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James Scott, Senior Policy Analyst
Strategic Policy Branch
Ministry of the Environment
135 St. Clair Avenue West, 11th floor
Toronto, Ontario M4V 1P5

Via Facsimile (416) 314-2976

Re: Discussion Paper on Source Protection Committees under the *Clean Water Act, 2006*, Registry # PA06E0013

Dear Mr. Scott,

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the Ministry's Discussion Paper on Source Protection Committees under the *Clean Water Act, 2006 (CWA)*. CIELAP was founded in 1970, with the mission to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

CIELAP has been involved throughout the government's consultations on source water protection in Ontario and is one of a number of organizations that submitted a joint Statement of Expectations in 2004. CIELAP commends the provincial government for its continued work in furthering the source protection initiative

One of CIELAP's primary concerns during this consultation process has been the importance of meaningful public participation in an effective source protection regime. This would include participation at both the planning and implementation stages, including involvement on source protection committees.

Implementation of each source protection plan under the *CWA* will occur mostly at the local level, through measures carried out by individual landowners, industries, and businesses. Considerable public support will be needed, and the most effective way to build public support is to thoroughly engage the public in the planning and implementation process.

CIELAP supports the submissions made by the Canadian Environmental Law Association in relation to this Registry notice, and wishes to reiterate the following recommendations:

Advancing the Environmental Agenda

Regulations passed under the *CWA* should provide for the mandatory assessment of risks and mandatory reduction of significant drinking water threats in vulnerable areas across the province. Source protection areas should be created or expanded into parts of Ontario that are not currently covered, so that additional water users can receive the full range of protections offered by the legislation. Where the Minister enters into an agreement with a municipality pursuant to section 26, the agreement should provide for an equivalent degree of public involvement as is required in those areas covered by conservation authorities.

There should be a process for exceeding the maximum number of committee members in appropriate circumstances. There should be an explicit regulatory requirement that all source protection committees include members who represent environmental interests. Groups representing environmental interests should be treated as a distinct sector from the general public and other NGOs, and their membership on the committees should be provided for accordingly.

The names of all candidates should be made publicly available prior to the final selection, and a comment period should be provided. The requirement that each candidate be a resident and/or employed in the source protection region should be expanded to include those who have a “demonstrated interest or historical involvement” in the region.

The province should provide basic training to all committee members, rather than requiring them to possess formal qualifications at the outset. All committee members should be required to have a solid understanding of the underlying goals of source water protection, the historical backdrop to the legislation, the consequences of poor decision-making, and the basic concepts of environmental protection.

One or more standing committees should be established at the provincial level to advise the source protection committees on the handling of emerging threats, widespread cross-boundary issues, and Ontario-wide concerns.

All potential conflicts of interest should be reported to the chair and to the committee at the outset, and any member who engages in activities that are in conflict of interest should be removed from the committee.

The committee should post the minutes of all meetings, including records of any public representations. Both the committee and the working groups should circulate draft versions of working documents (with qualifications included, as appropriate) and the peer reviews of scientific studies. A web-based portal should be created where the public can submit comments on the documents under review.

Any person requesting that the committee maintain confidentiality should be required to provide valid justification for his or her request.

Working groups should be established to assist and inform the source protection committees. The province should provide guidance on their establishment and set minimum regulatory requirements for their operations. Government should require a particular level of expertise from experts who assist in the completion of the technical assessment work.

Adequate funds should be provided for the training of, and ongoing work by, committee members, the contributions by working groups, and the public participation and education process as a whole.

Thank you for the opportunity to provide input on this draft regulation. Please contact me, or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely

A handwritten signature in black ink that reads "Anne Mitchell". The signature is written in a cursive style with a large initial "A".

Anne Mitchell
Executive Director

Cc: Hon. Laurel Broten, Minister of the Environment
Gord Miller, Environmental Commissioner of Ontario