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RE: Proposal Paper: **Stewardship - Leadership - Accountability**
Safeguarding Ontario's Water Resources for Future Generations.

EBR # 010-6350

The Canadian Federation of University Women (CFUW) Ontario Council appreciates the opportunity to comment on the Proposal Paper **Stewardship - Leadership - Accountability: Safeguarding Ontario's Water Resources for Future Generations.**

We commend the priority this Paper places on the water resources in the Great Lakes Basin and the determination of the government of Ontario to act as stewards of these resources, to maintain the integrity of the waters of the Great Lakes Basin, and to protect the human and ecological health of the Great Lakes Basin for present and future generations.

We learn much about this from the wisdom of our First Nations communities who ask that every decision we make be considered for the impact it will have on the lives of the seventh generation. As the Haida proverb states: "We do not inherit the earth from our ancestors, we borrow it from our children".

CFUW Ontario Council has participated as a member of the Great Lakes Annex Advisory Panel since the Panel's beginning in 2006. We were part of the discussions as the Annex Agreement was debated and signed, and as the Safeguarding and Sustaining Ontario's Waters Act (SSOWA) was developed and passed. CFUW Ontario Council is therefore very interested in supporting the present process to assure that the final regulations to implement the SSOWA remain true to the spirit and the vision of the Annex.

CFUW Ontario Council recognizes and commends the leadership role that the government of Ontario has taken over the past years, both federally and internationally, in trying to safeguard the water resources of the Great Lakes.

CFUW has, over many years, developed a body of policy which impact on Water, addressing such issues as the Export of Bulk Water, Prohibition of Inter-basin Diversions, the Status of Water under NAFTA, Drinking Water Standards, Marine Development, Water Pollution, Preservation of Wetlands, Acid Rain, Resource Depletion and Safe Waste Disposal. (Some pertinent CFUW policies on water appended, Appendix A)

The 6,000 members of CFUW Ontario Council in 58 communities in all the regions of Ontario (list appended) have made Water and all policies surrounding this life-sustaining resource an important priority.

- **Increase Ontarians' awareness of the finite supply of water, and of the importance and value of water in sustaining all life.**
- **Build on the foundation of Ontario's laws, programs and policies that are already in place, and on Aboriginal traditional knowledge and practices, to promote**

Proposed Mission Statement:

A Mission Statement is an excellent focus. It should be a rallying cry - short - easy to remember - engendering pride and pointing to success. The proposed mission statement unfortunately does not meet that standard. Instead it reads like a stern order from above: "use only the water we need" and uses too many words with too many syllables to get its message across.

Recommendation: That a new mission statement be created.

Proposed Objectives

The objectives proposed in the Paper, in order to be effective, must be clearly expressed in strong action-oriented language. The use of "motherhood" verbs, such as "encourage" "promote" "seek opportunities" "consider" "include" can be easily ignored once the province's initial focus on Conservation has moved on.

If all sectors of the province are to believe that Ontario is indeed serious about taking a leadership role in Conservation and in bringing about a change in current practices of water usage, then care will have to be taken in the strength of the language used to bring about that change in attitude and practice.

Some objectives are more effective in this way than others. For example, consider Strategy 1A "Use adaptive programs that are goal-based, accountable and measurable over time." The language here is excellent - clear and specific.

But, for example, in Strategy 2E, "**Include** water conservation and efficiency in the review of proposed new or increased uses;" the language used is weak and indeterminate - the requirement for serious action can therefore easily be sidestepped by those reluctant to change. This strategy needs to be rewritten using much stronger, action-oriented wording: "**Require** water conservation and efficiency **reports to be submitted** as part of the review ..."

Similarly in Strategy 3B, the indefinite wording of "**Encourage** measures to monitor ..." needs to be rewritten in much stronger language, such as: "**Implement** measures to monitor ..."

Recommendation: That all the Strategy Objectives be reviewed and where appropriate rewritten using more prescriptive, action-oriented language.

Possible Actions

CFUW Ontario Council commends the government for the list of possible actions to support and monitor advances in water conservation and efficiency throughout the province. It is far-ranging and innovative. Once again we would urge the government to continue to use action oriented words, and to ensure that all actions are goal-oriented and SMART.

Recognizing that not all of the important and necessary changes will, in fact, result in monetary savings, be self financing or cost-neutral for individual stakeholders, it is important under Strategy 2D to **identify** the initiatives that are cost effective - but not to **limit** the "technical measures" to those that are "self-financing".

Implementation and monitoring of the actions will span several years. Some of the proposed actions listed could be done immediately, some will be part of the long term vision, and others will begin now and continue to develop through many years.

It is important to choose some actions from each sector that will be relatively easy and inexpensive to implement and yet will have some measurable impact. These should be implemented first - and quickly, within the first year - building a sense of momentum and accomplishment to enhance the public focus. Some of these could include:

- Begin Public Awareness Campaign
- Update Building Code & water efficiency standards (eg toilets)
- Compile and share Best Practice in water use by sector and sub-sector
- Establish methodologies for better monitoring
- Adopt a Water Sense program
- Redesign Water Bills including standard Water Consumption information, Inclining Block Rates, and Sector-specific Target information
- Require Municipalities to report on water loss
- Require Water Conservation Plans and Water Usage Audit Reports for new, increased and renewed PTTW's
- Enhance Support for Children's Water Festivals

There would be important strategies that might take a little longer to fund and implement. These strategies should be mandated as quickly as possible within 1 to 3 years after the regulation is passed. Initiatives such as:

- Require Water conservation and efficiency plans and water use audits within all sectors
- Add water efficiency as part of the programs that address energy efficiency
- Set sector-specific benchmarks and targets, monitoring and reporting standards
- Require leaks to be fixed before funding grants for new infrastructure projects
- Require Water Conservation Plans and Water Usage Audit Reports as a condition for any provincial funding
- Establish training & certification programs where they do not already exist for water professionals in all fields
- Require Metering of all municipal residences and multi-unit buildings
- Enhance school curriculum

Ontario should never allow that to happen within its own jurisdiction. And further, Ontario should take the lead in the Five Year Review to make that distinction clear for all signatories to the Annex Agreement.

CFUW Ontario Council understands that there are in fact a very few existing intra-basin transfers where the water is not returned to the source watershed as required by the Annex. We understand that those existing transfers will have to be grandfathered (like those in Kingston, North Bay and Sarnia and even the current Grand Bend pipeline to London). As long as these transfers meet the rest of the Exception Criteria, and do not cause "any significant individual or cumulative adverse impacts", we respect and accept that they will be grandfathered.

It is important, however, to acknowledge the truth about these transfers - by acknowledging that they **ARE** in fact intra-basin transfers which do not meet the Exception Criteria of Return Flow to the source watershed. Even though in most of these cases there is not a great distance between inflow and outflow (with the notable exception of the Grand Bend-London pipeline), the water systems in these communities do provide an additional pathway for water to pass out from the basin of the Great Lake other than the natural pathway through the mouth of the downstream connecting channel.

CFUW Ontario Council also understands that in the future there may be a very few municipalities (probably smaller municipalities with fewer financial resources) that may find it impossible to find a source of potable drinking water sufficient to service their communities except through an intra-basin transfer of water - and further where they cannot meet the Return Flow requirement. This is the purpose for which the Exception Criteria were designed.

But it can never be acceptable to distort the definition of watershed in order to mask the reality of intra-basin transfers which do not meet the Exception Criteria of Return Flow to the source watershed.

The precedent that would be set in this Proposal Paper's failure to abide by the Annex mandate for Return Flow would have the potential for far-reaching consequences for the sustainability of the Great Lakes. There are a number of pending Intra-Basin proposals already within Ontario which would be affected by it. These include proposals for additional water supplies for Kitchener Waterloo and London, a Hamilton plan to move water west over the escarpment, an expansion of the Collingwood to Alliston pipeline beyond the Lake Huron watershed. There are some proposals involving Intra-Basin transfers already underway like the York Region sewage pipe to Lake Ontario. And there are unknown numbers of proposals yet to come, as municipal water supplies become more and more stretched by the demands of increased regional growth and decreased water quality.

It is difficult to understand why a government who has spent so many years in hard negotiation over the Annex Agreement, a government who has gained international respect for the integrity of its position, a government who has been so proud of its firm commitment to safeguarding and sustaining the waters of the Great Lakes - why this government would propose to legitimize the creation of additional - new and increased - intra-basin transfers which do not meet the Exception Criteria of Return Flow to the

vision that Ontario helped create and that Ontario signed on to. Instead, in opposition to the Annex vision, it seems prepared to accept intra-basin transfers as a normal part of water use in Ontario.

There seems to be a huge and inexplicable disconnect between the Conservation and Efficiency strategy which wants to correct the "myth of abundance" about our water resources and specifically about the water resources in the Great Lakes, where only one per cent of the water is renewed annually - and the assumption with this proposal for regulating Intra-Basin Transfers that it won't matter if we double the intake pipes and return flow downstream - because (it is assumed) it won't really make a difference - there's "an abundance" of water there to make up for it.

The effectiveness of the Exception Criteria in regulating applications for new and increased transfers will depend on the government's interpretation of several issues:

- The definition of watershed as it relates to the imperative for Return Flow - will it be the scientific hydrogeological definition - or a politically expedient redefinition?
- Will tributaries of rivers in another watershed be considered eligible to meet the requirements for return flow to the source watershed?
- How will "significant individual and cumulative adverse impact" be quantified? Will it also take into account the adverse effects on groundwater supply caused by dewatering? It is vital to prevent another environmental catastrophe such as that caused by the dewatering for the York Region's "Big Pipe".
- What scientific basis will there be to determine the extent of the "surplus" supply of water available for intra-basin transfers without causing damage to the integrity of the source watershed system in the future?
- Who will assess what is "reasonable", "feasible", "cost-effective" - These are all relative terms - are they all subject to appeal by the party proposing the intra-basin transfer? Can they be defined in real numbers?

Even if the present government is confident that they understand how they will interpret these issues, can they be equally sure that another government at another time will have to interpret them in the same way?

It will require safeguards in strong clear language and tight Regulation to ensure that the original intent and vision of the Annex will be honoured, and that the highest standards will be maintained.

Recommendation: That the definition of "watershed" as it applies to Return Flow in the Exception Criteria be made explicit and consistent with the scientific and hydrological definition, and that it NOT include the downstream connecting channel.

Recommendation: That the tributary of a river be considered to meet the exception criterion ONLY if that river lies within the boundaries of the source watershed and drains toward and into the source Great Lake; and That the tributary of a river which drains into a downstream connecting channel is NOT considered to meet the exception criterion of Return Flow.

source watershed, to the groundwater in either of the watersheds due to dewatering, or to the ecosystem in either watershed as a result of the transfer;

- A description of how and where the water would be returned to the source watershed.

Recommendation: That the government of Ontario compile a list of Best Practice initiatives that could be used by municipalities as a guideline to help them meet the requirement for conservation measures prior to applying for a new or increased transfer.

Recommendation: That an application for a new or increased intra-basin transfer would not be processed under a Municipal Class EA, but would instead fall under the more rigorous requirements of an individual EA.

Non-Municipal Process: Applications for a non-municipal new or increased intra-basin transfer should follow the same rigorous steps as outlined above for the municipal process. There should never be an exception granted to the requirement for Return Flow. We would not expect that any of these requests/applications would be granted.

Other Comments:

CFUW Ontario Council is very supportive of the government of Ontario's continuing efforts to frame the protection of our waters into law - giving precedence, wherever there is a conflict between two or more laws, to the law which provides the greatest protection to the water resources.

CFUW Ontario Council would suggest there be a greater consideration and acknowledgement given to conservation initiatives within the natural environment - for example, the preservation of wetlands and stream restoration.

CFUW Ontario Council would like to see more linkage between these Regulations for the SSOWA and the regulations being developed under the CWA for the work of Source Protection Committees. Water taking has been identified as a land use and as such falls within the SPC area of concern. Protecting the quantity of source water is also an SPC mandate. How will that be linked to the PTTW process?

CFUW Ontario Council would like to see a greater consideration of the issue of waste water management as it affects intra-basin transfers and return flow - for example, the York Region situation.

CFUW Ontario Council would like to see a greater priority on the formation a committee for science and data collection, and on the establishment of Great Lake Targets for all lakes.