

Submission to Standing Committee on Social Policy
Bill 43, proposed Clean Water Act

Submitted by SAUGEEN CONSERVATION

Introduction

Welcome to Walkerton and the Saugeen River watershed. My name is Doug Freiburger and I am the Chair of the Saugeen Valley Conservation Authority. I am pleased to present the following comments to aid in the review of Bill 43, the proposed Clean Water Act.

You have just heard from my colleague Dick Hibma at Conservation Ontario. I strongly endorse the constructive comments of Conservation Ontario and would like to provide a local perspective on source water protection. The key areas that I will be addressing are plan development, implementation tools, funding and non-municipal drinking water supplies.

Plan Development

Saugeen Conservation has partnered over the last two years with the Grey Sauble Conservation Authority and the Municipality of Northern Bruce Peninsula to gather technical information about our watersheds. In our consultations, people wanted to know who would be putting together source protection plans. Overwhelmingly, municipal politicians, stakeholders and the public want to have as much opportunity for input as possible. They want decisions to be made locally, and are keen to be part of this process. The multi-stakeholder committee described by the proposed Clean Water Act is a good step. It would be advantageous to have these committees in place as soon as possible to generate community interest and open dialogue between groups.

Conservation Authorities are well-suited to their role in facilitating development of the plan. Saugeen Conservation is a local, watershed management agency that has worked for more than half-a-century to protect and manage water and other renewable natural resources.

Implementation Tools

Conservation Authorities have, since the 1970's, been implementing Fill Regulations, which recently became Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. One thing that we have learned is that non-regulatory methods play a significant role in achieving good outcomes, when used in conjunction with regulations. Through education and discussion with staff, many property owners willingly revise their development proposals to the less-sensitive parts of their property and opt for lower impact designs.

In the proposed Bill 43, a great deal of emphasis is placed upon a permit process to deal with risks. Source Protection Plans should contain a range of implementation tools that include education, research, stewardship and incentive programs, in addition to prohibitions and permits. Knowing that these options exist will create a more favourable attitude in the community around the planning and implementation of Source Protection.

Extension services improve water quality while increasing yields for landowners and conserving habitat. Best management practices should be promoted. The fencing of cattle from watercourses, improved chemical storage and manure handling procedures are excellent examples that were offered through previous programs, such as CURB Clean Up Rural Beaches and Healthy Futures. More than 1200 water quality improvement projects were undertaken in this region through the CURB and Healthy Futures programs. These types of extension services have been offered in this jurisdiction as well as others on a cost-sharing basis that recognizes there is benefit to the landowner as well as society in general. Additional clauses should be placed in the Act to encourage actions and results beyond the permit process. Conservation Authorities have had great success in cooperating with landowners with soft solutions as opposed to hard regulatory tools.

Funding

At every municipal council and CA Board meeting attended by our source water protection staff in this region, the question has been asked: 'Who will pay for source water protection?' To date,

funding has been received to initiate technical work and staff are working with municipal partners on assessments of more than forty drinking water systems. The proposed Act does not, however, contain a provision for fully funding the completion of Source Protection Plans.

In the same regard, there are serious concerns about the costs to implement the Source Protection Plans. Section 40 calls for monitoring programs and Section 41 requires annual progress reports to be done by source protection authorities and, yet, there is no indication of how these will be funded. Aside from recouping the costs of the permit process through fees, there is a lack of funding mechanisms for implementing Source Water Protection initiatives.

Our present partnership arrangement for source protection work covers over 8000 square kilometres but has a population of only 160,000. The financial burden of planning and implementation would be too great for these small communities. Conservation Authorities and municipalities are looking for assurances that no development or implementation costs will be downloaded to the local community. We must know how we are going to pay for implementation before we get to that stage. The role of the provincial government as a financial participant must be clearly defined.

The province can look to other legislation for examples of clauses that refer to funding of required activities. The Conservation Authorities Act allows the Minister to provide grants. Under the Crown Forest Sustainability Act, resource users may be directed to pay in to a fund for the management of forest resources. As well, the Aggregate Act requires contribution into a fund for rehabilitation. A similar type of fund for source water protection would offer one option for funding implementation.

Non-municipal Drinking Water Supplies

The Act places emphasis on municipal drinking water systems, which serve the majority of Ontarians. On these systems, technical studies, infrastructure upgrades, regulations and source water protection will combine to form the multi-barrier approach identified by Justice O'Connor.

Conservation Ontario, in their submission, expressed concern for the nearly three-million Ontarians that depend on non-municipal supplies for their drinking water. Overall in the Saugeen, Grey Sauble, Northern Bruce Peninsula area, about 40% of the population relies on non-municipal water systems. In the Northern Bruce Peninsula, there is only the one water plant in Lion's Head. The other 75% of the population, as well as hundreds of seasonal cottages, use non-municipal water supplies. There are rural schools, for example in Chepstow, Formosa, Tobermory and Kilsyth, which rely on their own drinking water systems. It should also be noted that there are nursing homes, senior's residences, institutions, medical facilities and commercial establishments in our area and throughout rural Ontario where the public uses non-municipal drinking water sources.

How will source protection benefit these areas? A rural landowner adjacent to a municipal wellhead may need to make adjustments to help protect that municipal source of water, but the proposed Clean Water Act does not afford the same protection for that rural landowner's source of drinking water. The Clean Water Act should be about protecting and managing the water resource for **all** Ontarians and not just those who have municipal treatment and distribution systems.

Within the proposed Act, Section 8, subsection 3 appears to make a provision for a municipality, by resolution, to require specific water systems to be included in the Terms of Reference for the Assessment Report. What if this Section was applied to a community such as Keady located at a crossroads 40 km northeast of Walkerton? The municipal boundary runs along the hamlet's main road. An arena and fifteen homes are on the south side in the Township of Chatsworth. On the north side in the Municipality of Georgian Bluffs are five houses, a church, a couple of businesses, a trailer park with 45 residences and the Keady Market and livestock auction that attracts up to several thousand people to its Tuesday market. Dozens of wells have been drilled to provide for individual water systems, creating what would be termed a well field. A cursory examination would suggest this situation needs further study to determine if there are any water quality or quantity issues or threats. It is quite conceivable under the proposed Section 8, subsection 3 that one municipality would call for its part of the hamlet to be studied and the other would not. It is not reasonable for just a portion of the community to benefit from source protection.

Furthermore, Section 8, subsection 4 requires the municipal resolution to list every well or intake. This stipulation could be very problematic to achieve, given incomplete or inaccurate well records and the absence of records in the case of dug wells, sand points, surface pipes and shore wells. A more feasible approach would be to define a boundary around the parcel, hamlet, village or geographic area that should be studied and investigate all drinking water supplies found within that area.

A more comprehensive method, and one that would extend Source Water Protection to all our watershed residents, would be to include the entire Source Protection Area under the Terms of Reference. Through scientific study, those parts of the Region where threats to drinking water sources exist could be identified and appropriate solutions could be included in the Source Protection Plan.

Conclusion

In summary, water is vital to our health, society and economy. We all share in the benefits when good water quality and quantity are available. It is reasonable, therefore, to believe that everyone in the province must share the responsibility for protecting drinking water sources. Likewise, it is reasonable, therefore, to believe that if there is not equal protection for everyone's water in the province, there is an inequity in the Act. Let it also be noted that the protection of this province's water should be the financial responsibility of the province and not become a burden to the residents of this fair province at the municipal level.

We thank the Committee for taking the time to come out to communities to hear from groups and individuals and, in particular, for visiting Walkerton. As well, we look forward to the important work ahead in Source Protection Planning.