

### **Water Sustainability**

The Walkerton drinking water tragedy is still rippling through Ontario and has defined CELA's priorities since 2000. Last year we were lucky to welcome our former client Bruce Davidson, spokesperson for the Concerned Walkerton Citizens to our Board of Directors. Bruce, like so many other Ontarians who have experienced threats to their water supplies, has become expert in most aspects of water protection.

### **At long last ~ safe drinking water in Ontario?**

One of the first campaigns CELA launched right after it was founded in 1970 was for a legally enforceable safe drinking water act. It took Walkerton to compel Ontario's government to give its citizen's the protections US citizens have had for twenty-eight years with the passage of the Ontario Safe Drinking Water Act, 2002. CELA efforts contributing to the passage of these acts was just the first step. CELA is still involved in making submissions on recent regulations to these acts and in monitoring their implementation and enforcement. In 2005 CELA made submissions on regulation 170/03 on smaller private drinking water systems and operations and on regulation 903 on wells. Affordability of new regulations for low-income residents is a growing concern. CELA has worked with its sister clinic Advocacy Center for Tenants Ontario (ACTO) on these challenges facing residents of trailer parks and others. A compilation of this work can be found on the [cela.ca](http://www.cela.ca/coreprograms/detail.shtml?x=1382) web site at <http://www.cela.ca/coreprograms/detail.shtml?x=1382>.

Also in 2002 Ontario's Nutrient Management Act aimed at controlling pollution from farm manure was passed. This act is being phased-in and CELA staff has been participating on a Provincial Advisory Committee on Nutrient Management overseeing the implementation of the Act. Comments on Bio-solids Utilization guidelines were submitted in 2005. CELA continues to meet with an ad-hoc group of farmers groups and individuals to discuss and develop better understanding of our common goals. For more information <http://62.44.8.131/coreprograms/detail.shtml?x=1817>.

The most critical part of the multi-barrier approach to water protection reforms recommended by Justice O'Connor from the Walkerton Inquiry is the pending Source Protection legislation promised for the fall 2005 Legislative session. Prevention is central to all CELA law reform priorities. In the case of source protection Justice O'Connor called for watershed based plans to protect the source of drinking water.

In 2003 CELA and our primary partners Environmental Defence Canada launched a campaign aimed at bringing together water advocates to draft and scope their vision for a strong source water protection regime for the province. The Walter and Duncan Gordon Foundation generously support this campaign that is continuing into its third year. CELA has been able to bring this ENGO Source Protection group's advice directly to the Ontario Government Committee

drafting the initial framework for the Ontario legislation. CELA staff continued to be involved in the Province's source protection Implementation and Technical Committees and was cross-appointed to the Nutrient Management Implementation Committee to ensure these initiatives are complementary. The expectations Ontario environmental water advocates have for source protection have been reiterated to the government as they consider how to stage and roll-out that process.

The source protection campaign has included; regular submissions to the government, numerous regional workshops, speaking and consultations with other sectors involved in water protection, development of a network of water advocates, media releases and a web-site [www.thewaterhole.ca](http://www.thewaterhole.ca). In addition to materials on this site CELA's web site has a wealth of materials on source protection located at <http://www.cela.ca/coreprograms/detail.shtml?x=1437>.

The integration of water quantity and resource management to water quality in the Province has also been a program focus for CELA and a concern for many of our clients sharing groundwater supplies. Reforms of the Water-taking permitting system has taken place over the last three years in parallel with the Walkerton reforms. CELA staff have attended these consultations and have made numerous submissions on improving this regime. A collection of our publications on water taking issues can be accessed at <http://www.cela.ca/coreprograms/detail.shtml?x=1816>.

Prior to the Walkerton Inquiry, CELA drafted a model water law for Ontario that envisioned an ambitious law reform for Ontario water regimes. Our model law addressed the chronic water deficits by making suggestions for water services and supply to be self-sustaining. Some of our financing suggestions were included in the Sustainable Water and Sewage Systems Act 2002. CELA has also made recommendations for making source protection and water-taking programs self-sustaining. As water governance issues are hotly debated globally and locally, CELA continues to ensure that water systems, accountability and expertise remain public.

CELA will continue our collaboration on these issues during the Walkerton hearings with labor unions this fall. A collaborative response with the Canadian Union of Public Employees to the recent release of the Special Water Strategy Expert Panel "Watertight" Report on financing of infrastructure will be submitted to the Province.

### **What will it take to keep them Great?**

The Great Lakes we live by have always been the geographic focus of CELA work.

International challenges have become more complex as trade and foreign policy differences cause tensions between guardians of these waters. Will the ecosystem stewardship CELA and others fought for during the 1980s and 90s

survive? The outcome of two CELA Great Lakes programs supported by the Joyce Foundation of Chicago may provide some guidance.

CELA Executive Director Paul Muldoon and Great Lakes matriarch Lee Botts have been working on their second book tracing the history of the Great Lakes Water Quality Agreement (GLWQA). This book *The Evolution of the Great Lakes Water Quality Agreement* is due to be released this fall by Michigan University press. The release will coincide with hearings being held by the International Joint Commission on the review of that Agreement. Under consideration is the adequacy of the agreement to address new and emerging issues in the Great Lakes. Support of governments to the Agreement as the main vehicle to address GL water quality has been obscured by US Congress focus on a new US restoration initiative.

Joyce Foundation funding has assisted CELA involvement for four years in the international negotiations on Great Lakes Charter Annex Agreements to prevent harmful withdrawals and diversions from the Great Lakes. This work builds on our past collaboration with Great Lakes United (GLU) to intervene in the Nova bulk water export appeal and reports documenting lack of process on resource protection since the Great Lakes Charter of 1985. CELA has served on an advisory committee to the Council of Great Lakes Governors and Premiers and on the panel advising Ontario negotiators. CELA has organized and attended workshops on the annex in Ontario, written background materials and resources for the Ontario public to use during consultations on two separate drafts released in the summers of 2004 and 2005. As well CELA worked on forging positions with other ENGOs and was on a steering committee to organize a workshop with the Wingspread Foundation on the Annex. Materials on this negotiation which is scheduled to conclude by December 2005 can be found at <http://www.cela.ca/coreprograms/detail.shtml?x=1906>.

CELA also participated with the Canadian Institute for Environmental Law and Policy and GLU on a project to make the Great Lakes a focus of federal and provincial parliamentary activity. Receptions were held at Queens Park and on the hill in 2004 to commence this process.

To assist the public with their understanding this deluge of water law reforms and responsibilities, CELA's Resource Library for the Environment and the Law produced a road map of these reforms in fourteen water Frequently Asked Questions (FAQ) fact sheets in 2004. These FAQs, made possible by a grant from the Trillium Foundation can be located at <http://www.cela.ca/faq/water.shtml>.

