



Comments on:

The first phase of regulations under the Clean Water Act, 2006.

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Strategic Policy Branch

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By the

Canadian Federation of University Women
Ontario Council

Submitted by

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This fax contains 12 pages including this cover

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Re: EBR Registry Number 010-0122 - The first phase of regulations under the Clean Water Act, 2006.

The Ontario Council of the Canadian Federation of University Women (CFUW) welcomes the opportunity to comment on the first phase of proposed regulations under 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.

The Clean Water Act (CWA) is an important step towards the protection of the drinking water resources in all Ontario watersheds. The purpose and first priority of the CWA is to safeguard the quality and quantity of the drinking water resources in the watersheds of Ontario. The successful implementation of the CWA will depend to a large extent on the detailed instructions laid out in the Regulations which accompany the Act. It is therefore vital that these Regulations safeguard the original intent of the Act for the long term health and benefit of all Ontarians.

CFUW Ontario Council recognizes and appreciates many areas where you have noted and acted on the recommendations you have received through many public consultations on the CWA and through the Discussion Paper on Source Protection Committees.

After reviewing the first phase of the proposed Regulations pertaining to the CWA, CFUW Ontario Council would like to make comments and suggestions to the following sections:

SOURCE PROTECTION AREAS and REGIONS:

We note with regret that, due to time constraints, the Minister has exercised her right to establish additional Source Protection Areas by establishing only two new Source Protection Areas.

CFUW Ontario Council will continue to recommend that additional Source Protection Areas be established to ensure that all watersheds in Ontario are protected and 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 southern part of the province.

It is also apparent that all **Source Protection Areas/Regions encompass large geographical areas, several individual watersheds and the interests of many diverse stakeholders. This reality will have to be given careful consideration in outlining and coordinating the work of the Source Protection Committees and their Working Groups** so that their work does not get bogged down in logistics, oppressive workload and/or competing priorities and visions. It is vital that the Source Protection Committees and Working groups are effective bodies so that the goals and priorities of the CWA can be properly implemented.

SOURCE PROTECTION COMMITTEES:

The Regulations which set out the rules for the formation and work of the Source Protection Committees (SPC's) are vital to the successful implementation of the CWA. That is because the successful implementation of the CWA is very dependant on the work of the individual SPC's. The government of Ontario has recognized this fact by inviting comments on SPC's in its recent posting of the Discussion Paper, the Establishment of Source Protections Committees (EBR # PA06E0013), on the EBR site.

Section 1. Number of members: As noted above, the areas and/or regions that each SPC serves is large and diverse, and the workload that will be expected of members of the SPC's, including the Chair, is not yet known. There may need to be adjustments made to the size of a particular SPC if unexpected problems or unworkable situations develop.

CFUW Ontario Council recommends

- **that the Minister be given the authority, in such cases, to alter the size of the SPC; and**
- **that Section 1. (1) be amended to read:**
- Subject to **subsections (3) and (4)**, the source protection committee for a source protection area or source protection region listed in Table 1 shall be composed of the number of members set out in that Table next to the area or region.
- **that Section 1. (4) be added to read:**
(4) In exceptional circumstances, the number of members referred to in subsection (1) may be adjusted by the Minister.

Section 2. Appointment of members: We recognize that the intent of this section of the Regulation is to balance the SPC by specifying three sectors that are to be represented in the appointment of Members. However the designation of the third section needs to be more specific, so that the intent of the interests represented by this sector is clarified. Therefore,

CFUW Ontario Council recommends

- **that Section 2. (1) 3 be amended to read:**
3. One third of the members to be appointed by the source protection authority, not counting any member appointed pursuant to section 6, must be persons appointed to reflect interests other than the interests referred to in paragraphs 1 and 2, including, in particular, interests of the general public **in safeguarding public health and in protecting and sustaining the environment.**

Section 4. Appointment Process: Similarly, to ensure consistency, **CFUW Ontario Council recommends**

- **that Section 4. (7) be amended to read:**
(7) In considering applications for appointments pursuant to paragraph 3 of subsection 2 (1), the source protection authority shall attempt to appoint persons who, have demonstrated an interest in the protection of drinking water sources; and as a group, are representative of interests other than the interests referred to in paragraphs 1 and 2 of subsection 2 (1), including, in particular, interests of the general public **in safeguarding public health and in protecting and sustaining the environment.**

Section 6. Appointment of member selected by band councils: When the appointments of First Nations members come from band councils, it is important protocol to notify the band council as well as the chief.

CFUW Ontario Council recommends the following amendments by adding the words "and band council" to subsections 6(2), 6 (2) (c) and 6 (2) (d) to read:

- 6. (2) give the chief **and band council** of each band a notice that,
- 6. (2) (c) contains a list of the chiefs **and band councils** to whom the notice is being given;
- 6. (2) (d) advises the chiefs **and band councils** to whom the notice is being given of the opportunity for the councils of the bands to jointly select one person to be appointed as a member of the source protection committee.

Section 8. Conditions of appointment: The focus of the appointments to a SPC in the Act and regulations has been to ensure the committee member is a part of the area/region and therefore someone who has a personal stake in its well-being. In this age of commuters, it is not appropriate to include employees who commute into the area/region in the list of stakeholders. Therefore,

CFUW Ontario Council recommends

- **that the words "is employed in" be deleted from both parts of Section 8. (1) to read:**
8. (1) A source protection authority shall not appoint a person as a member of the source protection committee unless the person resides in, owns or rents land in, or operates a business in the source protection area or source protection region, and every appointment made to the committee by the source protection authority is subject to the condition that the appointee must reside in, own or rent land in, or operate a business in the source protection area or source protection region.

Section 14. Rules of procedure for committee business: It is important to have a consistent way of doing business within a SPC and within SPC's across the province. Robert's Rules of Order is universally recognized and probably already familiar to most committee members. It gives an assurance of "fair play" to all around the table, and avoids the mind-numbing need to spend hours debating and setting procedure.

CFUW Ontario Council recommends

- **that the words "based on Robert's Rules of Order" be added to 14. (1) to read:**
Within 90 days after a sufficient number of members to constitute a quorum are appointed to a source protection committee, the committee shall prepare written rules of

procedure **based on Robert's Rules of Order** for conducting the business of the committee.

TERMS of REFERENCE:

CFUW Ontario Council is very pleased to see explicit reference to the **Great Lakes - St. Lawrence River Agreements** in Section 5 and the requirement that the Terms of Reference in affected Source Protection Areas/Regions need to acknowledge the commitments made under these Agreements.

We are also pleased to note that under the **Consultation on draft terms of reference**, Section 6 (1) (b) (iv) A & B, requires consultation with any person and/or body involved with the Great Lakes Water Quality Agreement and Annexes including those involved in remediation work as part of the local Remedial Action Plans and with the Lakewide Management Plans.

CFUW Ontario Council recommends

- **that Section 2 Notice to Band and Section 6 (1) (b) (ii) be amended by adding the words "and band council" after the word "chief" to ensure consistency with our recommendations in the Regulations for Source Protection Committees, Section 6.2 (b) above.**

Section 3. Contents of terms of reference: Section 3. (1) 8, refers to the Work Plans that each Source Protection Committee must include in the terms of reference they submit. Despite the fact that the role and responsibilities of Working Groups was an important part of the Discussion Paper, the Establishment of Source Protections Committees (EBR # PA06E0013), and the fact that their work will be an integral part of the implementation of the CWA, there is no mention in this Regulation of the formation of the Working Groups, or of the type or scope of assessment they might be mandated to perform.

Nor does this section make reference to cooperative work, assessments, research or data collection to be undertaken as a shared responsibility with the parties listed in Section 6 (1) (b) (iv) A & B.

CFUW Ontario Council recommends:

- **that a new section, Section 3. (1) 8 be inserted to read:**
8. "A list of matters that require consultation with the parties listed in Section 6 (1) (b) (iv) A & B, during the preparation of the assessment report and source protection plan, and for each matter, the name of the party consulted and a brief description of the matter"; and
- **that subsequent Sections of Section 3 (1) be renumbered.**

CFUW Ontario Council also recommends

- **that a new Section 5 "Performance of Tasks by Working Groups" be added to the Terms of Reference Regulation following Section 4 "Performance of Tasks by Municipalities"; and**
- **that subsequent Sections of the Regulation be renumbered**

CFUW Ontario Council further strongly recommends

- **that a separate Regulation on Working Groups be written delineating the establishment of Working Groups, their mandate and their funding which would:**
 - 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 quantity of drinking water resources from a list of identifiable specific drinking water threats, including profligate water use, lack of water conservation, and water table stresses from intra-basin water transfers, water bottling or industrial extractions.
 - require a municipal working group in each SP Area/Region to gather and evaluate reports from all municipalities within the SP Area/Region on the status of infrastructure (leaking pipes), water treatment facilities, storm water management, etc.
 - require working groups be established when there are conditions identified within the SP Area/Region which could pose a threat to the quality of drinking water resources. Some examples might include, but are not limited to:
 - single point threats (eg. intensive livestock operations, intensive industrial development, industries with toxic effluent, abandoned wellheads & quarries);
 - non-point pollution threats (eg. agricultural or urban run-off - high levels of phosphorus, nitrates, E. coli, pesticides, etc. identified in source water);
 - leachate threats (eg. mine tailing ponds, buried industrial waste, former landfill sites, aging septic systems, brownfields); and,
 - in SP Areas within the Great Lakes Basin, require all working groups to be aligned and collaborate with the working groups mandated through the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement; and
 - delineate 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; and

- **that a reference to this Working Group Regulation be included in Section 5 of the Terms of Reference.**

Consultation has been recognized as an important aspect of the work of the SPC. It is a valuable tool enabling the SPC to pool resources with and draw on the expertise of other stakeholders, and to come to a consensus among the various stakeholders involved. A record of consultations undertaken by the SPC should therefore be included in **Section 3** as part of the contents of the **Terms of Reference**. Thus:

CFUW Ontario Council recommends

- **that a new subsection (i) be added to the renumbered Section 3 (1) 9 to read:**
3 (1) 9. i: "The persons or bodies consulted in the formulation of the assessment report and source protection plan"; and
- **that subsequent sections of subsection 3 (1) 9 be renumbered.**

MISCELLANEOUS REGULATION:

Section 4: CFUW Ontario Council is once again very pleased to see the explicit recognition and reference to the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement and to the commitments made by the government of Ontario under the Agreement.

Section 5. Exemptions from Subclause 15 (2) (e) (i) : CFUW Ontario Council is concerned that "existing drinking water systems" (Section 5.1) and "wellhead protection areas" and "surface water intake protection zones" (Section 5.2) are exempt from being identified as part of the Assessment Report under the CWA if a municipality plans to close them within five years. While the planned closure may certainly affect the Work Plans around such sites, their location should still be noted as part of the Assessment Report inventory. This protects against the possibility that the Municipality, for some reason, does not follow through with its intent to close them within the five year limit, and also protects against the possibility that a wellhead which is no longer in use may become the source for contamination/pollution seepage into the rest of the water system in the future. It also recognizes that during that period of up to five years while the drinking water system/wellhead/surface water intake is still supplying water, it is still subject to the rigorous protection afforded by the CWA.

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
President
Ontario Council of the 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**

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.

2006 Enforcement of the Fisheries Act

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada and the Ministry of Fisheries and Oceans to enforce the Fisheries Act to eliminate the pollution of fish and their habitat in Canada's coastal and inland waters.

2004 Alien Invasive Species

RESOLVED, That the Canadian Federation of University Women urge the Government of Canada:

1. to establish and fully implement measures, policies and funding as recommended by the Canadian Biodiversity Convention Office in their Canadian Biodiversity Strategy to fulfill Canada's commitment to the United Nations Convention of Biological Diversity (1992) with respect to Alien Invasive Species; and
2. to coordinate the related efforts of departments of the federal, provincial, territorial and

municipal governments to prevent, control and/or eradicate these species.

RESOLVED, That the Canadian Federation of University Women urge the federal, provincial territorial and municipal governments to expand and promote broader educational programs that would alert the public to the wide variety of dangers posed by alien invasive species and would inform the public of measures that can be taken by individuals to prevent, control and/or eradicate these species.

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.

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.

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.

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.

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.

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.

1972 Solid Waste Disposal

RESOLVED that the Canadian Federation of University Women urge the municipal, provincial and federal governments of Canada to set definite policies and programs on the disposal of solid waste.

1970 Water Pollution and Sewage Treatment Plants

RESOLVED "that the Canadian Federation of University Women strongly urge the Government of Canada to ensure that any proposed phosphate substitute be harmless to the environment.

RESOLVED That CFUW strongly urge the Government of Canada to assist the Provincial and Territorial Governments to finance construction, by their municipalities, of sewage treatment plants with nutrient removal

APPENDIX B

CLUB LOCATIONS
Canadian Federation of University Women
ONTARIO COUNCIL

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