



SCIENTIFIC, TECHNICAL AND COST
PROPOSAL FOR COMPARATIVE -
LEGISLATIVE REVIEW STUDY
PERTAINING TO SOURCES OF
WATER POLLUTION FROM
LAND USE ACTIVITIES

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I. DESCRIPTION OF TASKS TO BE UNDERTAKEN

A. SUMMARY COMPARATIVE REVIEW OF THE
INSTITUTIONAL RESPONSE TO THE PROBLEM
OF POLLUTION FROM LAND USE ACTIVITIES

This task will require integration of the Canadian Environmental Law Research Foundation - Canadian Legislative Study findings and the U.S. contractor's findings (Linton & Co.) by means of (1) a standardized table format and (2) a summary comparative description of the respective jurisdictions' control approaches.

1. Comparative Tables

The first technique has already been demonstrated in the phase one part of the Canadian Legislative Study (See Chapter One -- Overview of that Study). The table approach essentially permits the reader interested in a particular land use activity (e.g. application of fertilizers) to turn to the relevant land use category table (e.g. Agriculture) and quickly scan the table's horizontal axis for the relevant institutional/jurisdictional level in relation to that activity (e.g. federal). Within the appropriate column the reader will find a letter which corresponds to a particular control mechanism type, if any, (e.g. F = fiscal control) and the page in the accompanying text material where a summary explication of that control mechanism may be found. This approach should be capable of integration with the U.S. study as it is understood to be developing.

However, two provisos should be noted.

First, the Canadian legislative study tables are not static; they are dynamic. The employment of a letter in a particular column does not necessarily mean that the mechanism type noted is adequately serving the particular land use activity. The active participation of the reader is required to properly utilize the tables. He/she must turn to the relevant page and review the study's findings. In some instances the findings

indicate that while a mechanism exists it is not, in the study's judgement, meeting its goals. A static table -- one which merely places a symbol in a column if a mechanism exists -- would not provide this added dimension. It is not known if the U.S. study will be developing a "dynamic" series of tables. It is submitted that static tables, by themselves, would not be of great benefit in a study of this nature and might, in fact, be a misrepresentation of the actual regulatory situation.

Second, the Canadian Legislative Study lists five key institutional levels in each land use category table -- federal government, provincial government, regional government, conservation authorities, and municipal government. Symbols are employed, where appropriate, for each of those five institutional/jurisdictional levels.

In the U.S., where at least nine federal and state jurisdictions exist, the addition in a land use table comparative review of the three extra institutional/jurisdictional levels (i.e. regional government, conservation authorities, and municipal government or their state political subdivision equivalents) could result in a rather unwieldy set of tables. This can probably be worked out in discussions with the U.S. contractors, or through appropriate photo reduction techniques. However, it was deemed appropriate to raise the matter in this submission.

A sub-concern also arises, if the U.S. study does not develop material for table incorporation on political subdivisions below the state level. Should the Canadian part of the comparative study follow suit -- in order to standardize format with the U.S. study -- a valuable dimension to the Canadian study findings, will be lost. Again, a suitable arrangement can probably be worked out, but it was deemed appropriate to raise the concern here.

2. Comparative Description/Evaluation

In terms of format and content, the approach that was used in phase one of the Canadian Legislative Study (See Chapter One -- Overview of that Study - Section III) could be employed in a comparison with U.S. programs. In the alternative, the format that has been used in previous Great Lakes Water Quality Board Reports (E.g. the 1975 Annual Report - Chapter 7 on Land Use) could be used for a U.S./Canadian comparative review of institutional control mechanisms on a land use by land use basis.

Generally either approach should permit an opportunity to test the control approaches and assumptions of the various jurisdictions. For example, the Canadian Legislative Study commented on the separation of authority for planning and water pollution control functions in Ontario. It noted the possibilities of prospective policies on urban drainage bridging the gap between these separate legislative functions. It also noted the possible difficulties inherent in this institutional separation of legislative functions for effective non-point source pollution control. In this regard, the U.S. experience with the Section 208 programs under Public Law 92-500, may be able to provide insights into the success, or lack thereof, of a planning process that is legislatively tied to water pollution control and to environmental agencies.

B. SUPPLEMENTATION OF CANADIAN STUDY

This task will require identification, presumably by the Scientific Authority, of institutional framework areas needing clarification, description and analysis.

It should be noted that despite the limited amount of funds allocated, and the level of cooperation provided by certain key agencies, during the first project, the CELRF study is a comprehensive, if not definitive statement on this topic in Canada. While it is possible that future developments in this area will warrant consideration in a few key instances. (E.g. recent Ontario Planning Act Review findings), substantial clarification analysis & description could not be included in this costing proposal.

Under these circumstances, it is not expected that CELRF will be asked to re-investigate areas which it dealt with in the first study without appropriate additional funding by the Scientific Authority.

C. DISCUSSION AND FINAL WRITE - UP

This task will require completion of material developed under the above enumerated tasks and submission of a final report. Discussions with key specialists will be conducted where possible.

II. LIST OF PERSONNEL

J.F. Castrilli

III. ECONOMIC BENEFIT & CANADIAN CONTENT

All monies generated from this project
will remain in Canada.

IV. COSTING

Salaries

1 Researcher...60 working days, \$111.24(\$103.00 plus 8%)	\$6,614.40	
Canada Pension Plan...	200.23	
Unemployment Insurance @3%	<u>200.23</u>	
	\$7,074.86	\$7,074.86

Expenses*

Xeroxing	75.00	
Special Purchase - Books, Journals, Special Reports	75.00	
Contingency	<u>75.00</u>	
	\$225.00	<u>225.00</u>
	TOTAL	<u>\$7,299.86</u>

*It is proposed that all travel costs, typing, supplies, telephone, printing, internal xeroxing and postage will be handled in the Environmental Protection Service, Ontario Region Office.