



Comments on:

Water Conservation Charges Proposal

EBR Registry Number: 010-0162

Submitted to

Ministry of the Environment

Land and Water Policy Branch

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By the

Canadian Federation of University Women

Ontario Council

[www.cfuwontcouncil.ca](http://www.cfuwontcouncil.ca)

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This fax contains 12 pages including this cover

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**Re: EBR Registry Number 010-0162 - Water Conservation Charges Proposal**

The Ontario Council of the Canadian Federation of University Women (CFUW) welcomes the opportunity to comment on the Water Conservation Charges Proposal.

Since 1995, CFUW policy has given voice to our concern about the consequences of resource depletion, the degradation of natural systems, the dangers of pollution and the destruction of fragile ecosystems.

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 Water Conservation Charges Proposal is a step along this path. But it is a step that must be taken very carefully, so that the wording of this document can never be used as a legal precedent under the NAFTA agreement towards the commodification of water by those who would wish to profit commercially, individually or internationally from the use of our water resources, which are, and must be clearly and indisputably recognized as, a public trust.

### **The Summary:**

In the main, the wording in the Proposal sets out this distinction between water as a commodity and water as a public trust very clearly. However, this is not the case in the **Summary**.

**CFUW Ontario Council recommends that the first paragraph of the Summary be made more explicit and that it be reworded to state:**

**“This paper describes the details of a proposal for water conservation charges in Ontario. The proposed water conservation charge is a recognition that**

- **water is a finite resource to be held in public trust and must be managed and regulated in the public interest;**
- **it is the responsibility of the government to protect and manage the waters within its jurisdiction in a sustainable way in the public interest;**
- **it is the responsibility of the government to ensure that the quality and quantity of the resource is never put at risk by profligate use of individual water takers;**
- **increasing demands on the finite water resources require increasingly careful protection, regulation and monitoring of the resource by the government**
- **those who use the water and those who consume it must be held accountable for their stewardship in the use of water resources and for the cost of monitoring the effect of that usage on the quality and quantity of the water in the watershed and on the health of the surrounding ecosystem.**

**The proposed water conservation charge is a regulatory charge for water use. It is not a tax, nor does it represent a charge for the water itself. The primary purpose of the conservation charge would be to recover a portion of the costs of programs required to manage water for the environmental, social and economic benefit of the people of Ontario. A secondary objective is to provide a financial incentive for companies to use water more efficiently.”**

**CFUW Ontario Council further *strongly* recommends that each time the word "charge" or "charges" is used in the Summary, or elsewhere throughout the Proposal document, it be replaced by the words "conservation charge" or "conservation charges".**

### **Section 1.1:**

The purpose of this Proposal is more than just conservation. As you have noted in the Proposal's Summary and elsewhere, its primary purpose is helping to fund the "programs required to manage water for the environmental, social and economic benefit of the people of Ontario". Therefore,

**CFUW Ontario Council recommends that this primary purpose be re-emphasized in Section 1.1 and that the fourth sentence be reworded to state:**

**“The purpose of a regulatory charge is to defray the costs of a regulatory scheme, (not necessarily limited to reviewing applications and issuing permits, but also applying to programs required to manage water for the environmental, social and economic benefit of the people of Ontario); and/or to influence behaviour consistent with the goals of the program (i.e. ensuring sustainability of the water resources and the ecosystem, and promoting water conservation).”**

Section 1.1 also lists the possible uses of the flexible regulation-making authority. The third bullet states “allow for reduction in charge under certain conditions (e.g., implementing water conservation and water efficiency measures; economic considerations);”

This is not appropriate. If the conservation charges are based on volume of water used/consumed, there would be an automatic reduction in conservation charges with improved efficiency and conservation measures achieved by the company. The rates charged are so low that they would not constitute an economic hardship to a reputable business. The loophole it provides is far too subjective, and has the potential to bog down the process in litigations and challenges by unwilling participants. The issue, if deemed necessary, is better addressed in the sixth bullet “govern the refund of water conservation charges”.

**CFUW Ontario Council recommends that the third bullet in this section [“allow for reduction in charge under certain conditions (e.g., implementing water conservation and water efficiency measures; economic considerations);”] **be deleted.****

**CFUW Ontario Council is very supportive of the intent that, in addition to providing authority for the conservation charge, a proposed amendment to the OWRA would give the government authority, by regulation, to require a PTTW for**

grandfathered water takers. This not only ensures that the conservation charge is applied equitably across Ontario, but it is also a vital step in providing a solid basis for the data required to assess whether the total water takings of a watershed conform to the established Water Budget for the watershed.

#### **Section 1.4:**

The whole basis of the water management programs being established under the *Clean Water Act* and the *Safeguarding and Sustaining Ontario's Water Act* is that they must be watershed-based. This would mean that many of the conservation/management programs, especially those relating to the work of the Source Protection Committees around the establishment and monitoring of watershed water budgets, will necessarily be geographically specific.

**CFUW Ontario Council therefore recommends that the final paragraph of this section be reworded to read:**

**“Where programs, or portions of programs, strictly relate to managing water quality and do not directly relate to water withdrawals, costs would not be recovered through the conservation charge.”**

#### **Section 1.5:**

**CFUW Ontario Council strongly supports** the Ministry's intention to require historical water takers that use water in a high consumptive manner to apply for a permit and pay the conservation charge and that highly consumptive water users currently grandfathered be required to obtain a permit prior to 2009.

#### **Section 1.6:**

In setting out the Consumptive Use Categories, **there should be five categories established for consumptive use rather than four.** While there is a distinction made in Table 2 between categories "low" and "very low", there is no similar distinction between "high" and "very high". There is a huge gap between a consumption rate of 31% and one of 100%. Yet the conservation charge for both is proposed to be assessed at the same rate.

**CFUW Ontario Council therefore recommends that there be an additional "very high" Consumptive Use Category established - and that there be an additional conservation surcharge levied on companies in this category.**

### **Section 1.9:**

It is important to note that Ontario's conservation charges are so low that they would have little economic impact on the businesses, as you have already noted in your objectives in Section 1.2. That would not affect the Primary purpose of the regulation, as the current conservation charges would still generate funds to help manage the programs. However it would certainly affect the regulation's Secondary purpose, as it provides no real financial incentive for companies to take measures to improve efficiency and/or conservation of water use.

When conservation charges set by Canadian provinces are set against those imposed in Europe, there is obviously a great difference. **Once this regulatory program is in place in Ontario, we would hope to see a timetable established for a systematic increase in conservation charges which will increasingly provide a real financial incentive for companies and for other sectors, including municipalities, to take important measures to improve efficiency and/or conservation in their use of Ontario's water resources.**

## **CFUW ONTARIO COUNCIL**

CFUW Ontario Council is made up of more than 5500 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	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