

September 5, 2001

The Honourable Dennis R. O'Connor
Commissioner
The Walkerton Inquiry
180 Dundas Street West, 22nd Floor
Toronto, Ontario
M5G 1Z8

Re: Supplementary Submission by Pollution Probe on Source Protection

Dear Commissioner O'Connor

During Public Hearings on Source Protection held on August 3, 2001, Pollution Probe presented a submission that included three recommendations. During the hearing, questions were raised that Pollution Probe would like to address in the attached Supplementary Submission. Thanks you for the opportunity to expand upon our submission.

Sincerely,

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Supplementary Submission by Pollution Probe

Walkerton Inquiry Public Hearing Number 4

Source Protection

September 5, 2001

Introduction

During Public Hearings on Source Protection held by the Walkerton Inquiry on August 3, 2001, Pollution Probe presented a submission that included three recommendations. During the hearing, questions were raised that Pollution Probe is addressing in this Supplementary Submission. In structuring our comments and recommendations, we are offering additional information and ideas within the framework of the recommendations presented in our original submission. *(Recommendations from August 3, 2001 submission are in italics.)*

1. *Develop source water protection legislation that will be “top-down” directional and enabling in terms of requiring and enabling the development of standards and guidelines that would deal with specific aspects of source protection including groundwater protection, aquifer recharge protection and planning and development, in a “nested” or “overlapping” watershed approach.*

Supplementary Submission: Principles

- i. In setting out principles for source protection that would guide drafting of source water protection legislation, Pollution Probe believes that it is important to take an ecosystem approach that recognizes the water needs of natural systems and the need to protect (and restore) the integrity of aquatic ecosystems while recognizing the need for sustainable services for humans. It is also important to place a particular emphasis on groundwater protection while taking an integrated system-wide approach that includes the whole hydrologic cycle, including surface waters and wetlands as well as groundwater.

Principles that may help guide the development of source water protection legislation also include the following overarching principles of sustainable development agreed upon by the Ontario Round Table on Environment and Economy (*Restructuring for Sustainability*, September, 1992). These principles are broad and go beyond source water protection, but they are sound, including:

- Anticipation and Prevention
- Full-Cost Accounting
- Informed Decision-making
- Living off the Interest
- Quality of Development over Quantity

- Respect for Nature and the Rights of Future Generations)
- ii. In considering principles, it would be good to reflect an international vision, through initiatives such as those of the World Water Council. Their work includes the following principles:
 - Meeting basic needs
 - Securing food supplies
 - Protecting ecosystems
 - Sharing water resources where appropriate
 - Managing risks
 - Valuing water wisely, and
 - Governing water wisely.
- iii. Practise Integrated Water Resources Management (IRM).
- iv. Work in partnerships with stakeholders, with involvement by a balanced board (or round table). A consensus seeking multi-stakeholder process should be used to guide stakeholders and the government of Ontario towards practical, positive and implementable outcomes, at both provincial and regional levels. The experience and guidance of the Ontario Round Table on Environment and Economy may be helpful in setting up and operating multistakeholder processes. See their report *Restructuring for Sustainability* of September 1992 for additional information.
- v. Ensure a basic scientific and institutional capacity to support a source protection initiative.
- vi. Develop indicators of progress, monitor ambient environmental quality and report on results.
- vii. Enhance and expand successful models such as developed and implemented by groups such as Grand River Conservation, Toronto and Region Conservation and Credit Valley Conservation.

In Pollution Probe's view, overall accountability for source water protection should rest with the Government of Ontario, with shared responsibilities for implementation.

2. *Put in place a source protection fund that could be used in a "bottom-up" way that would assist local participation in source protection planning, goal setting, mapping, modelling, assessment, implementation, monitoring and reporting, watershed and sub-watershed studies and protection initiatives.*

Supplementary Submission: Funding

- i. Funding for watershed coalitions would allow responsible groups and organizations to undertake or participate with the province in appropriate watershed studies and management plans.
- ii. Funding should be granted on the basis of the degree of threat to the water resource, based on an expanded province-led assessment and mapping initiative, such as was recently announced (ref. \$10 Million groundwater initiative).
- iii. Innovative funding and financing mechanisms should be developed and implemented. The Toronto Atmospheric Fund (TAF) may be a good model to look at, in terms of a rotating reinvestment approach.
- iv. Funds should be provided to organizations that can demonstrate they are taking a long-term (100 year) approach to managing and financing water

infrastructure, such as is described in Pollution Probe's submission to the Walkerton Inquiry on *The Management and Financing of Drinking Water Systems: Sustainable Asset Management*.

3. *Put in place a comprehensive "bottom-up" web-based, demand-driven data management and information system that will inform citizens and officials on watershed status, serve as a focus for reporting on surface and groundwater quality, where watersheds are being stressed or jeopardized, and on whether remediation or protection activities are being successful. Such a system should be part of broader provincial data management and public reporting system that will also include a complete complement of environmental information on a watershed or community basis, including ambient air and water quality, treated drinking water quality, how they compare with standards or guidelines, as well as data on emissions and transfers from facilities, as collected and reported in other publicly available databases including the National Pollutant Release Inventory (NPRI).*

Supplementary Submission: Comprehensive Environmental Information

Pollution Probe is working with the Province of Ontario and a number of other public and private sector partners, to develop such a system, on a pilot basis, in Sarnia. Initial indications are that involving multiple partners in this type of initiative is both technically feasible and welcome at the local level.

4. A new Great Lakes-focused recommendation is offered as follows;

The Province of Ontario should take a more aggressive stance on meeting the goals of source protection, through its role in Great Lakes protection activities. The Province should present strong support for and participation in bi-national (Canada-U.S.) processes and institutions and should work closely with the federal government and other levels of government as well as stakeholders to enhance support for the further development and implementation of the proposed Canada-Ontario Agreement (COA) and its annexes. The COA and its annexes have particular source protection needs and implications covering:

- i. Support for clean-up activities at Areas of Concern
- ii. Reductions in emissions of harmful pollutants
- iii. The development and implementation of Lakewide Management Plans
- iv. Monitoring and information management

The Province should also initiate discussions with the federal government and stakeholders on the development of a new Source Protection Annex to the COA that would set out the policy goals of source protection in the Great Lakes basin and focus on matters that may not be addressed specifically in other annexes, such as:

- i. New federal-provincial policies and measures and initiatives consistent with the directions taken in the new source protection legislation called for in Recommendation 1 of this submission
- ii. Support for the upgrading of Ontario sewage treatment plants from primary to secondary treatment (and help close the technology gap between Canadian and U.S. sewage plants)
- iii. Enhanced capacity for monitoring, research and reporting in support of source protection

The Province and the federal government should open up the COA development process to increased stakeholder involvement. This would enhance its usefulness in meeting the terms of the Great Lakes Water Quality Agreement and in developing partnerships for implementation.