



Comments on: The Clean Water Act,
Proposed Bill 43, EBR AA05E0001

Submitted to

Ministry of the Environment
Strategic Policy Branch

135 St. Clair Avenue West, 11th floor
Toronto, Ontario, M4V 1P5

By the

Canadian Federation of University Women

Ontario Council

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Submitted by:

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Feb. 1, 2006

Dear Ms. O'Keefe,

**Re: Comments by the Canadian Federation of University Women/ Ontario
Council on the Clean Water Act, Proposed Bill 43 - EBR AA05E0001**

The Ontario Council of the Canadian Federation of University Women (CFUW/Ontario Council) welcomes the opportunity to comment on the Proposed Bill 43, the Clean Water Act.

Since 1988, CFUW has had policy asking that government "enact legislation to set rigorous quality standards for ground and drinking water, which would be updated frequently to reflect current research and increased technology".

In 2001, CFUW established a policy that:

- declared that water, being a non-renewable natural resource of paramount importance, belongs to the Canadian public and its use must be regulated in the public interest;
- requested that government adopt and implement a sustainable and prudent water management policy to respond to long-term regional needs with due regard to the ecosystem and hydro-geological reality; and
- requested that government promote conservation and more efficient use of surface water and groundwater.

All life depends on a reliable source of clean water to survive. And yet, up until now, there has been no overriding vision from government for a comprehensive policy on water and water management which adequately protects the public interest and the ecological health of our province.

CFUW/ Ontario Council submitted a response in August 2004 to the first draft of this legislation, the proposed Drinking Water Source Protection Act. We are also signatories to the NGO Statement of Expectations.

CFUW/ Ontario Council applauds the continuing commitment of the Government of Ontario to meet the recommendations of the O'Connor Inquiry with the introduction of Bill 43, the Clean Water Act, which now addresses twenty-two of those recommendations. We are very pleased to note that you have listened and responded

to many of the concerns and suggestions that were voiced by ourselves and by many others, during the first public consultation.

We are especially supportive of the following provisions of Bill 43:

Section:

2:1. The pro-active definition of “drinking water threat” which is defined as “an existing activity, possible future activity or existing condition that results from a past activity”.

2:1. The detailed definition of “prescribed instrument” to include among others: “the Nutrient Management Act; the Aggregate Resources Act; the Mining Act; the Oil, Gas and Salt Resources Act; the Pesticide Act and any other Act or Regulation prescribed by the regulations.”

7.5. The administrative training and the scientific and technical support mandated for the Source Protection Committees by the Source Protection Authorities to give the Committees the tools needed to enable them to do their job properly.

8:2. Public consultation by the Source Protection Committees in the preparation of the terms of reference which will build public knowledge, support and ownership into the process from the beginning; and

11. The timely availability of these terms of reference with any amendments to the public.

12. The linkage of this Act with the Legislation and Agreements on the Great Lakes Basin Waters. It is especially important that it be linked with the recently signed Annex Agreements to the Great Lakes Charter and its many safeguards, including its provisions on diversions, on the use of research and data, on conservation, on return flow and on limits for consumptive use.

13.2. The outline of the variety of detailed assessments required of the Assessment Reports is **a vital improvement to the legislation** – especially the detailed studies required to establish the Water Budget as recommended by Justice O’Connor, and the detailed assessment of three areas of “drinking water threats”.

18.1 The Interim Progress Report which will ensure the timely start to protection and remediation of the watershed resources, **however,**

CFUW/ Ontario Council recommends that there also be a provincial moratorium on significant new projects or water-taking permits that could pose a “drinking water threat” until after the Source Protection Plans are in place.

19.2. The detailed requirements for the contents of the Source Protection Plan.

35. The establishment of the precedence of the Clean Water Act when it conflicts with Municipal Official Plans and By-Laws.

40. and 41. The monitoring and reporting of annual progress reports which are available to the public

53.5. The authority to change, limit and revoke water-taking permits based on scientific and ecological priorities. And

The ensuing authority and power to inspect and to enforce the provisions of the Clean Water Act when they are not being met, including the liability of the offender to pay

95. The binding of the Crown to the provisions of the Act.

96. The clear and explicit establishment of precedence given to the Clean Water Act when it is in conflict with other legislation, especially the Nutrient Management Act so that the “greatest protection to the quality and quantity of the water prevails”. This is a major improvement to the Act which clearly underscores the government’s priority.
CFUW/ Ontario Council strongly endorses this Section.

There are however, three areas of the Act where we have concerns and offer related recommendations.

First:

Sections 74., 75., 76. The alignment of the Clean Water Act with the expectations of the Great Lakes Annex Agreements is vital to its successful implementation and to the successful realization of a coherent government policy.

CFUW /Ontario Council recommends that:

- **the provisions of Sections 74, 75 and 76 be made mandatory. They must not be left to the discretion of the Minister; and**
- **the mandated Great Lakes Targets must align with the requirements of the Great Lakes Annex Agreements within the limits set by the area's Water Budget**

CFUW/ Ontario Council further recommends that:

- **the Ministry of the Environment and the Ministry of Natural Resources work together to establish an inter-ministry team to align the implementation of the Clean Water Act and the Annex Agreements;**

This inter-ministry cooperation and sharing of expertise would help to avoid wasteful duplication, and to help coordinate and facilitate information flow, data, research etc. between these two vital initiatives to protect the water in our watersheds and in our Great Lakes.

Second:

Section 5: CFUW/ Ontario Council is disappointed that the source protection of water in watershed areas, especially in the North, which are not covered by Conservation Authorities is still not mandated in this legislation. Nor is the source protection of water and watersheds on First Nation Reserves. It is important that the level of protection for people living in the North and those living on First Nations Reserves be consistent with that afforded to people in the South.

It is also important to recognize that small municipalities and/or Band Councils on their own do not have the expertise, the resources or often even the will to invest in the kind of measures needed to ensure Source Protection. It would be very difficult to ensure consistency. And it is important to recognize that contaminants polluting a source of ground water or surface water anywhere in the province will affect the quality of Ontario's water resources.

However, the Ministry of Natural Resources does have a presence in the areas of the province which are not covered by Conservation Authorities. Their officers have an understanding of their region and the expertise to manage the required assessments and develop source protection plans; they already have communication links with the populations within their areas; and the consistency of their training to implement this legislation could be centrally managed by MNR.

CFUW/ Ontario Council recommends that:

- **Source Protection Areas be identified and mandated for all watersheds in Ontario; and**
- **the Ministry of Natural Resources be designated responsible for developing and supporting Source Protection Committees and/or Source Protection Plans for watershed areas, especially in the North, which are not covered by Conservation Authorities.**

Third:

CFUW Ontario Council is also concerned that the funding provided by the Government of Ontario be sustainable over the long term and not subject to the yearly negotiations of conflicting Budget priorities. It must be sufficient to ensure both compliance with and enforcement of this Act. In particular, owners of private wells, owners of small and medium farms, small municipalities, despite their best wishes to comply, may not have the financial resources to do so. They may also lack adequate access to the required testing facilities or availability and/or adequate funding for enforcement officers without additional support from the province.

CFUW/ Ontario Council recommends that:

- **an explicit commitment to adequate long-term funding be included in the Act;**

- **funding for the implementation of the Clean Water Act be considered a priority in striking the next provincial budget;**
- **some of the funding required for implementation of and compliance with the Act be generated by substantial water taking charges, pollution charges, and also by development charges and permit fees, as well as by municipal water and sewage rates, and thus also encouraging conservation;**
- **dedicated funds be set aside which can be accessed by small landowners, farmers or municipalities to make improvements to their wells, land and/or water system infrastructure to help bring them into compliance with the provisions of the Act;**
- **the number and locations of water testing facilities be increased; and the cost of testing for small businesses and individuals be subsidized;**
- **a comprehensive education and incentive program be undertaken by the government to support the Act.**

CFUW/ ONTARIO COUNCIL

CFUW/ Ontario Council is made up of approximately 6000 women university graduates from all the regions of Ontario. We are totally member - funded. Our members live in 58 Ontario communities, in big urban areas as well as in rural and northern towns (see Appendix B). We are non - partisan and non-sectarian. When voting on policy each of our clubs has one vote so that the voice of members from Thunder Bay and Renfrew and St. Thomas have the same weight as those from the Toronto and Ottawa areas. This results in well-balanced policies that may be embraced by most Ontarians.

We are business women, scientists, teachers, university professors, nurses and physicians, seed specialists and engineers, farm women and artists and accountants, wives, daughters, mothers and grandmothers. All put their skills and education at the service of their community, and work

- in all public affairs
- for a high standard in public education,
- for the improvement of the Status of Women in Ontario, and
- to ensure Human Rights in the Province.

CFUW/Ontario Council is part of the Canadian Federation of University Women (CFUW) and has links with the International Federation of University Women (IFUW).

CFUW/ Ontario Council will continue to monitor the progress of Bill 43 and other water issues in the province.

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Sincerely,

Edeltraud Neal, President,
Ontario Council Canadian Federation of University Women

Appendix A



Some Canadian Federation of University Women Policy on Water

**Note: CFUW /Ontario Council policy integrates
CFUW/ Ontario Council policy, as well as CFUW and IFUW policy**

1993 Canadian Water

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to pass and enforce a Canada Water Preservation Act which will prohibit further diversion of water between drainage basins and which will ensure Canada sovereignty over its domestic water resources; and

RESOLVED, That CFUW urge the Government of Canada to resolve immediately the uncertainty surrounding the water-trade issue through the execution of a separate and binding joint diplomatic agreement, ratified by both the US Congress and the Canadian Parliament, which ensures that nothing in the Canada-US Free Trade Agreement shall apply to Canada's water resource in other than bottled form.

2000 Canadian Water

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada and the provincial and territorial governments to take all measures necessary to ensure that large-scale freshwater commercial exports carried out by any means do not take place.

2001 Canadian Water

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the federal, provincial and territorial governments of Canada to protect our water resources and specifically to declare that water, being a non-renewable natural resource of

paramount importance, belongs to the Canadian public and its use must be regulated in the long-term public interest;

RESOLVED, That CFUW urge the federal, provincial and territorial governments to adopt and implement a sustainable and prudent water management policy to respond to long-term regional needs with due regard to the ecosystem and hydrogeological reality; and

RESOLVED, That CFUW urge the federal, provincial and territorial governments to promote conservation and more efficient use of surface water and groundwater at individual, local, provincial, territorial, national and international levels.

1988 Drinking Water Quality

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada, to enact legislation which would establish substantive and procedural laws in order to:

1. set rigorous quality standards for ground and surface drinking water which would be updated frequently to reflect current research and increased technology; and develop strict standardized inspection, testing and enforcement procedures to uphold these standards;
2. fund research into the identification and removal of substances in the drinking water which may be harmful to human health and distribute the results of such research to the provincial and territorial authorities responsible for administering water quality legislation;
3. provide user protection by:
 - a) requiring immediate public notification of instances of water contamination and ensuring an adequate supply of safe water either by decontamination or the provision of alternate sources; and
 - b) requiring the inclusion of safe water provisions in Emergency Planning Canada and promoting emergency planning schemes at other government levels.

1989 “Our Common Future”

RESOLVED, That national federations and associations (of the International Federation of University Women) be encouraged to take action in their respective countries, and where possible, to encourage joint participation with IFUW affiliates in neighbouring countries to prevent further deterioration of our global environment by working to implement the recommendations of the Report of the World Commission on

Environment and Development, "Our Common Future", (Brundtland Report) presented to the UN General Assembly in October 1987.

1990 Preservation of Wetlands

RESOLVED, That the Canadian Federation of University Women (CFUW) urge the Government of Canada to:

1. establish a standard system of evaluation of wetlands, in co-operation with the provincial and territorial governments in order to identify wetlands which it is agreed are worthy of preservation and statutory protection. (specially significant);
2. increase its support of research on wetlands;
3. increase its efforts to make the Canadian public aware of the vital importance of wetlands; and

RESOLVED, That CFUW urge their provincial and territorial governments to:

1.
 - a) establish a system of evaluation for wetlands consistent with the national system, and to pass legislation to protect and monitor those wetlands which have been identified as specially significant;
 - b) increase their support of research on wetlands;
 - c) increase their efforts to make the public aware of the vital importance of wetlands; and to
2.
 - a) be alert to any proposed development in areas where there are wetlands which might be degraded or lost; and
 - b) b) urge the relevant planning boards, municipal councils and like authorities at the local level to have evaluations done in order to preserve significant wetlands.

1995 Sustainability

RESOLVED, That national federations and associations (of the International Federation of University Women) should:

1. urge their respective legislative bodies to incorporate the protection of the environment as an overall goal into their basic laws;

2. help raise a general awareness of the necessity of protecting the environment, in particular by expounding the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems;
3. promote the education of girls and boys of all ages in science, technology and disciplines relating to the natural environment; and
4. encourage governments to promote the development of sustainable and ecologically sound consumption and production patterns including ecologically safe waste disposal, the re-use and recycling of resources, the reduction of air pollutants, the careful management of energy sources and the use of environmentally sound technologies.

Appendix B



The Canadian Federation of University Women/ Ontario Council Club Locations

Ajax – Pickering	Kitchener - Waterloo	Owen Sound & Area
Aurora - Newmarket	Leaside - East York	Perth
Barrie & District	London	Peterborough
Belleville & District	Markham- Unionville	Renfrew & District
Brampton	Milton & District	Sarnia Lambton
Brantford	Mississauga	Saugeen
Brockville & District	Muskoka	Scarborough
Burlington	Nepean	Southport
Cambridge	Niagara Falls	St. Catharines
Chatham -Kent	Norfolk	St. Thomas
Cornwall & District	North Bay	Stratford
Etobicoke	North Toronto	Sudbury
Georgetown	North York	Thunder Bay
Grimsby	Northumberland	Toronto
Guelph	Oakville	Vaughan
Haliburton Highlands	Orangeville & District	Welland & District
Hamilton	Orillia	Weston & District
Kanata	Orleans	Windsor
Kincardine	Oshawa & District	
Kingston	Ottawa	

