Intra-Basin Water Transfers
Municipal Sector Working Group Consultation

Date: January 15, 2009

Location: 55 St. Clair Avenue West (at Yonge Street)
Toronto, Ontario

AGENDA

9:00 AM	Arrival and registration (continental breakfast provided)
9:30 AM	Welcoming remarks and introductions
	Review of session agenda and format for the day – comments and questions
9:45 AM	Presentation on Exception Criteria: No feasible, environmentally sound, cost effective alternatives
	Exploration and discussion – key questions
10:45 PM	Presentation on Exception Criteria: Transfer amount is reasonable
	Exploration and discussion – key questions
12:00 PM	Lunch (provided)
12:30 PM	Presentation on Exception Criteria: Efficient use, conservation of existing supplies
	Exploration and discussion – key questions
1:30 PM	Presentation on Exception Criteria: Feasible, environmentally sound, cost effective water conservation measures
	Exploration and discussion – key questions
2:30 PM	Overview – Transfer of sewage
	Exploration and discussion – key questions
3:30 PM	Wrap-up and next steps

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A consultation meeting on the *Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement* took place on January 15, 2009 in Toronto. The meeting with the Municipal Sector Working Group was held to discuss specific components of intra-basin water transfers included in the Agreement. Eighteen participants representing seven municipalities and two agencies attended the meeting (see Attachment 1 for the list of participants).

The goal of the meeting was to present attendees with an overview of the Exception criteria and Sewage Transfer components of the Agreement. Breakout group discussions were undertaken to secure input and feedback on key issues pertaining to the following parts of the Agreement:

- No feasible, environmentally sound, cost effective alternatives
- Transfer amount is reasonable
- Efficient use, conservation of existing supplies
- Feasible, environmentally sound, cost effective water conservation measures

Refer to Attachment 2 for a copy of the meeting Agenda.

General issues raised by municipal representatives following the presentations on Exception Criteria were as follows:

- It would be helpful to municipalities and other stakeholders to understand how other jurisdictions implement their program
- All participating jurisdictions in the Agreement should have to deal with sewage transfers - needs to be raised at regional meetings
- Use this consultation process to determine what is the baseline

Key questions were used to guide the breakout group discussions of Exception Criteria and Sewage. Although there were numerous and varied responses to key questions, some common themes emerged from the meeting. Common themes are those issues and/or recommendations for which there was general agreement amongst session participants. The key questions, themes and proceedings from the consultation meeting are summarized in Table 1 through Table 5 of this report.

Table 1: No Feasible, Environmentally Sound, Cost Effective Alternatives

1. *What additional definitions are required?*	
Themes	▪ **Clarification of "reasonable"** ▪ **Define "environmentally sound" and "economically feasible"** ▪ **Define "alternative" – how wide ranging?** ▪ **Clarification of weighting of factors (resource protection, technology and cost)** ▪ **Who defines what is reasonable or feasible?** ▪ **Define "cost effective"** ▪ **Define "environmentally sound"**
General / context	▪ Let the EA process define what is reasonable and feasible because an EA considers the lifecycle of the community involved ▪ Expression should be "economically feasible" because "feasible" alone can be interpreted as "possible" ▪ If using the EA process then that process decides reasonable and feasible ▪ Should be a process definition not an objective definition ▪ Consider the time horizon with the definition of what is reasonable
2. *What comments do you have with the draft Guidance?* **3. *What additional Guidance is required?***	
Themes	▪ **Guidance should not be too definitive/prescriptive** ▪ **Amend the EA instead of recreating a whole new process** ▪ **Make economic analysis part of the EA process** ▪ **EA process includes technical guidance around a reasonable test (technical bulletin)** ▪ **Let EA process determine what is feasible – EA includes a life cycle analysis** ▪ **Should mirror EA process** ▪ **Amend Class EA to be fully inclusive of intra-basin transfers** ▪ **Include water conservation and efficiency in EA process** ▪ **Should be a requirement for a cost benefit analysis** ▪ **Provide guidance for the time horizons**
General / context	▪ Guidance on existing infrastructure, particularly related to expansion ▪ More detail on government direction in other jurisdictions – help to inform decision-making for Ontario Strategy ▪ "Environmentally sound" – transfers versus other options, this is more complex, need to consider at what scale (local vs. regional) and watershed impacts ▪ Need guidance not rules – "environmentally sound" involves more weighing of options to determine the least disruptive alternative ▪ Guidance around the weighing of impacts ▪ Consider timeframe – 20 years too short, maybe 30 or 50 years – can't preclude future options (should not have to incur costs for 50 years, so build for 20 years out but design infrastructure for feasible future expansion) ▪ Not too prescriptive because you need creative solutions ▪ Identify limiting factors when outlining alternatives
Other / Issues / Questions	▪ What is "cost effective" – Is $1 per cubic meter cost effective or $2 per cubic meter (this varies with time horizons) ▪ How do the criteria fit in with the EA process? ▪ Is an overriding standard going to be used? ▪ If 5 EA's are going forward at the same time, who gets priority/special scale impacts?

Table 1 (Cont'd): No Feasible, Environmentally Sound, Cost Effective Alternative

4. *Re: water conservation and efficiency, how strong should the requirements be for the demonstration of water conservation for existing development?*	
Themes	▪ **All municipalities should be required to have water conservation programs.** ▪ **Need a universal benchmark against which to measure water conservation savings** ▪ **Design a universal benchmark e.g. existing water use on per capita basis** ▪ **Funding for conservation initiatives, projects, pilots, etc.** ▪ **Do not penalize municipalities that have had programs for 5 or 10 years when setting the benchmark** ▪ **Proactive municipalities often excluded from funding while poor players rewarded funding to bring performance level up.** ▪ **Tendency to punish the performers by offering incentives after the fact** ▪ **Water pricing and metering would be key to driving conservation practices** ▪ **Municipal guidance documents exist (e.g., AWWA) and these should be made available through web site or electronic information hub.**
General / context	▪ Conservation requirements must take into consideration cost-benefit (ROI) ▪ Some areas difficult to measure actual savings (e.g., education initiatives), need to consider for measurements/targets ▪ Difficult to force conservation requirements on existing development ▪ Difficult to assess impact of conservation measures because of volunteer nature of the end user ▪ Metrics can be applied but guidance would be required ▪ Not enough incentives for municipalities to fix leaks therefore hold them accountable
Other / Issues / Questions	▪ Need to be careful about how conservation is demonstrated ▪ Municipality can demonstrate that programs are in place, but cannot demonstrate how effective or successful ▪ Need a stronger message from province to get political support at the municipal level – consider tying infrastructure funding to conservation requirements ▪ PTTW holder does not have direct control over the whole system / end user ▪ Where there is no agreement between the Permit holder and the municipal customer, need authority and guidance

Table 2: Transfer Amount is Reasonable

1. *What additional definitions are required?*	
Themes	▪ Need to define "reasonable" ▪ Additional definition of "consumptive use" ▪ Discrepancy the two time periods for approval (EA and PTTW) ▪ Need clear guidance on taking vs. transfer approval. ▪ Deal with the amount of the transfer being requested for the service area
Other / Issues / Questions	▪ Who determines the definitions? What body is responsible for determining definitions? ▪ What is the "approval period"? Is it the EA approval period? The PTTW approval period? ▪ Not appropriate terminology, there is no approval period, once approved, always approved – remove the words "approval period" ▪ Service area mapping? Is it for both areas? Needs clarification as to what service area the map applies (is it for both areas, for one?)
2. *What comments do you have with the draft Guidance?* **3. *What additional Guidance is required?***	
Themes	▪ **Need a template for a "water use plan" – this should be made available to municipalities** ▪ **Guidance on acceptable options for calculations of water use and population** ▪ **Provide clarification around consumptive use** ▪ **More detail on how to evaluate – currently subjective (need criteria for decisions)** ▪ **Need to update guidance, re. design criteria (currently based on historical use)** ▪ **Need clear guidance on what is expected to be in the "Water Use Plan"** ▪ **Need some harmonization, so that requirements are "all-in-one" instead of separate**
General /context	▪ Helpful to have examples and a flow-chart of how the process works ▪ Look at ultimate service area not a limited time period ▪ Update guidance because historical use might not be the best approach for projections ▪ Clarify "presentation of current use" – need to know what is expected and more details of what is required in the "presentation". ▪ Provide a checklist outlining the scope, but should not be prescriptive ▪ Focuses on 20 year period or period of permit, but should consider "ultimate scenarios"
Other / Issues / Questions	▪ Who/what body reviews the water use plan? ▪ What assumptions might be used around servicing in the future? ▪ What's expected to substantiate and support the projection? ▪ Some elements of Water Use Plan are in O.P., some in EA, some in Master plan – no current requirement for a Water Use Plan, need to know what is expected, how detailed (is this a plan that requires 2 weeks to pull together or 2 years?) ▪ Why a 20 year period?

4. *Re. Water Conservation and Efficiency: How strong should the requirements be for the demonstration of water conservation for existing development?*	
Themes	▪ **This is a building code issue – municipality can ask/require conservation but builder/developer can appeal, if conservation is in Building Code no debate.** ▪ **Put requirements into the Building Code** ▪ **Building code is province-wide but lowest standard, need to have stricter requirements for conservation** ▪ **Provincial oversight is needed in some areas, particularly Building Code** ▪ **Need a universal standard of energy and water conservation in the Building Code because [we] rely on it at the municipal level** ▪ **If no province-wide requirement for conservation, one municipality may have lower requirements, creating an un-level playing field (i.e., builder/developer goes to municipality with lower conservation requirements)** ▪ **If the approval requires a higher standard of conservation then municipality/MOE need the tools to enforce the requests made on builders** ▪ **Conservation for new development needs to be mandated at the provincial level** ▪ **If approved for intra-basin transfer, municipality should be given the authority from the province to enforce conservation standards** ▪ **Builder/developer can challenge if no provincial requirement**
General / context	▪ Item 5 on chart reads "most effective" should read "cost effective" (e.g., BAT that is economically feasible) ▪ Possible room for a higher standard for conservation when water transfers involved. ▪ Possibly 3 tiers for conservation requirements/standards (hierarchy of stds.) 1) Universal requirements (through improving building code requirements) 2) Return flow 3) Intra-basin transfer without return flow ▪ What a municipality puts into a development agreement is much stronger than a by-law. ▪ Should require conservation technology that is cost effective ▪ Not all new transfers are a reflection of new users or new building, therefore guidance needed (e.g. well users put on municipally supplied water)
Other / Issues / Questions	▪ Does the municipality have authority to enforce conservation through local by-laws?

Table 3: Efficient Use, Conservation of Existing Supplies

1. *What additional definitions are required?*	
Themes	**No additional definitions beyond those indicated in Table 1 and Table 2**
2. *What comments do you have with the draft Guidance?* 3. *What additional Guidance is required?*	
Themes	**No comments on draft Guidance/additional Guidance beyond those indicated in Table 1 and Table 2**

Table 4: Feasible, Environmentally Sound, Cost-Effective Water Conservation Measures

1. *What additional definitions are required?*	
Themes	▪ In Guidance document the definition of environmentally sound refers back to environmentally sound - need clarification as to what this means ▪ "Water use sectors" need defining ▪ Define the length of period on which to base demand ▪ Need to clarify, "has taken reasonable steps"?
2. *What comments do you have with the draft Guidance?* 3. *What additional Guidance is required?*	
Themes	▪ Conservation plan/measures should be rolled into a water use plan ▪ All Annex jurisdictions must be required to meet the same minimum
4. *Should a Conservation Plan be a requirement?*	
Themes	▪ A conservation plan should be an absolute requirement ▪ The plan should be part of the "Water Use Plan" for transfers ▪ If there is a requirement for a conservation plan, there is a need to have provincial level requirements for conservation in the building code ▪ Municipalities should be given the authority to enforce the plan for municipal customers ▪ Should have Water Use Plan/conservation plan templates with different municipal scenarios (e.g. control end user/do not control end user) to help guide development of plan

Table 5: Intra–Basin Transfer of Sewage

1. In the light of the Agreement, how should sewage transfers of > 19 mld be dealt with?	
Themes	▪ **Grandfather or establish baselines for existing transfers** ▪ **Should be a similar process as applies to water takings** ▪ **Return flow is straight forward** ▪ **A transfer is a transfer whether it is water or wastewater and should meet the intent of the agreement for water in general (i.e., mitigate impact, look at options, etc.)**
General	▪ Should be a mass balance ▪ Possible there should be different requirements for different transfers (Upstream vs. downstream transfers)
2. *To meet the requirements of the Agreement for sewage transfers, what conditions should be applied to*: **a) *the water taking (e.g. efficient use and conservation)?***	
Themes	▪ **In terms of the spirit of the Agreement, conservation should apply** ▪ **Should consider technology or system that minimizes transfer** ▪ **Human health issues should be considered (e.g., rural areas on groundwater and septics, may need to transfer sewage out to prevent contamination of groundwater)** ▪ **Requirement for the municipality to demonstrate that a sewage plan is in place**
General / Context	▪ The transfer may be the best environmental choice (e.g., may be better to transfer discharge from a high stress watershed to a low stress watershed) ▪ Requirements to reduce I&I in a sewage works approval
Other / Issues / Questions	▪ A challenge for two-tier systems – lower tier owns collection systems (e.g. dealing with I&I) – upper tier has no control
b) *the sewage transfer (e.g. setting targets to reduce inflow and infiltration)?*	
Themes	▪ **Planning/programming with possible initiatives such as downspout disconnects CSO reduction, sewage separation, etc.** ▪ **Higher level approach: consider impacts of discharge to local watershed versus transfer**
General / Context	▪ Establish best practices for I&I reduction
Other / Issues / Questions	▪ How regulated? – C of A? – some terms and conditions may be placed on municipality through PTTW (water transfer), some through Sewage Works Approval (sewage transfer)
3. *In blended systems (i.e. include water from inside and outside the watershed), how would intra-basin transfers of sewage be distinguished from "return flow"?*	
Themes	▪ **Not possible or practical**
Other / Issues / Questions	▪ Grandfather all existing

LIST OF PARTICIPANTS
Municipal Sector Working Group Meeting
January 15, 2009

REPRESENTATIVE	AFFILIATION / ORGANIZATION
Coombs, Adrian	Regional Municipality of York
Christie, Max	OMWA
D'Andrea, Michael	City of Toronto
Daniels, Courtney	Regional Municipality of York
Firman, Marcus	Municipality of Collingwood
Hatton, Janice	Regional Municipality of Peel
Henry, Andrew	City of London
Kelleher-MacLennan, Rosemary	Ontario Municipal Water Association (OMWA)
Kirk, Erin	City of London and Elgin Water System
Law, Pam	CH2M Hill
Lin, Lisa	Regional Municipality of York
Lotimer, Tim	American Water Works Association (AWWA)
Love, Sean	Regional Municipality of York
Maitre, Michele	Regional Municipality of York
Rang, Sarah	Great Lakes – St. Lawrence Cities Initiative (GLSLCI)
Reid, Craig	Ontario Municipal Association (OMA)
Westendorp, Nathan	County of Simcoe
Yajima, Kaoru	Regional Municipality of Waterloo