

## **September 25, 2012 Briefing Note on Implementation of the Great Lakes St Lawrence River Basin Sustainable Water Resources Agreement**

As members of Ontario's Agreement Advisory Panel we are here to urge you to implement the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement of 2005 by the end of 2012. Ontario is the last jurisdiction among the eight Great Lakes States and two Provinces to bring its obligations into force. Our failure to act is seriously weakening the ability of others to fully utilize this Agreement and is weakening Ontario's position and leadership in protecting the Great Lakes Basin.

This will mean Ontario will need to;

- finalize the Great Lakes Water conservation strategy consulted on extensively in 2009
- submit the Province's data on water use to the Regional Body overseeing water management in the Basin and,
- pass Intra-Basin transfer regulations called for in the Agreement also subject of an extensive consultation in 2009 and Ontario's only outstanding regulatory commitment under the Agreement. We are asking that this regulation be science-based and recognize the actual flows of the Great Lakes in order to capture all intra basin proposals that arise in Ontario. We have made submissions on how this can be achieved through addressing the definition of connecting channels in the Agreement.

### **Background on Ontario's Important Role in Great Lakes Water Management**

In 1984 Ontario hosted "Futures in Water" bringing leaders together to discuss potential threats to our shared water resources. In 1985 Ontario Premier Frank Miller signed the first Great Lakes water management agreement - the Great Lakes Charter, with Quebec and the 8 Great Lakes States to strengthen Great Lakes protection. Ontario's involvement will continue to be prescribed by this 1985 Charter until the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement 2005 is implemented in this province.

Ontario implementation of the Great Lakes Charter was responsible for improvements to Ontario's permit to take water system that requires a permit for all withdrawals over 50,000 litres per day. It remains one of the most protective thresholds in the Region.

In the early 1990s Premier David Peterson consulted extensively on a Water Efficiency Strategy for Ontario which was never fully implemented. It did result in strengthening plumbing provisions in the Building Code.

Numerous large diversion proposals arose in the US between 1985 and 2007 and Ontario always took leadership in opposing those applications usually with at least one US State. However water shortages in the US south west and the status of water as a commodity in trade agreements have become a large and enduring concern for Canadians.

In 2007 GLU and CELA wrote a report on the weakness of the Charter in the face of growing demands *The Fate of the Great Lakes- Sustaining or Draining the Sweetwater Seas?* That report stressed that poor water management and growing demands within and adjacent to the Great Lakes could lead to threatening Regional demands on the

through the permit to take water program. Regulations are required to bring the legislative amendments into force.

In 2009 the Province undertook extensive consultations spanning over 4 months on both the Great Lakes Conservation Strategy and the Intra basin transfer regulations needed to implement the Agreement in Ontario (out of basin diversions were already banned in Ontario since its 1999 regulation). Extensive resources generated for these consultations can still contribute to actions.

Membership of the Agreement Advisory Panel grew to include Ontario Municipalities with water challenges. The Region of York had an Environmental Assessment on Water Management under way and they undertook to proceed with that EA as if the Agreement was in full force. The outcome of their exemplary efforts was considerable water conservation gains and solutions. The Province has in place a municipal technical bulletin document that sets out conditions for "Environmental Assessment Direction for Municipal Water and Wastewater Projects Proposing an Intra-Basin Transfer" (attached). March 2009. Municipalities like London, Ontario who already had water supplies from Great Lakes pipelines were reassured that their existing supplies would be grandfathered by the Agreement.

On August 5, 2009 the Ministry of the Environment posted "Stewardship-Leadership-Accountability. Managing Ontario's Water Resources for the Future Generations 010-6350 on the Environmental Registry the next step of consulting widely on the implementation of the Agreement (attached).

After that posting, momentum on implementation seems to have stalled. Agreement Advisory Panel Members called for meetings to be informed on progress yet discussions on the regulation of Intra basin transfer regulation were expunged from the meeting minutes. Just prior to the 2011 election we were informed that the EBR posting was withdrawn because the Province just "had not landed on" it.

During this time other Great Lakes jurisdictions proceeded with implementation of their obligations. Premier McGuinty sent a letter objecting to weak draft legislation in Ohio in the summer of 2011. Other Great Lakes Governors are now sending letters confirming as per the Agreement that they have implemented their commitments under the Agreement.

### **Next Steps**

Ontario is in an advantageous position to implement their Agreement obligations quickly by the end of this year. They have completed extensive consultations and data collection of their own use and existing diversions to be grandfathered from the Agreement. Ontario also has a pre-existing ban on diversions out of the basin and a long-standing permitting program that meets Agreement standards. The key outstanding element is the regulation of intra-basin transfers (between Great Lake watersheds).

While other Ontario Initiatives like the Water Opportunities Act also have water conservation goals (not yet regulated), implementing the Great Lakes Water Conservation Strategy would give us tangible tools to drive conservation achievements on a large scale in Ontario.

challenges if the Province is prepared to act on the framework they already have in place to afford the Great Lakes the strongest protections as soon as possible..

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