



Transportation and Works Department

February 3, 2006

Ms. Sarah O'Keefe, Policy Adviser
Strategic Policy Branch
Ministry of the Environment
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Fax (416) 314-2976

Dear Ms O'Keefe:

**Re: Comments on EBR Registry No. AA05E0001
Proposed Clean Water Act, 2005**

The proposed Clean Water Act, 2005 is designed to protect existing and future sources of drinking water by identifying and addressing threats to the water resources. The proposed Act demonstrates a significant advance in provincial initiatives to work towards achieving this goal. The comments provided herein are intended to assist the Minister in further improving the language and intent of the Act in support of this goal. Note that more specific comments on the regulations are being provided under separate cover in response to EBR posting RA05E0022, *Proposed matters to be addressed in regulations to support the proposed Clean Water Act, 2005*. The response to this Act is structured in the form of theme and discussion with recommendations provided where appropriate.

1) Formation of Agreement within a Source Protection Region

The Act requires that the lead source protection authority shall, within 90 days of formation, enter into an agreement with other authorities within the region. This agreement is to define the relationships between the various authorities within the source protection region.

This is of concern in that the powers and duties of the conservation authorities will be negotiated prior to the formation of the source protection committees. What mechanisms will be put into place to steer the establishment of these agreements and what opportunities will there be for municipal input? Will the province provide terms of reference for this agreement in order to facilitate consistency between the various regions?

2) Source Protection Committees

Specific comments on formation of the source protection committees are being provided through EBR posting RA05E0022. General comments relate to adequate representation and division of

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Proposed Clean Water Act, 2005

authorities, accountabilities and responsibilities both within the source protection committee and between the lower and upper tier municipalities. Each source protection committee is limited to 16 participants. In the case of York Region, there are 7 upper and 24 lower tier municipalities in one region, and 10 upper and 35 lower tier municipalities in the second region. The selection process for the source protection committees will need to consider how representation of these municipal stakeholders will be achieved.

3) Consultation with Municipalities

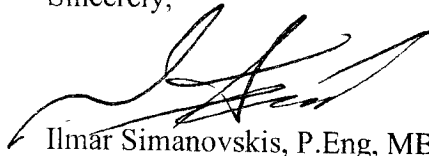
The Act requires that the source protection committee shall consult with each municipality in which any part of the source protection area is located, and give copies of the various documents to the clerk of each municipality. Further, the Act requires that comments from municipalities be submitted through resolution of Council. It is encouraging to see significant opportunities for municipal input in the process. However, considering the number of municipal partners that could be captured within certain source protection regions, it is recommended that more thought be given to how this input will be coordinated. There may be merit in creating a municipal committee with which the source protection committee can consult, to facilitate effective communication with all municipalities.

4) Funding

The *proposed matters to be addressed in regulations* refer to the identification of resource needs as a task in the development of the terms of reference. Considering the significant cost implications in developing and implementing the source protection plans, it is recommended that the need for funding be addressed. This will further reinforce the Province's commitment and support in protecting our water resources.

Due to the limited time frame for comment on this legislation, the above comments are submitted in draft and a report on this legislation will be taken to Regional Transportation and Works Committee and Council in March, 2006 for ratification. We will advise you of the outcome of this process.

Sincerely,



Ilmar Simanovskis, P.Eng, MBA
Manager, Technical Support
Water and Wastewater Branch

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Copy to: Laura Atkins-Paul, Regional Municipality of York