

September 27, 2000

Attached is a letter of understanding and quote from Joe Castrilli to complete the water project. His quote to complete the project will leave us with about \$500 to do the formatting, printing and anything else we might feel necessary to promote the law. This means no funds would come to CELA for overhead for this project.

For future project planning I feel we could have saved ourselves this expense if we put the time in at the beginning of the drafting process rather than the end after the work was done.

I will need to get back to Joe with our response in the next several days.

Sarah

# JOSEPH F. CASTRILLI

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Our File No. 20032

September 25, 2000

Sarah Miller  
Coordinator  
Canadian Environmental Law Association  
517 College Street – Suite 401  
Toronto, Ontario  
M6G 4A2

Dear Sarah:

## **Re: Water Conservation Act - Supplementary Tasks and Budget**

Further to the September 21, 2000 meeting at your offices with Paul, Theresa, and yourself, the following is my understanding of the tasks CELA would like me to perform in producing a final draft of the water conservation bill. A budget to perform these tasks also is included.

### **TASKS**

1. Change the text of the bill in accordance with the general and specific policy direction provided at the September 21st meeting;
2. Review written comments from outside reviewers and exercise discretion as to what to add to the bill, if anything, consistent with the general and specific direction provided by CELA at the September 21st meeting;
3. Change the companion technical commentary document accordingly.

For greater certainty, some of the primary policy changes I took from the meeting included the following:

- ❖ Move/delete/retain space for definitions as noted;
- ❖ Establish "watershed boards" instead of "responsible authorities" (combination of conservation authorities and "senior tier" municipal governments, counties, and regional governments);

- ❖ Establish water conservation impact development permits (s. 9);
- ❖ Use joint board for permit approvals;
- ❖ Remove certain water flow or quantity numbers from the bill (e.g. 10m<sup>3</sup>; 50,000 litres,? etc.);
- ❖ Place greater reliance on the province for data assessments;
- ❖ Reduce "EA" information requirements for water permits for development;
- ❖ Establish class water quantity approvals/permits;
- ❖ Require establishment of watershed boards for northern Ontario watersheds currently without conservation authorities;
- ❖ Limit MOE Director's role to just approving water-taking permits;
- ❖ Remove Intervenor Funding Project Act requirements from text of bill (replace with statement of intention in non-statutory language);<sup>1</sup>
- ❖ Make permits consistent with water conservation, water use reduction, and remedial plans, etc.
- ❖ Add the Niagara Escarpment to special area requirements and Schedule 4;
- ❖ Expand drought policy requirements to include provincial plan on emergency/water shortage to extent not already dealt with in section 32;
- ❖ Remove text from Part IV (Fund Establishment) (replace with statement of principles in non-statutory language);<sup>2</sup>
- ❖ Explicitly rely on existing EBR registry;
- ❖ Relegate notice requirements to regulations;
- ❖ Relegate fee requirement numbers to regulations;

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<sup>1</sup> I take the replacement language to be more in the nature of an editorial/explanatory note than draft statutory provisions.

<sup>2</sup> See note 1.

- ❖ Schedule 1 - indicate need for MOE to produce credible list of consumptive and non-consumptive uses;<sup>3</sup>
- ❖ Schedule 2 - indicate need for provincial government to identify watersheds;<sup>4</sup>
- ❖ Undertake consequential correction of cross-referencing as dictated by changes to be made to text of bill.

The above list is not exhaustive. Please advise as soon as possible if I have left out any material policy changes from this list. I have my meeting notes and Theresa's mark-up of Draft # 3 but I may well have missed something significant.

**Timeframe:** Upon approval of budget, revised final draft available three weeks thereafter (mid-October 2000?). Revised final commentary available shortly thereafter.

## BUDGET

Based on the foregoing, the proposed budget for completing the above tasks is as follows:

<b>Fees:</b>	\$3,500.00
<b>Disbursements:</b> <sup>5</sup> @ 5% of \$3,500.00 Fees =	175.00
<b>G.S.T.:</b> @ 7% of \$3,675.00 =	257.25
<b>Total Budget</b>	<b>\$3,932.25</b>

## CLOSURE

The above budget is based on my providing one more draft of the bill which is meant to be the final draft. Given the nature and scope of the proposed changes from Draft # 3, it is conceivable that the next draft I submit to CELA, which is meant to be the final draft, may not be entirely or exactly what CELA has in mind. This may have timing implications for the bill's release by CELA but

<sup>3</sup> Explanatory note to go before uses indicating that these are MOE's categories from April 1999 guidelines and procedures manual under the permit to take water program and suggesting need for MOE to verify/update the categories and activities.

<sup>4</sup> Explanatory note will so indicate need and we will retain in Schedule 2 two alternative approaches: (1) the rivers approach to watershed identification from Draft # 3; and (2) the conservation authorities approach from Draft #s 1 and 2.

<sup>5</sup> Telefax, photocopies, courier/taxi, mileage, special purchase, long distance telephone, on-line services (e.g. Quicklaw, Westlaw and/or Lexis-Nexis), etc. The disbursement amount includes certain expenditures made since the completion of Draft # 3.

should not have budget implications as long as any changes beyond this next draft are neither numerous nor material.

As requested, I will retain the current Draft # 3 and commentary on my system.

I trust that you will find the above satisfactory. Should you have any questions or require clarification please do not hesitate to contact me. I look forward to your early approval to proceed.

Yours truly,

Joseph F. Castrilli

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