

DISCUSSION SUGGESTIONS

For January 27, 2005 ENGO Conference Call: Follow Up to ENGO's Briefing and Assessment of Source Protection Implementation Committee Report and Source Protection Technical Experts' Committee Report

This call is in follow up to the discussion that commenced January 13th, 2005 at Friends House, Toronto. Certain issues were raised and we had very limited time to discuss them on January 13th, so a commitment was made to schedule a conference call for follow-up. In addition, groups and the public are preparing comments in response to the EBR posting of the two reports (comment deadline is February 14, 2005) and the group felt we would all benefit from further opportunity to exchange views prior to completing our respective comments.

Follow Up Discussion and Suggestions for Groups' Submissions.

Please review the following five pages and determine which items are of such concern to you that we should discuss them during the call. We will then structure the agenda at the start of the call. As usual, there will still be insufficient time to adequately deal with all issues and consensus will not be sought. Rather we want to ensure that people's perspectives among the ENGO community are heard on significant source protection issues. Otherwise, people can use these notes to prepare responses to the government on the two reports.

GOVERNMENT QUESTIONS:

1. Nicola Crawhall put some specific questions to us that government is facing and is looking for additional input:

- Appeals process – How do expected conflicts over land use versus source protection get resolved?
- Should there be compensation for affected land uses?
- Who should have appeals from source protection planning and when in the process?
- Should there be identified “threats of provincial concern” (for example as identified in the Technical Experts Committee report)? That is, are there over-riding threats, which due to level of risk or pervasiveness or other reasons should be identified as such?
- What about interim measures? If it takes 2 /3 years to develop source protection plans, what happens if “direct” or “immediate” threats are identified that can't wait 2 or 3 years to be addressed? What is the right way to deal with these? Should there be a protocol? For example, and obligation to notify the Minister? (Note: see discussion notes below on Interim Measures for some ideas.)
- Great Lakes – this is an enormous challenge. How should source protection be integrated with the Great Lakes issues?
- Are there real life stories where source protection will help in watersheds and that would assist MPP's who are studying source protection legislation?

2. Ian Smith noted some areas that are undergoing debate while the Ministry moves forward with source protection. In particular, we should discuss the following:

- What should be considered to be a mandatory program or measure in response to a specific source water risk? For example, could outreach and education be a mandatory action? Would a municipal by-law fit this description? How should mandatory actions be defended as dealing adequately with significant risks?
- Is an 80 – 10 – 10 percent allocation of effort and resources appropriate, where 80% of the effort is devoted to significant risks; 10% to moderate risks and 10% to low risks, for example?
- What are some specific requirements for links between source protection and province's initiatives on growth plans, green belt and places to grow?
- In identifying the significance of identified threats in the watershed and developing a semi-quantitative system to categorize those threats, are there additional factors in addition to:
 - quantity; severity; irreversibility; magnitude
 that should be considered and included?
- For those who want to research it, what lessons do we advocate from California's detailed semi-quantitative risk assessment model for source protection? Is that model too detailed for what Ontario can do right now?

3. From the Q & A following Ian's presentation, the following items may need additional consideration in groups' submissions:

- Aquaculture risks to water sources be mentioned?
- We should stress need for source protection requirements to push more stringent stormwater and wastewater requirements
- EBR principles should be included in the legislation itself
- The ability of source protection planning to be a driver for required improvements in the watershed (e.g. percentage of forest cover) should be stressed
- The absolute necessity to link and nest with broader watershed water protection and planning should be stressed
- Definition of "natural areas" should include Great Lakes

FINANCING SOURCE PROTECTION AND VALUE OF WATER

4. Financing source protection – presentation by Jason Jessel. Following Jason's presentation and the Q & A, some of the following ideas should be considered in groups' submissions. In addition, following Vicki Barron's review of the IC report on financing source protection, several suggestions were made regarding the financing recommendations. Dan Gieruszak's review of infrastructure requirements and value of water resources also led to many of the following suggestions that people should review for comments on the report.

- A principle should be added that "Source protection resources should be well-spent".
- Value of source water should be stressed including the trillions of dollars in economic value.
- The competitive advantage of Ontario with clean source water should be emphasized.
- The precautionary principle must be placed in the context of this tremendous asset.

- **Benefits are to industry, tourism, private property owners, health, quality of life, international competitiveness**
- **Only one source of funding at end of day – that is all of us – so the need to share equitably in costs should be strongly endorsed**
- **The economic costs and benefits should be strongly linked to the ecological and societal costs of source protection**
- **General principles should be strengthened based on some of these ideas**
- **Concrete facts should be added to strengthen these principles**
- **Real life examples: Maine; Walkerton; Caledon should be used – these are not esoteric arguments for source protection**
- **Should consider run-off co-efficients and impose charges accordingly**
- **Imposition of pollution charges must not create counter incentives to source protection**
- **Voluntary efforts and improvements should be rewarded**
- **Cost avoidance of remedial work should be stressed as an additional and important justification of source protection costs**
- **Lot-level charges should be considered**

INTERIM MEASURES

5. Interim Measures – Throughout the day, these were some of the points raised regarding interim measures:

- **Don't want to under-cut source protection by doing some early easy things and then doing nothing else**
- **Do want to get started, build momentum and give people confidence that the effort is paying off**
- **Many places where there is quite high risk right now – e.g. communities under boil water advisories – should not be waiting to act in these communities – what are the barriers that allow this situation to be perpetuated?**
- **Interim measures should be specific re: what is the measure; who is to do it; how is it to be funded**
- **Source protection planning committees should be the bodies that identify the need for interim measures**
- **They should be required to report to the Minister who could or should delegate action back to the appropriate body**
- **Interim measures should be linked to the threat assessment process to deflect concern that resources are being duplicated or mis-directed**
- **Should be a guidance document re: interim measures – should be the first step in the risk assessment process**
- **Medical officers of health should be involved in the interim measures requirements**
- **Interim measures should be re-visited as source protection plans are developed**
- **Should be public notification of interim measures**
- **Holding zones should be created from date of Source Protection legislation until date when official plans are revised**

RESPONSE TO REPORTS

6. Government Response to Source Protection Reports

- **In response to a concern about what the government and various ministries will do with the reports, ENGO's should request that the Ministries post their responses on the EBR as to when and how they will carry out the recommendations of the two reports.**

PROTECTION OF NORTH

7. Universal Level of Protection

- **Protection of the North is imperative. Groups should stress this in comments even though the government is meeting with First Nations and others as to how best to design governance structures for the North.**

GREAT LAKES

8. Great Lakes

- **A body needs to be designated in Ontario to be in charge of Great Lakes protection vis a vis Ontario's impacts on the Great Lakes.**
- **Specific attention needs to be paid to how watersheds are delineated in certain areas, e.g. Georgian Bay; Niagara / Lake Ontario – watershed boundaries may be fracturing these areas which are cumulatively impacting those water bodies**
- **Should be receiving water body planning**

SUGGESTED ADDITIONS

9. Some areas not covered sufficiently:

- **Various suggestions made that source protection legislation should provide for:**
 - **Open cage aquaculture should be mentioned**
 - **Grey and black water discharges from recreational boating should be included**
 - **Pollution prevention should be stressed**
 - **Hydrological flow regimes are important in their own right; similarly, timing of flows is important**
 - **Niagara Escarpment Planning area should be up-graded for even higher protection than source protection requirements**

PRECAUTIONARY PRINCIPLE

10. Precautionary Principle:

- **To strengthen the principles in the IC report, suggested language is:**

ACCOUNTABILITY / RESULTS

11. Accountability

- **Sufficient MoE capacity, specific role, sufficient resources and mandate to include other Ministries was raised as critical**

PUBLIC PARTICIPATION

12. Public Participation

- **It is important that there be an application process to be considered for source protection planning committees – they should NOT be by appointment**
- **There must be money to public / engo representatives to participate**
- **Public access to information recommendations should be strongly stressed and endorsed by groups in the submissions**
- **Must be emphasis on alternative dispute resolution throughout the process**
- **There should be a secretariat or public facilitation office for source protection planning**

MUNICIPAL TOOLS

13. New Municipal Tools

- **There is high praise and need to strongly endorse the IC recommendation for a new municipal sphere of source protection jurisdiction (recommendation 21)**
- **This is the flexible piece that makes the recommendations work and is quite powerful**
- **Pesticide recommendations don't go far enough and should be more specific – e.g. some pesticides should not be sold to homeowners**
- **Precautionary principle needs to be emphasized**

OVER-ARCHING CONCERNS

14. Over-arching concerns:

- **Conservation authorities are very different across the province and have different track records especially where there are major development pressures**
- **Comments should stress the need to ensure that tools and source protection planning will be used consistently across the province**
- **Plan approval requirements should ensure consistent protection across the province in face of such pressures**
- **Time lines are absent in the reports – there should be specific, meaningful time lines.**
- **Processes should be fairly standardized across the province.**
- **Data methods especially should be quite standardized to ensure data sharing.**