

To: Ontario Ministry of the Environment  
*White Paper on Watershed-based Source Water Protection Planning*  
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**Re: White Paper on Watershed-Based Source Protection Planning  
(EBR Registry Number PA04E0003)**

The Canadian Institute for Environmental Law and Policy (CIELAP) is a not-for-profit environmental organization founded in 1970. From its founding, CIELAP's mission has been to provide leadership in the research and development of environmental law and policy that promotes the public interest and sustainability.

Safe drinking water is a serious public health issue. The Walkerton Tragedy made us aware of the importance of the protection of the public from contaminated drinking water. CIELAP believes that by focusing assessment and protection efforts on source water the government should be able to ensure the long term availability of safe drinking water for existing and future generations.

CIELAP supports the watershed based planning but some parts of the process require some revisions and more clear definitions as outlined below.

**Comments on Source Water Protection Planning**

**The need of timely and planned public participation**

The Source Protection regulation should require public participation not only in the production of the plan but also in the implementation and review. The public should be able to comment on the timetable and work program for the production of the watershed management plan. At least two years before the implementation of the plan the public should be able to review the threats assessment and source water protection assessment reports. The draft source protection plan should be available for public review at least one year before the implementation. If there is a need, the public should be given access to the background information according to clearly defined procedures.

In order to allow active public participation there should be at least a 6 month period for written comments on important documents. It would be useful to establish a subcommittee for drafting the guidelines for the public participation for the source protection legislation. Public education and outreach programs should be an important part of the legislation.

### **Source Protection Planning**

CIELAP supports the Conservation Authorities leadership in source protection planning although it is worth to emphasize that the government should ensure sustainable funding for Conservation Authorities to produce these plans.

The Source Protection Planning Committee (SSPC) should also be adequately funded and should be able to access the planning and implementation information for tracking the changes. SSPC annual reports should be available to the public. Other relevant information should be available by request. A clear conflict resolution mechanism should be established. The 'carrot-stick' mechanism could be useful to foster completion of the source protection plans.

### **Water takings**

- There is an urgent need to assess local and cumulative impacts of water takings.
- The permits to take water should be issued according to each watershed water budget and take in account droughts and low water conditions.
- The process for applying for the permit to take water should be revised.
- There should be clear, legally established water use priorities.
- There should be a clear procedure for informing municipalities and public about the permits to be issued.
- The permit database should be available to the public.
- Longitude information should be available to the public. The public should be able to track the government efforts and evaluate changes in the Water Taking Program in general.