, during the fall 2010, the members of the inter-ministerial committee following the Agreement were consulted on the objectives of the future water conservation and efficient use program. The completion date for this program is set for 2012

Bottom line: Québec must first promulgate additional regulations to develop its water management program which should include finalizing its conservation and efficiency goals and objectives to create a conservation program and then submit its baseline list and be subject to other Regional Body review deadlines.

Marc Hudon

Ontario

Ontario began a permitting program for water withdrawals greater than 50,000 liters per day (approximately 13,000 gpd) prior to 1990, which was amended significantly in 2005. Ontario passed legislation in 2007 *Safeguarding and Sustaining Ontario's Water Act* to enable its commitments under the Agreement. In the summer of 2009, Ontario released a discussion paper (*Stewardship – Leadership – Accountability: Safeguarding and Sustaining Ontario's Water Resources for Future Generations*) for public comment that outlined proposals relating to: (i) methods of determining baseline amounts and a screening process for establishing consumptive use; (ii) Ontario's water conservation and efficiency strategy; and (iii) intra-basin transfer regulations, with different rules for municipal versus other types of water use. Broad public consultation was held on these proposals. However, regulations have not yet been posted. In 2009 first Ontario Water Management and Conservation Program Reports (on existing practices) were submitted to the Regional Body which included completed watershed mapping, consumptive use reporting, and initial baseline work. In 2010 a law *The Water Opportunities and Water Conservation Act* was passed which sets the framework to drive innovation in clean water technology, sustain water infrastructure and to conserve Ontario's water.

The Agreement Advisory Panel to Ontario has pressed for the Agreement implementing regulations to be completed prior to the fall 2011 election to avoid losing more time. These are the regulation on a water conservation strategy for Ontario and a regulation on intra-basin transfers that were originally expected in early 2010 but have been delayed by public concerns which include transfer thresholds, connecting channels and return flows. It is our understanding these regulations could be released this spring.

Bottom line: Ontario has met its current requirements under the Agreement deadlines. Pending regulations will be important to getting the Agreement to come into force within a reasonable timeframe in Canada.

Sarah Miller