



Comments on:
Regulations pertaining to Bill 43, the Clean Water Act
in the Establishment of Source Protection Committees
EBR # PA06E0013

to the
Strategic Policy Branch
Ontario Ministry of the Environment

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By the

Canadian Federation of University Women
Ontario Council

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RE: EBR Registry Number PA06E0013 - Regulations pertaining to Bill 43, the Clean Water Act in the Establishment of Source Protection Committees

The Ontario Council of the Canadian Federation of University Women (CFUW OC) welcomes the opportunity to comment on Regulations pertaining to Bill 43, the Clean Water Act in the establishment of Source Protection Committees.

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 applauds the commitment of the Government of Ontario to meet the recommendations of the O’Connor Inquiry by passing into law the Clean Water Act on October 19, 2006.

CFUW Ontario Council submitted a response in August 2004 to the first draft of this legislation, the proposed Drinking Water Source Protection Act. We submitted a response on February 3, 2006 to the present Clean Water Act. And we presented a Brief to the Standing Committee on Social Policy, August 22,

2006 at Walkerton Ontario as part of the public consultations. We are also signatories to the NGO Statement of Expectations.

The Clean Water Act (CWA) is an important step towards the protection of the drinking water resources in all Ontario watersheds. 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 and the access to full and active public participation in the process for people living in the North and those living on First Nations Reserves be consistent with that afforded to people in the South.

The purpose and first priority of the Clean Water Act is to safeguard the quality and quantity of the drinking water resources in the watersheds of Ontario. The successful implementation of the Act will depend to a large extent on the work of individual Source Protection Committees. It is vital that the Regulations which accompany this Act will safeguard the original intent of the Act for all Ontarians.

After reviewing the Discussion Paper for Source Protection Committees (SPCs), CFUW Ontario Council would like to make comments and suggestions to the following sections:

2.2.1 Chair Qualifications:

- There should be a statement about the potential for a bias or conflict of interest of the Chair - either through his/her employment/business or position. There is a difference between remaining "neutral" and not voting when chairing a meeting - and being "neutral" in one's opinions and attitudes about the topics that will come before the committee. The purpose and first priority of the Act is to safeguard the quality and quantity of the drinking water resources in the watersheds of Ontario. It must be the first priority of the Chair as well.
- An additional qualification should be: Must have demonstrated an understanding of and support for the aims and principles of the CWA.

2.2.4 Chair Roles and Responsibilities:

- Chair should "**help** determine the composition...." and "**help** select members" - not "determine" and "select".

- Chair should be an ad-hoc member of the working committees, and attend the working committee meetings or should designate a member of the SPC to attend.
- Chair should liaise with other SP Chairs across the province, as well as with the Ministry, to share problems/solutions/best practices in the work of the Committee. The Ministry should facilitate such a network among SP Chairs.
- The Chair should also establish and preside over a public website, facilitated by the Ministry, on which information and records of meetings and minutes could be posted and questions and comments from the public could be received.
- The selection of the alternate chair should be made by the SP authority in consultation with the Chair to ensure that there will be a balance of background/interest/skills within the leadership team and the SP Committee.

2.2 Composition of the Source Protection Committee

Because, as stated above, the purpose and first priority of the Clean Water Act is to safeguard the quality and quantity of the drinking water resources in the watersheds of Ontario, and because the successful implementation of the Act will depend to a large extent on the work of individual Source Protection Committees, **it is vital that:**

- all Source Protection Committees include members who understand and can clearly represent environmental issues;
- the province provides consistent, basic training to all committee members, so that they will all have a solid understanding of the Clean Water Act, i.e. the underlying goals of source water protection, the background of the legislation, the potential consequences of their actions as a committee, and the basic concepts of environmental protection.

2.3.1 Municipal:

- Municipalities should propose a candidate and 2 or 3 alternate candidates. They should include a CV for each of the candidates with their background and their roles on Council so that the Chair and SP Authority could select candidates with a view to balancing the

voices/background/skills of municipal representatives across the SP Area.

3.2: Quorum:

- Attendance by teleconference should be allowed, especially in large SP Areas and especially in inclement weather (winter). There should however be a requirement for a minimum number of meetings attended in person.
- An e-mail listserv should also be established for easy, inexpensive and timely communication among members.

3.9 Removal of Member:

- The request to remove a member should be arbitrated by the SP Authority in consultation with the Chair, in response to complaints brought either by the Chair and confirmed by at least one other member of the SP Committee or by a quorum of Committee members. It could be potentially very divisive to have committee members argue among themselves as to whether to remove one of their colleagues - potentially very hard on morale - and might tend to result in the formation of sub-cliques within the Committee that could impede the purpose and first priority of the Act.

4.0 Working groups:

Some flexibility in the establishment of Working Groups is certainly necessary to allow for different conditions and needs in each SP Area, however,

- Regulations should set out a number of minimum conditions which would require the formation of a working group to assess, collect and/or develop reliable technical/scientific data on threats and cumulative impact on the drinking water resources from a list of identifiable specific drinking water threats, including profligate water use and lack of water conservation.
- There should be a municipal working group in each SP Area to gather and evaluate reports from all municipalities within the SP Area on the status of infrastructure (leaking pipes), water treatment facilities, storm water management, etc.

- There should be working groups established when there are conditions identified within the SP Area which could pose a threat to water supplies.

Some examples might include, but are not limited to:

- single point threats (e.g. intensive livestock operations, intensive industrial development, industries with toxic effluent, abandoned wellheads & quarries);
 - non-point pollution threats (e.g. agricultural or urban run-off - high levels of phosphorus, nitrates, E.coli, pesticides, etc. identified in source water);
 - leachate threats (e.g. mine tailing ponds, buried industrial waste, former landfill sites, aging septic systems, brownfields); and,
 - water table stresses (e.g. intra-basin water transfers, water bottling or industrial extractions)
- In SP Areas within the Great Lakes Basin, regulations should require all working groups to be aligned and collaborate with the working groups mandated through the Great Lakes Charter Annex Agreements.
 - There is no mention made of budget allocations to support working groups. If this is intended to be a part of the total Budget allocation to the SP Committee, regulations should set a minimum percentage of the total budget to support this work.

CFUW ONTARIO COUNCIL

CFUW Ontario Council is made up of more than 5700 women university graduates living in 58 Ontario communities, including large urban areas as well as rural and northern towns (see Appendix B). We are non – partisan, non-sectarian and totally member-funded.

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.

Our members put their skills and education at the service of their community and are active in public affairs, working toward the improvement of the status of women, human rights, public education, health, justice and the environment in Ontario.

CFUW Ontario Council will continue to monitor the progress of the regulations to implement the Clean Water Act, as well as other water issues 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).

Respectfully submitted,

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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) 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

CLUB LOCATIONS
Canadian Federation of University Women
ONTARIO COUNCIL

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