



CANADIAN ENVIRONMENTAL LAW ASSOCIATION  
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

## SOURCE PROTECTION ACTION ALERT

Toronto,  
April 25, 2003

Source  
water  
protection

### ACTION REQUIRED

Watershed based source protection planning is one of the most important recommendations made by Justice O'Connor because it has the potential to protect human and ecosystem health by preventing future contamination of Ontario waters. CELA urges groups and individuals to review and support the Report of the Advisory Committee on Watershed-Based Source Protection Planning.

CELA supports the Final Report of the Advisory Committee on Watershed-based Source Protection Planning, titled, "*Protecting Ontario's Drinking Water: Toward a Watershed Based Source Protection Planning Framework*." The report, dated April 2003, was earlier this week posted to the Environmental Bill of Rights Registry for public comment.

Written comments are to be submitted up until June 21, 2003. The report is available on the EBR Registry and on the Ministry of Environment's web site at <http://www.ene.gov.on.ca/envision/water/spp.htm>

It is imperative that Ontario environmental organizations, health organizations, labour organizations, non-governmental organizations, and individuals make their voices heard to advise the government that we support the Framework and to ask the government to commit to implementing the Framework in full as soon as possible.

The Framework includes a description of needed legislation, an outline of the process that would be followed to develop watershed based source protection plans, suggested new powers for municipalities and others, candidate boundaries for source protection areas, timelines, mandatory content for source protection plans, indications of the types of circumstances in which source protection plans would supersede other instruments, and much else.

### BACKGROUND

Justice O'Connor's recommendations arising out of the Walkerton Inquiry included 22 recommendations on source protection for Ontario.

CELA had previously (in the fall) been quite concerned that while we saw the government proceed with various recommendations from the Walkerton Inquiry, including consultations on the then proposed *Safe Drinking Water Act* and the then proposed Sustainable Water and Sewer Systems legislation, we had not yet seen any response on the recommendations concerning source protection.

However, when the government introduced the *Safe Drinking Water Act* into the legislature, it also announced that it would be forming an advisory committee to develop a framework for Watershed Based

Source Protection Planning. That advisory committee was formed in November, and CELA sat on that committee for the ensuing four months from December 2002 until March 2003. CELA staff, along with other members of the committee, invested a very large commitment of time, energy and resources to ensure that the framework would meet Justice O'Connor's recommendations and would include the elements that we thought necessary to accomplishing the objectives of source protection in Ontario.

For example, the Framework outlines accountability and roles and responsibilities for watershed source protection plans, and calls for sustainable funding. The report also identifies gaps in the current ability of municipalities and others to carry out source protection and makes recommendations to provide specific new powers. It outlines a specific plan development process, including composition of watershed steering committees and extensive public consultation at various stages in developing the source protection plans. A critical part of the framework outlines the content of source protection plans, from the needed technical information and baseline conditions, through to identification of where source protection issues exist, such as threats to safety, water allocation problems, areas where the plan might need to influence or govern municipal land use and zoning, areas where biosolids and septage spreading need special consideration and other issues. An extremely important part of the framework is the chapter on Threat Assessment, which, together with the work on definitions of threats and their relative risks which remains to be done in the next six months, will form the backbone of watershed source protection plans. The report also extensively outlines the information needs including base line and ecosystem conditions, outcome measures, ongoing monitoring and resulting reviews of plans.

Experts at the Walkerton Inquiry all agreed that source protection is the essential first barrier in a multi-barrier approach to protecting drinking water. CELA encourages you to comment on this proposal; we recommend that it deserves your support.

CELA will also be writing to the government and to each political party, asking each to commit to adopt the Framework in its entirety as part of any election platform. CELA will be stating:

- Source protection is an essential first barrier in a multi-barrier approach to safe drinking water
- Watershed based source protection recommendations were among the most important recommendations made by Justice O'Connor in terms of protecting our water supplies
- CELA requests the government (and each party) to commit to support and adopt the Advisory Committee's April 2003 Report, "*Protecting Ontario's Drinking Water: Toward a Watershed-Based Source Protection Planning Framework*".

For further information:

Theresa McClenaghan, CELA Counsel 416-960-2284 ext. 218 or [mcclenat@lao.on.ca](mailto:mcclenat@lao.on.ca) / [mcclenaghan@execulink.com](mailto:mcclenaghan@execulink.com)

Paul Muldoon, CELA Executive Director 416-960-2284 ext. 219 or [muldoonp@lao.on.ca](mailto:muldoonp@lao.on.ca)