Thoughts and Comments to Bill 198

Basin Boundaries

A point not clarified in either the Agreement or Bill, is the scientific and technical identification of the basin boundaries. This is an issues the SWP process is not going through, and I would imagine it might be relevant as well for this legislation. Especially because this includes groundwater takings and groundwater aquifers do not necessarily match surface water boundaries – this could be a point of contention in arguing if the legislation applies or not.

Recommendations – that basin boundaries are explicitly defined by appropriate means.

Reference: definition of "Waters of the Basin" and "Basin" in the Agreement

Data Sharing and Information

Article 301 of the Agreement calls for data collection and sharing between Agreement partners – but this is nowhere included in the legislation.

Recommendation - Not sure if this should be recommended for inclusion or just recommended as a policy – but should draw attention to it irregardless.

Reference: Article 301 – Agreement, Article 100 (Objectives of the Agreement – f.)

Exception Standard

Reference: Section 7 of the EBR posting, page 10 in the compendium

1. *Amount of Water is limited to Reasonable Quantities*
   - There is no definition provided in the Bill, however, the Agreement defines "reasonable" under the decision making standard for withdrawals, as well as within the exception standard to say – "limited to quantities that are considered reasonable for the purposes for which it is proposed (ie don't exceed typical industry intake)

Recommendation – include the full definition in the bill

Reference: Article 201, Section 4 (Exception Standard) Subsection b. and Article 203 of the Agreement

2. *Waters being returned to basin must meet discharge standards and prevent the introduction of invasive species into the basin*
   - This was included in the Agreement but left out of the Bill

Recommendation: Add to list of exceptions

Reference: Article 201, Section 4 (Exception Standard) Subsection c, ii. of the Agreement

Assessing Cumulative Impacts

Again, this is something missing from the Bill but included in the Agreement. I would suggest that this would also play into the data sharing and information gathering bit. The Agreement also notes that this would be useful for re-assessing limits that trigger the withdrawal process.

Recommendation – Not sure if this should just be noted for inclusion in policy or Bill

Reference: Article 209 of the Agreement

Conservation and Efficiency Measures

I really feel this is a key point we need to highlight – as it is not strong enough in the Bill. Currently the Bill includes conservation and efficiency measures as part of the exemption standard. However what should be included as a whole section is the requirement for municipalities to implement conservation and efficiency programs, for industry/commercial sectors to be supported to develop BMP and technology advancements for water savings, and that the MOE/MNR will work with the ministry of agriculture to implement conservation and efficiency measures within the agricultural community on a widespread basis.

It just seems a bit futile to not make this a key aspect of a bill or regulations intended to protect water resources. This concept of conservation and efficiency is included in the Agreement and the process is being developed for adoption each of the partners, but for high level adoption such as at the provincial level.

Recommendation – Add a new section making it mandatory for municipal governments to implement a conservation and efficiency program. Support the development and distribution of BMPs for industrial and commercial sectors, and support a partnership with ministry of agriculture to increase waters savings in agriculture.

Reference: Article 304 of the Agreement

The following comments were included in my email to CELA, I still haven't been able to find answers to these.

Establishing a baseline for existing water takings

- we are unclear as to whether
    a) the director will determine the allowable transfer amount for each permit holder – who can then refute and re-negotiate that amount within two years, or if;
    b) the permit holder has the option to voluntarily indicate their water takings and this quantity would then be added to their permit, but must do so within two years. If this is the case – what happens if they do not submit info to the director.

Reference: Section 9 in the EBR posting, page 13 in the Compendium

Other amendments to streamline the permit process

- we were concerned about the voluntary process for the Lieutenant Governor in Council to introduce the grandfathered water takers to the PTTW process. But are unfamiliar with how many water takers this may include and their whether their water takings were considerable enough to be inducted.

Reference: Section 12 paragraph 6 of EBR posting, page 6 in the Compendium

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