



Comments on:
Proposed Legislative Amendments to the
Ontario Water Resources Act
EBR # AA07E0001
to the
Land and Water Policy Branch
Ontario Ministry of the Environment

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By the
Canadian Federation of University Women
Ontario Council

Submitted by
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This fax contains 13 pages including this cover

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Re: EBR Registry Number AA07E0001- Proposed Legislative Amendments to the Ontario Water Resources Act

The Ontario Council of the Canadian Federation of University Women (CFUW) welcomes the opportunity to comment on the Proposed Legislative Amendments to the Ontario Water Resources Act (OWRA).

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 ground water.

All life depends on a reliable source of clean water to survive. And yet, until recently, 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.

With the signing of the Clean Water Act (October 19, 2006), and the Great Lakes - St. Lawrence River Basin Sustainable Water Resources Agreement (Agreement) (December 13, 2005), the Ontario Government has taken important steps to provide that vision and to safeguard the water resources within the Great Lakes Basin and the St. Lawrence River.

CFUW Ontario Council applauds the commitment of the Government of Ontario to begin the implementation of the Agreement, signed December 13, 2005, by introducing this Legislative Framework to amend sections of the Ontario Water Resources Act.

CFUW Ontario Council submitted a response in August 2004 on the amendments to the Water Taking and Transfer Regulations. In October 2004, we submitted a response to the first draft of the Agreement. Since that time, as an active member of the Great Lakes Charter Annex Advisory Panel, we have followed and participated in the process of refining the Agreement and negotiating its signing by the Council of Great Lakes Governors and the Provinces of Ontario and Quebec.

CFUW Ontario Council is very proud of the leadership role played by the Province of Ontario in the crafting of the Agreement. We are very proud of the leadership role played by the Province of Ontario in the difficult negotiation of its rigorous terms with the other jurisdictions. It is a leadership role that has resulted in an increased protection for the quality and quantity of the waters of the Great Lakes Basin.

CFUW Ontario Council is also very pleased to note that all three political parties in the Legislature have recognized the importance of this legislation, have put aside partisan differences, and have come to an all-party consensus to support the Legislative Framework when it is brought before the Legislature this Session.

It is vital now that the Government of Ontario continue its leadership role in this process to ensure that the:

- amendments to the OWRA which are brought forward set the same high standard of protection, management, conservation and scientific basis for decision-making that Ontario fought so hard to see enshrined in the international Agreement; and
- Legislative Framework is passed without delay by the Legislature.

CFUW Ontario Council supports the Legislative Framework. On balance, we feel that the model for the legislation is a good one.

In studying the general description of the proposed amendments that have been posted, **CFUW Ontario Council would like to make the following comments and suggestions:**

1. Definitions:

- **CFUW Ontario Council appreciates** the addition of the definition of terms such as "consumptive use" which address the environmental realities of climate change and will include terms such as "evaporation".
- **We would hope** that the new definition of "Great Lake watershed" would define each of the Great Lakes as a separate watershed within the Great Lakes Basin.

Without this, the prohibition of inter- and intra- basin diversions becomes meaningless.

- **We recommend** that there be recognition within the definition of "municipal drinking water system" of the private wells that supply drinking water to residents in the rural sectors of large amalgamated municipalities. The water in these wells needs to be protected and monitored by this legislation, and by provisions in the Clean Water Act, to ensure the health of all residents within the Basin. Associated Regulations for the protection and monitoring of private wells within the context of this legislation would have to be developed.

2. Purpose; and

3. Statement re Agreement:

- **CFUW Ontario Council applauds** the clear statement of purpose in this legislation, and the explicit recognition of the importance and of the terms of the international Agreement.

4. Prohibition of Inter-Basin Diversions:

- **CFUW Ontario Council is pleased** to see this prohibition brought within the legislation.

5. Prohibition of Intra-Basin Diversions; and

6. Exceptions:

- **This is perhaps the most difficult**, and one of the most important, of the proposed changes to the OWRA.

The increasing pressure from water-hungry development - both municipal and commercial - only serves to underline how important it is that the proposed legislation respects the original intent of the international Agreement. The intent of the Agreement is to protect the integrity and viability of the watersheds of the Great Lakes and the ecosystems they support. It is an intent that is reinforced by the Purpose of this Act which you have quoted in Section 2.

This is where the balance between environmental sustainability and economic feasibility must be carefully weighed.

Unfortunately, when there is a clash between the environmental and the economic impact of an action, most often the immediate, short term economic impact will be accepted as the more compelling factor. This happens even though the long term economic health of the province obviously depends on the

- health and viability of each of the Great Lakes within the Basin and of the ground and surface water in their watersheds; and
- sustainability of the demands we make on them.

This is why the rigorous terms and limits of the Agreement were negotiated. Our own legislation and regulations must be equally rigorous.

CFUW Ontario Council commends the unequivocal requirement for Return Flow for all intra-basin transfers. This is vital to safeguard the water levels in ground and surface water in watersheds which are subject to an intra-basin transfer. The Regulations must be written so that exceptions to this rule are not allowed to happen. It must be made clear to applicants for any kind of intra-basin transfer that the cost of twinning pipes and pumps to ensure Return Flow and/or the cost of waste water treatment to meet Return Flow standards in the source watershed is an integral part of the cost of an intra-basin transfer.

CFUW recommends that when water from an intra-basin transfer is mixed with water from another watershed, that the Return Flow of such water must be made to the higher watershed.

- **CFUW Ontario Council recommends** a clarification in the wording of Section 6.i) by adding the phrase "which would result in a total diversion" to the sentence describing new Permit To Take Water (PTTW) applications. The sentence would then read: "PTTW applicants for new or increased intra-basin diversions **which would result in a total diversion** of 379,000 ... etc"

7. The Exception Standard:

- **CFUW Ontario Council recommends** a clarification in the wording of the fourth Standard by adding the words "surface or ground", to read: "There must be no significant adverse impact to **surface or ground** water quantity or quality".
- **We are very pleased** to note that the onus for proof that an application meets the Exception Standard, including appropriate tests and scientific data, rests with the applicant.

10. Modernization of Section 34 of the OWRA:

- One of the greatest break-throughs in the crafting of the Clean Water Act was the acceptance of Justice O'Connor's recommendation to establish a Water Budget for each watershed within the Source Protection Areas. The amendments to the PTTW regulations were passed before the Clean Water Act was written. This means that although the Clean Water Act now has precedence over other legislation, there is still no explicit requirement in the PTTW regulations that any new application for a PTTW must adhere to the limits imposed by the Water Budget for the affected watershed.
- **CFUW Ontario Council recommends** that reference to the Water Budget limits be included in the modernization of Section 34 of the OWRA, and in the amended Regulations.

The ability to monitor the rate at which water is being used will be a crucial factor in the success of the implementation of this legislation and in any realistic assessment of a region's adherence to the limits imposed by the Water Budget for the watershed.

- **CFUW Ontario Council commends** the provision which allows the LGIC to mandate PTTW for historic water takings, and the provisions which will clarify the authority of the Director to monitor and to impose limits on water taking based on the intent of the Agreement.

Water Conservation and Efficiency Initiative:

CFUW Ontario Council is very supportive of the process for establishing regional water conservation and efficiency objectives for Ontario. We look forward to participating in this vital next step.

Interim Measures and Regulations:

CFUW Ontario Council also looks forward to participating, as part of the Annex Advisory Panel, in the ongoing consultations to craft the important Interim Measures which we hope will include an interim moratorium and the Regulations that will support the Legislative Framework and ensure that the water resources of the Great Lakes Basin are protected for generations to come.

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 in rural and northern towns (see Appendix B). We are non - partisan and 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 is part of the Canadian Federation of University Women (CFUW) and has links with the International Federation of University Women (IFUW).

Respectfully submitted,

Linda McGregor
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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.

Other Resolutions of Interest

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