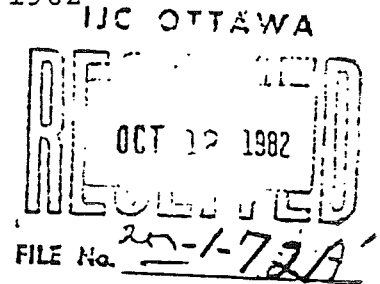


3. Canadian Response A.J. MacEachen, Oct. 4, 1982

Ottawa, K1A 0G2

October 4, 1982

Mr. David Chance
Secretary, Canadian Section
International Joint Commission
100 Metcalfe Street
Ottawa, Ontario
K1P 5M1



Dear Mr. Chance,

The Governments of Canada and the United States appreciate the Special Report of the International Joint Commission on Pollution in the Niagara River. The Governments have consulted on the conclusions and recommendations of the report and are pleased to provide a joint response.

As the Commission is aware, the Governments have long been concerned about the special problems posed by this area of the Great Lakes ecosystem. We have placed a particular emphasis on improving the situation in the Niagara River. We are consulting with regard to a series of individual concerns including the SCA Chemical Company, the Niagara Falls, N.Y., waste water treatment plant, proposed containment measures at the Hyde Park landfill site, and sources of 2,3,7,8-TCDD in the Niagara River. Both Governments intend to continue to consider the Niagara area as a priority area for remedial action.

The Governments agree with the Commission's recommendations for comprehensive study and monitoring programs for the Niagara River. The Governments would like to confirm that much of what is recommended by the Commission has been underway for some time. For the past several years, the Governments have placed great emphasis on developing an understanding of the effects of pollutants, particularly persistent toxic compounds, on the Great Lakes Basin ecosystem. Recently, as techniques and analytical skills have been refined, emphasis on toxic substances has been increased and the Niagara River has become a focus for this effort. The data generated during these studies have been made available to the Commission.

In this respect, the Commission's attention is invited to the following specific actions by the United States Environmental Protection Agency (EPA) in relation to the Commission's recommendations:

- Based on the data survey of the Niagara River frontier area, by the National Enforcement Investigation Center, a comprehensive approach to pollution abatement was recently announced for the Niagara River basin;
- The SCA facility near Niagara Falls has been issued a revised permit which includes toxics;
- On October 16, 1981, the EPA announced the authorization of funds for the rehabilitation of facilities at the Niagara Falls Waste Water Treatment Plant;
- Legal action against Hooker Chemical in reference to the Hyde Park landfill has been completed. Action is proceeding under a Settlement Agreement;
- A leachate treatment system has been in operation at Love Canal for long term control and clean up of the site since September 1, 1982.

With regard to Canadian actions to address pollution in the Niagara River, we would call the Commission's attention to the fact that prior to receiving the International Joint Commission's Special Report on Pollution in the Niagara River, dated January 20, 1981, the Canada-Ontario Review Board released its Environmental ... Baseline Report on the Niagara River, dated June 1980, (copy attached). This latter report was prepared in response to growing concerns about toxic substances in the Great Lakes and focussed on water quality problems resulting from inadequate control of toxic substances, as evidenced by their presence in the Niagara River and Lake Ontario. Since publication of the Baseline Report, additional analyses of 1979 and 1980 studies have been completed and the preliminary results of more recent (1981) studies have become available. This additional information was presented in the Niagara River Update Report, released by the ... Canada-Ontario Review Board on November 16, 1981 (copy attached).

Recognizing the degraded state of the Niagara River, Environment Canada and the Ontario Ministry of the Environment have, since 1979, strengthened their research and pollution abatement programs for the River. These programs include the following:

- Canada and Ontario have increased their monitoring and surveillance activities, with particular regard to analyses of raw and treated water supplies, fish samples and other biota, and suspended and bottom sediments. Results of these activities, published in their 1981 Environmental Baseline Report on the Niagara River, indicate that, of the total loadings of organic contaminants and metals to the River, in general less than one percent can be attributed to Canadian sources.
- The Province has established a Niagara River Environmental Improvement Team to heighten efforts to monitor the River and to increase the focus on remedial measures being undertaken in both countries to clean it up. In co-operation with Ontario, Environment Canada has strengthened its monitoring programs and has undertaken technical reviews of proposed remedial measures.
- All Canadian point-source discharges (i.e. 19 industrial and municipal sources) must meet provincial regulatory requirements, which are based on the Specific Objectives of the Great Lakes Water Quality Agreement. In addition, Ontario is reviewing all existing control programs and orders on companies which discharge to the River. Where possible, effluent requirements will be tightened and timetables for completion accelerated. The Province of Ontario is making additional staff and funds available to undertake this review.
- A new toxicology centre is being established in the Province of Ontario to provide the most up-to-date scientific assessment of the long-term effects of chemical contaminants, and to serve as a training and research institution. Environment Canada and the Ontario Ministry of the Environment have upgraded their laboratory facilities and research on improved water treatment technology.

The Governments are proceeding with further efforts to identify and characterize the significant sources of persistent toxic substances entering the Niagara River. Interagency consultations involving the U.S. EPA, the New York Department of Environmental Conservation, the Ontario Ministry of the Environment and Environment Canada have been increased in an effort to expand remedial efforts. This includes the establishment of a consultative mechanism comprising a senior regional environmental official from each country and including provincial and state representation. The co-operative Federal/Provincial/State study on the Niagara River, coordinated by the Niagara River Toxics Committee, is expected in December 1983.

As a result of the review and other ongoing regulatory activities, the U.S. EPA and the State of New York have developed an overall remedial program for the United States consisting of the following components:

- 1) Repair of the Niagara Falls, New York, Waste Water Treatment Plant
 - a) Rehabilitation and repair of the advanced waste treatment units to assure best available technological removal of pollutants of concern.
 - b) Issuance of a stringent waste discharge permit to assure continuous compliance with effluent limitations for priority organic pollutants.
 - c) Development of an enforceable industrial waste ordinance strictly limiting discharges of concern from specific industrial contributors through pre-treatment, thereby controlling potentially hazardous influents to the waste water treatment plant.
- 2) Review of the status of all point sources of effluent discharges on the United States side of the River in order to review and reissue permit conditions, and, if necessary, to strictly limit effluent discharges to ensure the application of the best technology consistent with the most stringent defensible water quality standards limitations.

- 3) Evaluation of compliance with all air quality standards and identification of all potential point source emissions of concern. Development of monitoring requirements and corrective programs for identified priority point sources.
- 4) Elimination of the untreated organically contaminated cooling water discharge to the Niagara River from the Olin Corporation Plant at Niagara Falls, New York.
- 5) Evaluation and characterization of the environmental impact of active and inactive hazardous waste sites as well as on-site and off-site generator disposal practices, with development of accelerated remedial programs for priority areas.
- 6) Acceleration of the evaluation of air, water, and solid waste practices that represent potential toxic problems in the Niagara Frontier area.
- 7) Establishment of a program of public consultation to facilitate information availability on proposed U.S. remedial programs on the Niagara Frontier.

The Governments understand that the Commission is reviewing a revised version of the Great Lakes International Surveillance Plan which it received from its Water Quality Board in 1980. To date, the Governments have used that Plan as a framework within which to undertake monitoring and surveillance activities to meet the 1978 Agreement. We look forward to the Commission's views as to the adequacy of the framework with regard to required surveillance and monitoring activities carried out by the Governments in the Niagara River.

The Governments agree with the Commission's recommendation that additional discharges to the River that would increase the input of those substances which exceed or are likely to exceed the specific water quality objectives of the 1978 Agreement should be prevented. We also agree that discharges of organic compounds which can be demonstrated to be persistent and are likely to be toxic should be prevented. The Governments wish to confirm that their jurisdictions take the Agreement's objectives into consideration in developing objectives and standards for their water quality programs. However, the Agreement's

objectives can only be implemented by the jurisdictions in practicable and legally enforceable requirements as the final step of this process.

In Canada, the specific water quality objectives in the Great Lakes Water Quality Agreement have been adopted by the Ontario Ministry of the Environment and are incorporated in the determination of effluent limitations and implementation of remedial programs applicable to waste discharges. A policy of seeking the virtual elimination of the discharge of toxic substances such as PCBs and Mirex is actively pursued by the Province of Ontario.

The United States has taken enforcement actions and instituted remedial programs which have resulted in decreases in ambient levels of toxic substances within the Great Lakes Basin. Specific remedial programs have been developed for persistent compounds such as PCBs. In addition, a cooperative monitoring program has been initiated to identify and further reduce, to the extent feasible, those pollutants for which specific objectives are exceeded or are likely to be exceeded.

The Governments have noted the Commission's recommendation that they review the implications of discharges of inorganic substances for which objectives have not been established under the 1978 Agreement. We will examine this question and will consider amendments to the Agreement recommended by the Commission for specific objectives for these or any other compounds of concern.

As the Commission is aware, the Governments have responded to the Commission's letter of May 8, 1980. The Governments have noted the Commission's recommendation that the Commission be informed in detail as to the extent to which programs and permits will affect the amount of toxic substances entering the Basin. Information has been provided to the Commission on the actions which the Governments have taken and which should make clear that the Governments are endeavoring to meet the intent of the Agreement.

The Governments concur in the conclusion of the Commission that pollution control facilities to handle persistent toxic substances may play an important role in achieving the Governments' overall objective of eliminating the discharge of these substances into the Great Lakes Basin. It should be recognized, however, that gaining

public acceptance for the siting of such facilities is a major task.

The Governments appreciate the Commission's continuing advice with regard to the Niagara River, an area of bilateral concern, and wish to assure the Commission of our intent to continue to emphasize the achievement and maintenance of a safe, acceptable standard of water quality in the Niagara River, and in the Great Lakes Basin. .

A similar letter is being forwarded by the State Department to the U.S. Section of the International Joint Commission.

Yours, sincerely,


Allan J. MacEachen