

Source Water Protection & The Clean Water Act: *How Do We Build Capacity?*

Rural Ontario's Vision for 'First Steps'



A 'Green Paper' for Discussion

Presented by
The Ontario Rural Council (TORC)





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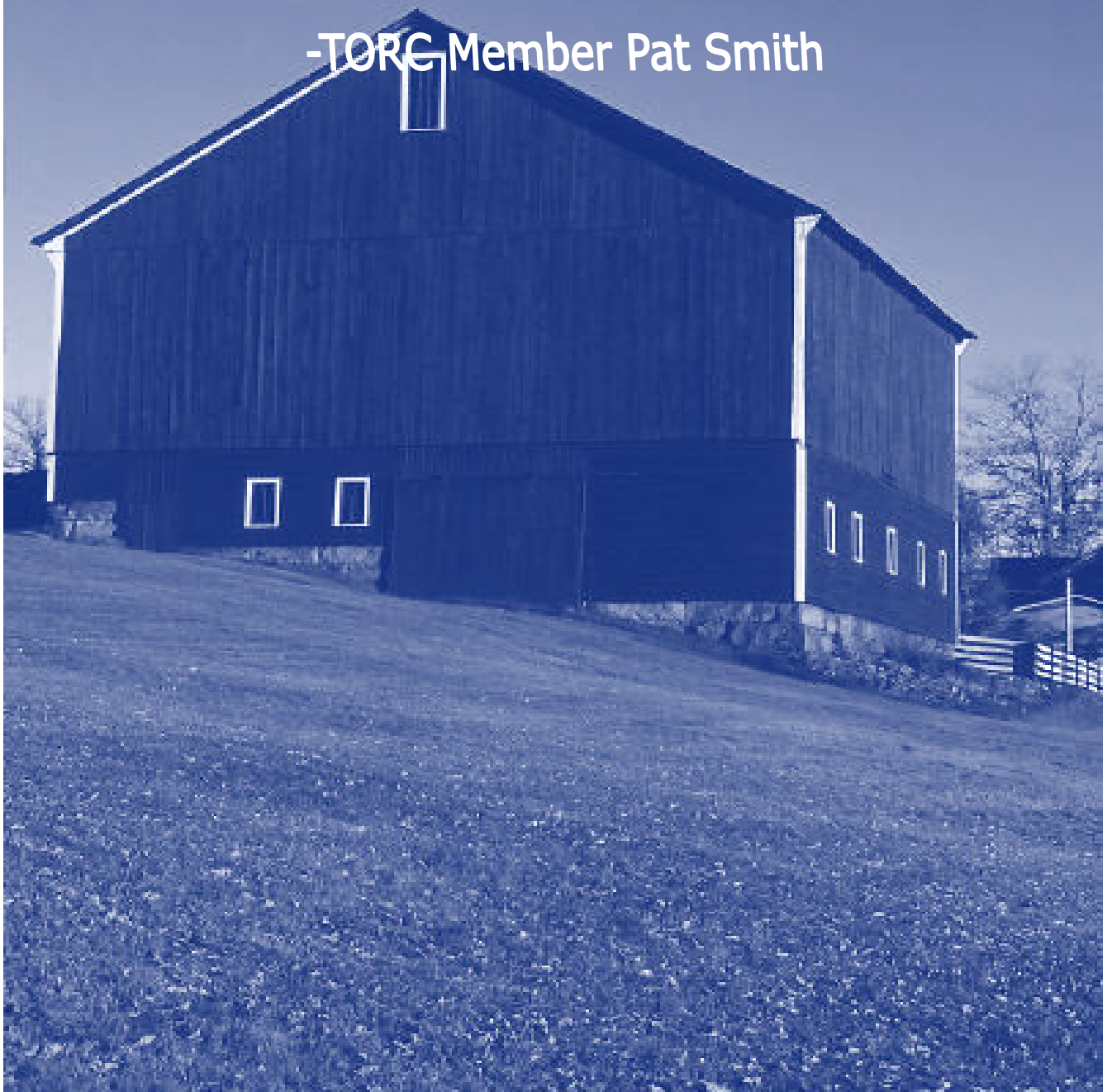


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"The best way to get others to stand up and take notice of rural Ontario is to stand up ourselves, pool our resources and expertise. We ALL need to get involved!"

-TORC Member Pat Smith





About The Ontario Rural Council

As a vehicle for rural engagement, **TORC** offers a vital venue for the province's most progressive rural voices. Individually, each of our members shares a commitment to healthy, vibrant rural communities, businesses and organizations. Collectively, we come together to identify and discuss complex rural issues through a collaborative approach that, ultimately, serves to strengthen the rural voice in Ontario. It is the aim of TORC to work toward ensuring that collective "voice" is then heard by the province's policy- and decision-makers.

By bringing all of us together, TORC provides a unique and important opportunity for **multi-sector cooperation**. Whether it be a Public Issue Forum or Rural Development Conference, a TORC-scheduled event is the only venue dedicated to drawing the **collective** rural voice. We aim to breakdown the silos between the sectors and encourage effective **partnerships for progress** as we work to **inform and influence rural policy, programs and research**.

TORC Members represent: **non-profit** organizations, **private sector** organizations, the **public sector** and individuals with **specialized expertise** and resources in rural matters. In our role as **convenor**, TORC brings together these divergent interests and perspectives and offers valuable **networking opportunities** to link people, information and activities in support of rural community development and capacity building.

The TORC Mission:

To act as a catalyst for rural dialogue, collaboration and action.

TORC Aims to:

- **broaden** understanding of the rural perspective and provide an informed **rural lens** for decision- and policy- makers articulating the future of rural Ontario
- **link** local, regional, provincial and global thinking
- **stimulate** the formation of province-wide collaboration
- **strengthen** leadership capacity within member organizations
- **build** innovative rural networks
- **act** as a springboard for research to be reflected in programs and policy

TORC and Source Water Protection: TORC's goal is to ensure the concerns and insights of rural Ontarians regarding the issue of Source Water Protection (SWP) are heard by the agencies, SWP committees and policymakers that are assigned the responsibility of governing the planning and implementation of The Clean Water Act legislation.

"TORC, as an organization, does not bring its own agenda to the table. Instead, it brings the issues and the speakers...and wants to hear what the people have to say."

- Tom Prout, TORC Chair



"The first barrier to the contamination of drinking water involves protecting the sources of drinking water."

- Justice Dennis O'Connor, Walkerton Inquiry 2002



Executive Summary

The safety of Ontario's water supply has become a crucial issue for the province's rural and urban stakeholders alike. Following the much-heralded Walkerton Inquiry and subsequent recommendations by Justice Denis O'Connor, who preceded over the hearings, concern has reached heightened levels as Ontarians struggle to understand the implications moving forward. One aspect of Justice O'Connor's recommended "multi-barrier approach" to ensuring clean water involves Source Water Protection, or the process of keeping "raw water as clean as possible to lower risks that contaminants will get through or overwhelm the treatment system" (*Ministry of the Environment, White Paper 2004*). The Government of Ontario is gearing up to implement new Source Water Protection (SWP) legislation under The Clean Water Act. The new legislation is to be watershed-based and requires a community-based planning approach for the protection of local drinking water supplies across the province. SWP committees are to be composed of local municipal representatives, landowners, interest groups and other stakeholders for the purposes of creating a *consensus-based* plan for protecting current and future water supplies.

This pending implementation of new legislation has sparked considerable concern from rural landowners, municipalities, community groups and First Nations across the province. Safe and secure drinking water is key to ensuring strong rural economies. How we go about achieving this objective is of fundamental importance to us all. It is within the spirit of traditional 'town hall' collective input that this Green Paper is published, the result of valuable insights and concerns expressed at a Public Issue Forum hosted by The Ontario Rural Council (TORC). Attending the day-long event were representatives of key rural organizations, community stakeholders and government agencies.

The following issues emerged from the [TORC 2006 Environmental Forum](#) discussions and presentations:

- **Re: Technical Studies**
 - *Ensuring the use of accurate and reliable technical data*
 - *Equipping the community with an understanding of technical information*
 - *Creating plans that account for variables in land composition*

- **Re: Voluntary vs. Regulatory**
 - *Ensuring equal representation on Source Water Protection Committees*
 - *Gaining "buy-in"*
 - *Clarifying what regulatory and non-regulatory measures are to be implemented*

- **Re: Funding and Compensation**
 - *Appropriately compensating landowners*
 - *Providing provincial funding to a variety of organizations for related research and projects*
 - *Transferring the real costs of water supply to those who benefit*

The objective of this Green Paper is to effectively capture current debate and dialogue from rural stakeholders around the issue of Source Water Protection. In keeping with our mandate to provide a forum for the collective rural voice, TORC presents this Green Paper as a valued reflection of the respected insights, perspectives and ideas of highly-regarded and involved rural stakeholders. We do not purport to offer definitive solutions, but rather, recommend this Paper play an integral role in responding to government's public outreach around this issue. Let this Paper stand as representing compelling considerations toward formulating first steps in building capacity around this issue. Let this Paper stand as a stepping stone and invitation for further consideration and dialogue so that all stakeholders, rural and urban alike, may be well-informed and well-prepared as the new SWP legislation is rolled out.



Forum Agenda

Source Water Protection (SWP) 101 - Legislation

Ian Smith, Director, Drinking Water Program Management Branch,
Ontario Ministry of the Environment

Source Water Protection (SWP) 101-Technical

Charley Worte, Source Water Protection Provincial Program Manager, Conservation Ontario

Why Source Water Protection is Important: *How Others Have Built Capacity*

Tom O'Brian, Executive Director, Watershed Agricultural Council, New York

Good News Stories: *Hearing from Rural Communities and Municipalities*

Pat Smith, Executive Director, Oxford County Community Foundation
Simone Banz, Planning Manger, Region of Peel
Todd Salter, Senior Policy Planner, Town of Caledon

Panel Discussion: *How will YOU begin to build capacity in addressing the inherent changes of the new Clean Water Act (CWA)?*

Paul Turnbull, Director, Community Services, Municipality of Lambton Shores
Earl Morwood, Executive Director, Ontario Ground Water Association
Randy French, Consultant, French Planning Services Inc.
Ron Millen, Farmer, Peterborough County
Nathan Wright, Planner, Chiefs of Ontario

Open Mike Session

All presenters and speakers

Forum Wrap-Up

Elbert van Donkersgoed, Executive Director,
Greater Toronto Area Agricultural Action Committee



Forum Speakers

Simone Banz

Planning Manger
Region of Peel

Randy French

Consultant
French Planning Services Inc

Ron Millen

Farmer
Peterborough County

Earl Morwood

Executive Director
Ontario Ground Water Association

Tom O'Brian

Executive Director
Watershed Agricultural Council, New York

Todd Salter

Senior Policy Planner
Town of Caledon

Ian Smith

Director, Drinking Water Program Management Branch
Ministry of the Environment

Pat Smith

Executive Director
Oxford County Community Foundation

Paul Turnbull

Director, of Community Services
Municipality of Lambton Shores

Charley Worte

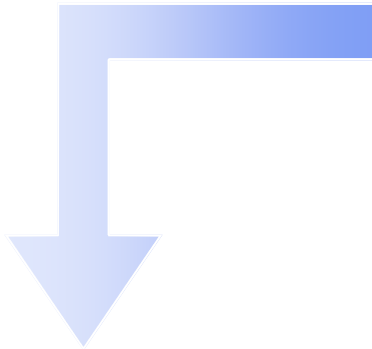
Source Water Protection Provincial Program Manager
Conservation Ontario

Nathan Wright

Planner
Chiefs of Ontario

Technical Studies

The following key challenges, proposed actions and preferred outcomes have been extracted from speaker presentations and participant comments:

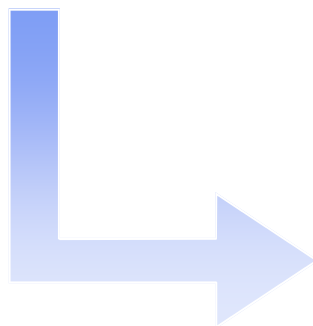


Key Challenges:

1. Obtaining accurate well data
2. Putting science into the hands of the community
3. Creating scientific solutions that work for all

Proposed Actions:

1. Adopting “Cradle to Grave” approach for each new well, along with enforcement and MOE information kits for public dissemination
2. Educating, mentoring and coaching community to develop scientific understanding
3. Basing scientific research on specific features unique to the landscape



Preferred Outcomes:

1. Establishing greater emphasis on enforcing Regulation 903 and maintaining accurate well records
2. Developing communities that are adept at understanding scientific information and its significance
3. Developing plans that regulate well heads, taking into consideration quantity of water drawn, composition of landscape and water path



Technical Studies

Well-Head Records

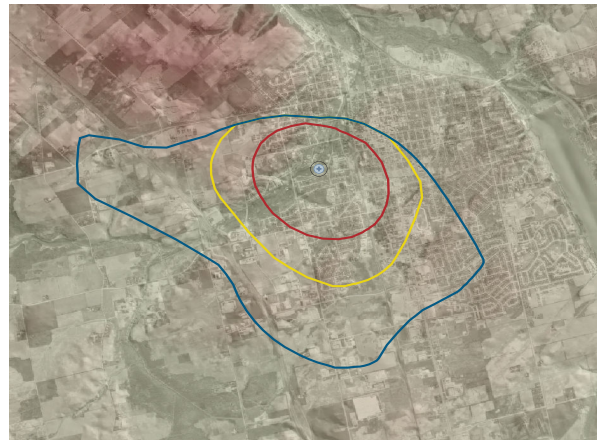
Currently in Ontario, research is being conducted by municipalities and Conservation Authorities (CA), to identify vulnerable water sources and potential threats. Research will lead to the development of well head protection zones, where land use activities will be regulated. Well head protection zones will be based on “time of travel”, meaning the time it takes for a potential threat or contaminate to travel to the protected well head or vulnerable water source. The Ministry of the Environment (MOE) has indicated that there will be mandatory planning activities for well-heads, aquifers, water intakes and recharge areas within watershed boundaries (CAs). Systems outside of CA boundaries will be assessed on an “as-needed” planning basis.

In Ontario, groundwater accounts for 97% of Ontario's fresh water supply. Ground water also affects surface water in the recharge process. “Time of travel” zones are a measure being implemented by municipalities and the MOE in order to protect the water source from possible surface contaminants, including commercial, agricultural and industrial land uses. It is proposed that activities posing a threat to the well head source work with SWP planning committees to negotiate a solution that will reduce the risk of contamination before the contaminant reaches the source (i.e. within 2, 5 or 10 years).

“All the studies conducted over the last five years using well records are invalid.”

*Earl Morwood,
Ontario Ground Water Association*

There is evidence that well records have not been maintained properly, and many contain out of date, inaccurate information. Records may not reflect the current capacity of the well to produce water or the appropriate site location. Inaccurate well records pose a concern for many of the Forum participants



Above: Sample wellhead protection zones. Activities within various zones would be regulated based on their threat to the water source.

(read: rural Ontarians) as “time of travel” zone restrictions are slated to apply to well heads where unnecessary, as some may not produce water and others may not be mapped properly.

In order to rectify many of the issues around well records, collecting data and maintaining safe

“Currently, there are 1.15 million abandoned wells in Ontario that threaten water quality and safety.”

*Earl Morwood
Ontario Ground Water Association*

wells, Earl Morwood of the Ontario Ground Water Association suggests a “cradle to grave” approach, whereby a licensed well technician monitors each new well from its inception until the day it is decommissioned. Wells not properly decommissioned pose a risk to water quality. Further, suggests Morwood, for each new well dug a well kit should be provided by the MOE that includes a valid well record. Rounding off his recommendations would be greater enforcement of Regulation 903 in order to ensure the protection of our future drinking water.



Technical Studies

Proposed Actions by the Ontario Ground Water Association:

- ⇒ Begin proper maintenance of well records for each new well created
- ⇒ Increase enforcement activities to ensure compliance with *Regulation 903*

Ongoing Issue/Concern:

- ⇒ Technical research based on old well records

when addressing SWP strategies. Forum participants heard that both the Town of Caledon and Region of Peel have turned to public consultations as an effective means to inform residents of SWP activities in their area. As well, the Watershed Agricultural Council of New York successfully implements a “Farmer Education Program” consisting of a farmer to farmer exchange, workshops, tactical planning, conferences, and a range of educational courses aimed at equipping the public with valuable environmental information.

Science & the Community

Across the province, education programs around Source Water Protection (SWP) and water quality have begun to be initiated by Conservation Authorities, consulting groups and environmental associations. A gap has been identified in transferring technical knowledge around SWP to the public. Access to scientific research and technical information is needed in order to build capacity in the communities that will be affected by SWP planning.

Randy French of French Planning Service Inc, who facilitates Lake Planning, notes the larger community must develop an understanding of scientific information. It is important for communities to identify components of their landscape that are significant to

“Empowering landowners with knowledge of good conservation practices leads to active and wise land management, yielding clean water.”

Tom O’Brian, Watershed Agricultural Council of New York

them and effectively adopt solutions to protect it.

Representatives from the Region of Peel, Town of Caledon, Conservation Authorities and the Watershed Agricultural Council of New York collectively point to the importance of education and outreach

Nathan Wright of the Chiefs of Ontario suggests efforts must also be made to ensure ‘knowledge transfer’ extends to include Aboriginal Traditional Knowledge (ATK). Wright says traditional ecological information is under-utilized and under-recognized by our government. In order for First Nations technical studies to be given its rightful consideration, it first must be publicly validated by government and then financially supported to help facilitate its inclusion.

Proposed Actions offered by Forum Speakers:

- ⇒ Leaders and decision-makers of SWP planning and implementation must provide community with education, mentoring and coaching

Ongoing Issue as identified by Chiefs of Ontario:

- ⇒ Aboriginal Traditional Knowledge around biodiversity and ecological sustainability is under-valued and under-utilized

Geologically-Based Solutions

Forum speaker Ron Millen, a Peterborough area farmer and Vice Chair of the Otonabee Conservation Authority, spoke to the issue of viability around well head “time of travel” zones, implemented by most municipalities and the MOE. Millen’s concern was with regard to areas of the province such as Peterborough



Technical Studies

County, where there is very little top soil and an abundance of fractured rock. Millen suggests that drawing zones around a well is impractical, as water may be drawn from a great distance. What's more, there is 'too little knowledge' about how water is flowing under the ground to impose "time of travel" zones in areas with little topsoil and extensive rock land base.

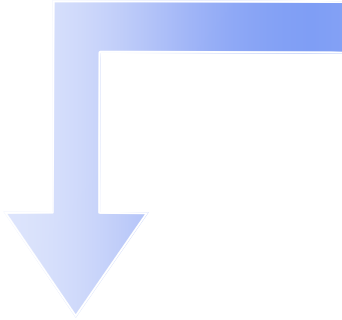
Also disconcerting to Millen is the absence of detail around the issue of quantity of water being drawn, in that it is not mentioned in "time of travel" mapping. Should the case ever arise where contaminant is involved, Millen hypothesizes, the greater the quantity of water being drawn, the faster the contaminate would be pulled into the water supply. Millen notes the majority of water used in Peterborough County is drawn from the Trent-Severn waterway, "where it is a matter of a two-hour river flow, and again in this instance, "time of travel" zones do not make sense for a geological area of this kind."

Proposed Actions suggested by Ron Millen, Farmer & Vice Chair, Otonabee Conservation Authority:

- ⇒ More detailed consideration in existing programs around the issue of managing contaminants: environmental farms plans, healthy futures, land stewardship, reduced pesticide use
- ⇒ Develop plans based on geological composition

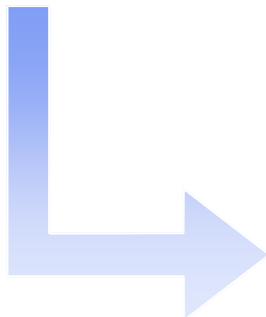
Voluntary vs. Regulatory

The following key challenges, proposed actions and preferred outcomes have been extracted from speaker presentations and participant comments:



Proposed Actions:

1. Create working groups that represent the majority
2. Promote land stewardship and empower the community with decision-making
3. Clarify the authority structure and process of regulation



Key Challenges:

1. Ensuring equal representation on SWP Committees
2. Gaining "buy-in" from landowners
3. Unclear guidelines around authority and regulation

Preferred Outcomes:

1. Development of a SWP Committee that fully represents watershed population
2. Creation of a framework requiring fewer regulatory measures
3. Creation of a clear picture defining each group's authority, roles and capabilities to enforce



Voluntary vs. Regulatory

Source Water Protection Committees

The Ministry of the Environment (MOE) is in the process of setting up 19 committees across the province that are charged with the responsibility of devising a plan for Source Water Protection (SWP) within their respective area. Watershed boundaries are to determine each SWP committee's jurisdiction. In unveiling his Ministry's plan to Forum participants, MOE's Ian Smith stressed these committees will be representative of the watershed population and will be as inclusive as possible to ensure the plan to protect the local water supply also works for the local population. The challenge, Smith notes, is in attracting 16 people that equally represent the needs and

"This is not about Queens Park making decisions about how to protect drinking water. It is about Queens Park helping a municipality sit down and come up with a plan on how to protect that municipality's drinking water."

Ian Smith, MOE

interests of all those within the watershed. The make-up of the SWP committee shall be purely based on the demographics of the watershed. For example, within the Toronto area, the SWP committee mem-

Developing the plan

Implementing the plan

Monitoring the results

Reporting on progress

Reviewing and updating the plan

Above: Activities and areas of responsibilities of the SWP as seen by Conservation Ontario

bers will be mainly urban. Alternatively, in some parts of southern Ontario, the committees may be almost entirely rural stakeholders.

The committees once formed, will have access to technical knowledge provided by the Conservation Authorities and municipalities. From this knowledge, they will have the capacity to create a plan and move it forward. Charley Worte of Conservation Ontario strongly recommends a two-phase process for each SWP committee: 1) Learn the technical information and 2) Create the plan. Worte insists committee members need to develop an understanding of the data already available in the province vis a vis years of research by the Conservation Authorities, government agencies and other conservation groups.

There is a true concern among rural stakeholders over the process of selecting members to sit on the SWP committee. Fair and equal representation is key, otherwise solutions created may favour one outcome over another based on the make-up of the SWP committee.

A municipal representative and Forum participant challenged how municipalities are to achieve equal representation within the watershed in cases where there are more municipalities than seats available on the SWP committee? In response, Worte suggests *said* municipalities form internal working groups and designate committee representatives in the interest of fairness.

Nathan Wright, of Chiefs of Ontario, highlights a need for First Nations representation—as a reflection of all existing nations in Ontario—to be considered for the SWP committees. Further, Wright believes there should be legislation around this issue, with the SWP committee selection mandate written into the Clean Water Act (CWA) in order to ensure the nation to nation relationship be honoured.



Voluntary vs. Regulatory

-sure that the nation to nation relationship was honoured.

Earl Morwood, of Ontario Groundwater Association, would like to see a member from his organization represented on each committee in order to ensure that surface water is not given higher priority for protection over groundwater. Morwood maintains it is common for people to think firstly of surface water because it is something you can see, even though groundwater offers a cleaner source.

Proposed Solutions by speakers:

- ⇒ Ensure fairness on SWP committees by developing working groups and assigning delegates
- ⇒ Draft into legislation a framework that will mandate representatives from specific groups and organizations

Gaining "Buy-in"

Landowners in Ontario generally believe that SWP planning will be based on regulation and enforcement and will not allow room for negotiation or a consensus-based approach. Rural Ontario is concerned that the legislation is not based on voluntary action like stewardship, but that SWP activities on their land will be highly regulated and dictated.

Tom O'Brian of the Watershed Agricultural Council

"It is not our intent to override your consensus-based approach to protecting your drinking water"

Ian Smith, MOE

of New York, stresses the importance of voluntary action in his State, with regard to the success of their environmental programs. O'Brian notes that landowners are good conservationists and want to protect environmental features such as topsoil and water.

Despite a regulatory framework, O'Brian notes, landowners still volunteer to steward the land. Public funding is a key factor in stewardship activity as funding is needed to make environmental improvements. A common theme percolating throughout the day was the concept of gaining rural landowner buy-in through the use of incentives as a much more effective method than regulatory action. (*Incentives to be discussed further in Funding & Compensation section*).

As evidenced through the day's discussion, there are differing viewpoints regarding the Clean Water Act (CWA). Policy makers and enablers of the CWA (MOE, CAs and municipalities) believe the Act is written in such a way that it encourages and supports the idea of voluntary action, however landowners maintain the Act does little to encourage voluntary action, i.e. farm stewardship. MOE's Ian Smith says his Ministry's regulation supports forming a consensus-based approach to protect drinking water. In the end, if solutions cannot be achieved, he says the government will step in and use regulatory action.

Rural landowners believe the CWA would be a more effective legislation if funding for land stewardship activities was made available. Most would like to comply, but do not have the money to do so.

Proposed Solutions by speakers and landowners:

- ⇒ Promote stewardship activities by providing public funding
- ⇒ Ensure that SWP utilizes negotiated solutions to water quality threats

Responsibilities & Authority

A lack of clarity exists around who will have the authority to regulate and what responsibilities shall fall to which groups. Charley Worte, of Conservation Ontario, clearly outlined the responsibilities of



Voluntary vs. Regulatory

each group, making note of negative feedback some CAs have been receiving from those under the belief the CAs will be in a *regulatory* position in implementing the Clean Water Act. Worte clarified the CAs have been given a facilitative role and will: educate the public, provide technical information, bring stakeholders together, maintain the plan, monitor and report on results.

The municipalities are to be equipped with *some* regulatory power provided by the province. MOE's Ian Smith maintains this authority is only to be used "when voluntary measures fail and as a regulatory back stop for municipalities". However, there is dissension in rural Ontario around the extent of power granted the municipalities and details around which activities would be regulated. Further, will *Best Farm Management Practices* be compromised? Concerns were raised by Pat Smith, Executive Director of Oxford County Community Foundation and Elbert van Donkersgoed of the TORC Environmental Working Group, about the liabilities on farmers to use tile drainage systems (typically, a best practice). Worte suggests the number of areas affected would be lim-

"There is no such thing as a private well... they might be domestic, farm or commercial, but they are not private. Wells belong to the public."

*Earl Morwood
Ontario Groundwater Association*

ited, with minimal regulatory action.

Smith says municipalities will need to prove a case to a Justice of the Peace that regulatory measures are necessary in order to protect the safety and quality of the water source. Also, all decisions made can be appealed by the landowner to the Environmental Review Tribunal.

Concern was raised about the SWP committees' responsibility to protect the source, and what would happen if the plan failed. Charley Worte explained there are several other groups involved with protect-

-ecting water supplies, including the Ministry of Natural Resources and the Ministry of the Environment. The SWP committees are only one barrier within the multi-barrier approach.

A true challenge facing SWP committees, MOE and CAs is the issue of *private well clusters*: What, if any, regulatory measures can be enforced to protect water quality? This will be a challenge, in particular, facing rural municipalities. Currently, private wells are not explicitly captured in legislation and will need to be dealt with on an education and outreach basis.

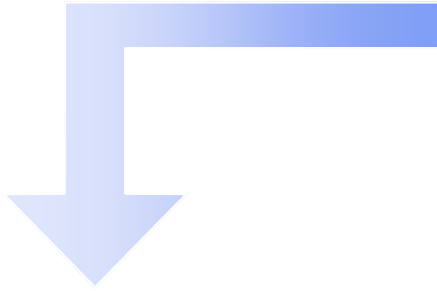
Activities to be regulated within the SWP zones have yet to be determined. Rural landowners are concerned over this lack of clarity. The Region of Peel and Town of Caledon representatives, Simone Banz and Todd Salter, noted there are very few agricultural practices regulated within wellhead protection zones outside of the Oakridges Moraine, which is an area of natural and scientific interest within the region. Agricultural activities within the Moraine zones were heavily regulated and, in some cases, outright prohibited. Examples of negotiated solutions within well head protection zones were discussed at the forum, such as planting wheat in land surrounding well heads, which was a cost effective solution with minimal duress on landowner.

Proposed Solutions by speakers and landowners:

- ⇒ Focus on education and outreach, therefore limiting the need for regulatory action
- ⇒ Clarify what activities will be regulated within "time of travel" zones, and to what extent
- ⇒ Disputes regarding regulatory measures to be taken before Environmental review tribunal
- ⇒ Adopt a negotiated process as much as possible to devise solutions

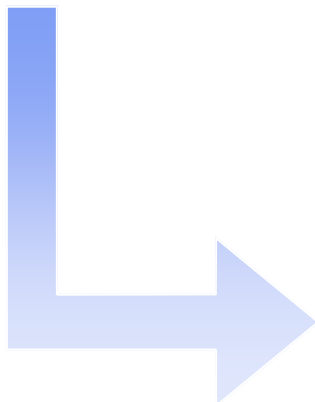
Funding & Compensation

The following key challenges, proposed actions and preferred outcomes have been extracted from speaker presentations and participant comments:



Proposed Actions:

1. Build compensation plan into legislation
2. Provide government funding to key stakeholder groups to meet research and implementation needs
3. Transfer cost of compliance to beneficiaries



Key Challenges:

1. Compensating landowners for loss of productive land
2. Lack of funding for research and community-based programs
3. Paying for the cost of compliance with new SWP legislation

Preferred Outcomes:

1. Create an incentive-based program for landowners providing environmental service
2. Provide adequate funds for groups and stakeholders to ensure a representative solution to SWP planning
3. Determine the real cost of providing clean water and transfer cost to consumer



Funding and Compensation

Compensation

A significant concern to rural stakeholders moving ahead is the issue of compensation. More specifically, compensation for loss of private, productive land that is to be used for the provision of environmental services for the public good. This sentiment was an underlying theme throughout the day's discussion and was heard from Forum participants and designated speakers, alike. Both feel strongly that fair consideration to how landowners should be compensated for their land has not adequately been addressed.

Pat Smith, Executive Director of the Oxford County Community Foundation and an area farmer with husband Barry, cited an example where a landowner's farm was uphill of a new municipal well. Due to the addition of the new well, the earning capacity of that farmland had been limited through crop rotation and restrictions on Best Farm Management Practices (i.e. spreading manure). According to Smith, the landowner was never compensated for his decrease in productivity yet the municipality and its population

"Those who benefit the most [from clean water] should pay the most."

*Tom O'Brian
Watershed Agricultural Council of New York*

benefited from the clean water supply.

Tom O'Brian of the Watershed Agricultural Council of New York, advocates for public funding and support in exchange for environmental services. O'Brian's U.S. organization is a publicly-funded program that provides landowners with financial support in order to undertake stewardship activities. O'Brian's program is successful with a 92% voluntary participation rate among landowners.

Rural landowners firmly support O'Brian's model whereby those benefiting from clean water should

be required to pay for it. In other words, compensating landowners for loss of land as well as any environmental stewardship activities that protect the water source.

Elbert van Donkersgoed, formerly with the Christian Farmers Federation of Ontario and currently Executive Director of the Greater Toronto Area Agricultural Action Committee, noted that landowners may be requested to invest their own financial resources into protecting water for the public good, and may be required to do so before addressing their personal water well systems. For financial reasons, van Donkersgoed points out, a landowner would even need to delay or cease plans for improving personal water supplies for the public good. This example serves to further underscore many rural stakeholders' distaste for government-enforced services that are incurred at landowner's costs, aimed at benefitting the vast majority, but make no provision for compensation to the landowner.

Pat Smith notes that landowners generally want to do what is right by the environment, but with lack of funding and increasing financial pressures for the agricultural sector, it is difficult. The strong Canadian dollar, low commodity prices and rising fuel costs are causing a deal great of strain on farm business operations to the point where many farming operations are being forced to fold.

The overall message from rural Ontario: In order for agricultural landowners to provide environmental services, there needs to be financial support. Pat Smith and Elbert van Donkersgoed both advocate the need for a clear incentive/compensation program built into the legislation up front, rather than being dealt with as aftermath. In response, MOE's Ian Smith offers that Manitoba does have a compensation program for landowners, however no funds have actually been put into the "bank account". He concludes the funding legislation will only work if funding is supplied.

Compensation for rural municipalities is a parallel concern. During the Forum, the point was raised that



Funding and Compensation

the well head protection activities and investments of small and rural municipalities would benefit the water quality of larger municipalities and cities such as Toronto and Hamilton, without any direct cost to them. The concern is that rural municipalities and landowners will be footing the bill for water quality improvements that will benefit populations down stream, and even those that draw on the Great Lakes. Ian Smith of MOE, ascknowledges this as a potential issue and suspects this will be raised with the Standing Committee for consideration.

Proposed Solutions offered by speakers:

- ⇒ Incentive programs should be drafted into legislation to ensure they are not overlooked at a later date.
- ⇒ Those who benefit from environmental services should pay for them.

Ongoing Issue:

- ⇒ Larger cities benefit from smaller municipalities' efforts yet do not contribute to the cost.

Financial Support

Currently in Ontario, there are several community groups and organizations that focus on SWP in their mandate. These groups have expressed the need for provincial funding in order to conduct technical research and studies, and for maintaining the vitality of their organizations objectives. The groups represented at the Forum commenting on the need for provincial support represented a multitude of sectors: community, agriculture, industry, municipalities, Conservation Authorities and First Nations. The targeted range for funding reached from research and compensation to human resources and community projects.

Extensive research is currently be conducted by municipalities and Conservation Authorities for the

municipalities and Conservation Authorities for the purposes of compiling a watershed profile that will assist with SWP planning. Research will determine vulnerable areas, possible threats and water budgets (*the amount of water coming in and out of the system*). The provincial government is supporting this technical research by providing \$67.5 million over the next five years for research and plan implementation. Some \$16.5 million of this will be earmarked for Conservation Authorities.

Although dollars are flowing to these municipalities now, some commented on the fact that initial research was paid for by municipal taxpayers. Simone Banz and Todd Salter from the Region of Peel and the Town of Caledon, noted that money is just now flowing to municipalities to assist with SWP. In order to develop a large scale SWP plan, Peel, York and Durham municipalities have pooled their resources to hire a project manager.

Paul Turnbull of the Municipality of Lambton Shores, spoke of improvements made to the municipal water system funded by a COMRIF grant, totaling \$11 million. This funding was used towards the municipalities' rural strategy, which will bring a more adequate water supply to its rural residents. Turnbull notes that taxpayers will also be contributing to the

"If the province deems this Act to be important to our current and future well being, then show us the money ."

*Earl Morwood,
Ontario Groundwater Association*

cost of water system upgrades with increased water rates. Turnbull raises a concern around what the cost of compliance with the new Clean Water Act will mean to municipalities.

Randy French of French Planning Services Inc, spoke of the need for government funding in regards to community-based planning initiatives that protect natural features such as source water. French sug-



Funding and Compensation

-gests community-based planning is highly effective when protecting environmental assets, adding that financial support needs to be extended in order to be successful.

Nathan Wright of Chiefs of Ontario would like to see funds allocated for effective participation of First Nations in SWP planning. Wright suggests funds need to flow from the provincial government in order to initiate research based on Aboriginal Traditional Knowledge (ATK), which he considers to be a credible and necessary component that must be integrated into the Clean Water Act

Earl Morwood of the Ontario Ground Water Association drew attention to the related costs of SWP planning and the foreseeable funding requirements around well inspections, monitoring and enforcement. The province needs to consider extending funding to a variety of groups and organizations to facilitate differing perspectives and possible solutions at the decision-making tables.

Proposed Solutions by Speakers:

- ⇒ Provincial government to consider providing funds to First Nations, community groups and industry associations toward SWP planning
- ⇒ Greater access to grant money (i.e. COMRIF, Trillium) to facilitate related projects

Ongoing Issues:

- ⇒ Municipal taxpayers funding municipal SWP initiatives.

Real Cost

Rural landowners and municipalities share the belief that those who benefit from clean drinking water should be prepared to pay for it. At many times over the course of the Forum day, speakers and participants, alike, identified those who should be billed for the cost of clean drinking water, such as large cities and municipalities down stream, and local residents who will use the source.

Paul Turnbull of the Municipality of Lambton Shores presented a case where water rates have increased significantly in his municipality in order to transfer the real cost of clean drinking supplies to the users. A study was conducted within the municipality to assess water system upgrades and transporting water to residents. The results revealed a need to significantly increase the cost per unit price for water from \$0.61 per cubic meter in 2001 to \$1.61 per cubic meter in 2006. This rate is expected to increase to \$2.02 per cubic meter in 2015. Tom O'Brian of the Watershed Agricultural Council of New York adds water usage is currently the same as it was 20 years ago, reflecting the fact that consumers are conserving more water due to the high cost.

The general consensus of Forum participants and speakers suggests the Clean Water Act will require various cautionary measures and a true commitment of financial resources. Areas requiring immediate consideration include well head protection, compensation to landowners, technical studies, water system upgrades and human resource needs - including compensation for SWP planning committee members. A method of transferring the cost of clean water to consumers needs to be created. Two possible suggestions mentioned by participants: increasing water rates to residents, and/or requesting funding from large urban municipalities and cities who serve to benefit from rural well head protection.

There still exists a pervasive attitude that fresh water is a natural resource and plentiful in Ontario therefore the cost associated with it should be minimal. Transferring the real cost of water supply to consumers has been shown to promote conservation activities and a greater appreciation for water supply protection.

Proposed Solutions by Paul Turnbull of the Municipality of Lambton Shores;

- ⇒ Increase water rates to reflect cost of supply to all beneficiaries of clean drinking water



**"We need to teach everyone that we
are not to waste and destroy,
but only to borrow from those yet born."**

Nathan Wright, Chiefs of Ontario



Summary of Recommendations

A variety of perspectives on how to begin building capacity with regard to Source Water Protection were brought to the TORC Environmental Forum. Consensus was reached from all speakers and participants around the following solutions and ideas:

- A voluntary approach to SWP planning and participation needs to be implemented in order to encourage landowner “buy-in”
- Solutions and planning for protection of local water supplies should be community-driven and consensus-based
- Beneficiaries of clean drinking water need to pay the real cost of supply (*society benefits, society pays*)
- The public needs access to information around source water protection, communication and education is key to protecting drinking water

Several concerns were raised throughout the day that were neither conclusively addressed nor resolved. As such, these issues will require further consideration by the Standing Committee on Social Policy as the Clean Water Act progresses, as well as further discussion by rural Ontario:

- What will happen to capacity as responsibilities of the SWP plan are transferred throughout the process? Planning, approval and implementation are to be managed by several groups. Who is ultimately responsible and where is the capacity?
- What compensation will be provided to farmers for loss of productive land and restrictions on their farming practices in order to ensure clean drinking water for the public good?
- What funding will be available to organizations and community groups to ensure a representative approach to SWP planning?
- What activities will be regulated and how will this affect Best Farm Management practices?

TORC brings together the expertise and knowledge around issues affecting rural Ontario, and is providing this information as a conduit to the voices of rural landowners and their views on Source Water Protection. The TORC Environmental Forum (June, 2006) and this resulting Discussion Paper act as a first step towards building capacity. TORC and its members ask that all Ontarians continue to discuss the issues and propose solutions through active dialogue. In completing this Green Paper, TORC asks that policymakers and government agencies regard this information as a representative voice of respected landowners and influential members of rural Ontario, and that thoughtful consideration be extended towards the solutions, queries, actions and ongoing issues presented. For comments on this paper please contact:

The Ontario Rural Council • P 519.826.4128 • F 519.826.3408 • E tell-me-more@torc.on.ca



Appendix 1

Glossary of Terms & Abbreviations

Terms

Aquifer

A layer of underground sediments which holds water and allows water to flow through it.

Biodiversity

Biological Diversity is the variety of all life forms – the different plants, animals and microorganisms, the genes they contain, and the ecosystems of which they form a part.

Groundwater

All subsurface water, generally occupying the pores and crevices of rock and soil.

Hydrology

The science dealing with surface and ground waters of the earth; their occurrence, circulation and distribution; their chemical and physical properties and their reaction with the environment.

Nutrient

Plant food, generally refers to nitrogen and phosphorous in water.

Water Budget

The amount of water consumed verses the amount of water flowing into a watershed system.

Watertable

The upper surface of the saturation zone of an aquifer.

Abbreviations

ATK

Aboriginal Traditional Knowledge

CA

Conservation Authority

CWA

Clean Water Act

MOE

Ministry of the Environment

SWP

Source Water Protection

TORC

The Ontario Rural Council



Appendix 2

Forum Speaker Biographies

Simone Banz

Planning Manger, Region of Peel

Simone Banz fulfills the role of Manager in the Planning Policy and Research Division of the Region of Peel Planning Department. Ms. Banz's degree in Geography laid the foundation for a career that has focused on environmental and resource planning. Following a five-year term in the private sector working for a small environmental engineering firm, Ms. Banz joined the Region of Peel, where she has worked for the last 15 years.

Randy French

Consultant, French Planning Services Inc.

Randy French is a planner and facilitator whose career has involved projects with all three levels of government in Ontario. Mr. French has extensive experience with shoreline management, natural heritage, resource and information management. His past project experience has involved the implementation of Shoreline Management Plans on the Great Lakes, field representation with the International Joint Commission, the preparation of direction to guide shoreline development and setting carrying capacities on inland lakes.

Ron Millen

Rural Landowner, Peterborough County

Ron Millen serves as Vice-Chair of the Otonabee Conservation Authority, Reeve of Smith-Ennismore-Lakefield township and a Peterborough Health Board member. Equipped with a Doctorate in Economics, Mr. Millen enjoyed a successful career as a consultant in the energy field while working on the family dairy farm. Mr. Millen is now a full-time farmer with 1200 acres in production, and is currently the Reeve of Smith-Ennismore-Lakefield.

Earl Morwood

Executive Director, Ontario Ground Water Association

Earl Morwood is the Executive Director of The Ontario Ground Water Association (OGWA). The OGWA represents water well drillers, pump installers, manufacturers and suppliers and scientists and engineers operating in the groundwater industry. OGWA is dedicated to 'protecting and promoting Ontario's most precious resource'. Mr. Morwood also farms 600 acres in southwestern Ontario.

Tom O'Brian

Executive Director, Watershed Agricultural Council (New York, NY)

Tom O'Brian is Executive Director of the Watershed Agricultural Council (WAC), a private, non-profit organization based in New York State. With an annual operating budget exceeding \$15 million, WAC has 35 direct employees and another 30 contract agency people working on farms and forestland in a 2,000 square mile watershed that provides drinking water to New York City. WAC specializes in forest and farm environmental assessments, implementing best management practices, and the acquisition and stewardship of agricultural conservation easements.

Todd Salter

Senior Policy Planner, Town of Caledon

Todd Salter has worked for the Town of Caledon Planning Department for the last 17 years. A Landscape Architect graduate, Mr. Salter is currently Senior Policy Planner with a focus on environmental and community planning projects. His efforts helped garner the Town of Caledon the title of 'Greenest Town in Ontario' as awarded by TV Ontario, as well as the recent 2005 Lee Symmes Municipal Award from the Federation of Ontario Naturalists.



Appendix 2

Forum Speaker Biographies *continued...*

Ian Smith

Director, Drinking Water Program Management Branch, Ontario Ministry of the Environment

Ian Smith is a graduate of the University of Guelph and has worked with the Ministry of the Environment (MOE) since 1988. He is the Director of the Drinking Water Program Management Branch (DWPMB), the department which will be responsible for source water protection implementation once the proposed Legislation receives Royal Assent.

Pat Smith, Executive Director

Oxford County Community Foundation

Pat Smith is a founding member of TORC who has served prominent terms as a member of the Board of Directors, Chair and (currently) Past Chair. Mrs. Smith has recently added a new role to her lengthy list of accomplishments: that of Executive Director of the newly-established Oxford County Community Foundation.

Paul Turnbull

Director of Community Services, Municipality of Lambton Shores

Paul Turnbull served as Clerk Administrator in the Village of Grand Bend for 10 years prior to its amalgamation with four neighbouring municipalities in the year 2000 to become Lambton Shores. Since that time, Mr. Turnbull has served as Director of Community Services for Lambton Shores, with 'Water and Wastewater' falling under his jurisdiction. Mr. Turnbull is responsible for his municipal government's involvement in Source Water Protection and is currently working with two area Conservation Authorities.

Charley Worte

Source Water Protection Provincial Program Manager, Conservation Ontario

Charley Worte has more than 20 years' experience in watershed management, primarily with Credit Valley Conservation Authority. Joining Conservation Ontario three years ago, Mr. Worte currently fills the post of Source Water Protection Manager. During Phase Two of the Walkerton Inquiry, Mr. Worte represented Conservation Ontario and has sat on a variety of Source Protection committees and working groups since that time.

Nathan Wright,

Planner, Chiefs of Ontario

Nathan Wright is a policy analyst for the Chiefs of Ontario Secretariat, with expertise in a wide range of areas including: the environment, economic development and justice. Prior to assuming his role as policy analyst, Mr. Wright was an advocate for First Nation youth and directed the development of Ontario's inaugural First Nations Young Peoples Council. Mr. Wright has a strong track record of advocacy in the fight for equal respect of aboriginal tradition and knowledge. He has represented the Chiefs of Ontario on the by-national toxic strategy, has been involved in the AFN national contaminants program and joined First Nations delegates at the Great Lake Charter Annex.



Appendix 3

Forum Participants

Barkley, Brian	Eastern Ontario Model Forest (Executive Director)
Bucholtz, Marilyn	Lower Trent Conservation Authority (Marketing & Communications Advisor)
Campbell, Jerry	Lower Thames Valley Conservation Authority (GM; Secretary/Treasurer)
Carnegie, Kerry	OMAFRA - Client Services Branch (Kemptville office)*
Carter, Meredith	Otonabee Conservation Authority (Manager, Environmental Services)
Cayford, Jim	Eastern Ontario Model Forest
Cherny, Nancy	AAFC - Environmental Programs Officer (Guelph office)**
Clark, Valerie	OMAFRA - Regional Information Coordinator (London office)*
Crowley, Dave	Lanark Stewardship Council
DeKlein, Kim	OMAFRA - Regional Information Coordinator (Woodstock office)*
Denyer, Laurie	University of Guelph (Student)
Doris, Peter	OMAFRA - Nutrient Management Specialist (Brighton office)*
Edwards, Kevin	Community Opportunity & Innovation Network (COIN) (GM, Peterborough office)
Flaming, Harold	OMAFRA - CED Program Lead, Rural Programs Branch (Guelph office)*
Fouk, Jim	OMAFRA - Client Services Branch (Ridgetown)*
Fraser, Jackie	AGCare (Executive Director)
Halyk, Larry	Ontario Stewardship (MNR); Wellington County Stewardship Council Coordinator
Han, Bonnie	Ministry of the Environment (MOE) - Stakeholder Advisor, Source Protection Implementation
Henderson, Melissa	Ministry of Natural Resources (MNR) - (Peterborough office)
Hull, Rebecca	Conservation Halton & Hamilton Conservation Authority (SWP Communications Specialist)
Humphries, Elinor	Alpha Projects, TORC Member
Hunter, Richard	Otonabee Conservation Authority (CAO; Secretary -Treasurer)
Johnston, Sharon	OMAFRA - Resource Management Policy Analyst, Environmental & Policy Programs*
Keeling, Kent	City of Peterborough
Kelleher, Jim	Lower Trent Conservation Authority
Knight, Wade	Ontario Woodlot Association (Kemptville)
Lavalley, Janice	Township of Smith-Ennismore-Lakefield (Clerk; Deputy Treasurer)
Mabee, Peter	Peterborough County Stewardship Council
McGuire, Allen	AAFC—Regional Advisor (ON)**
McKay, Jennifer	Environment Canada - Strategic Integration (RDG office)
McLeod, Glenn	Northumberland Stewardship (Stewardship Coordinator)
Moore, Sara	Conservation Halton & Hamilton Conservation Authority (SWP Assistant)
Murphy, Grant	Peterborough Children's Water Festival (Chair)
Nubel, Jim	TORC Individual and Regional Member
Orr, Dan	Lower Trent Conservation Authority
Oostveen, John	City of Kawartha Lakes (Manager, Engineering)
Ouellette, Jackie	Ministry of Natural Resources (MNR) - (Peterborough office)
Phillips, Ken	Crowe Valley Conservation Authority
Plaunt, Doug	Dairy Farm Equipment Dealer (Lindsay, ON)
Pridham, Dave	Victoria Land and Water Stewardship Council
Prout, Tom	Ausable Bayfield Conservation Authority (GM); TORC Vice Chair
Rannie, Joan	Haliburton Northumberland Victoria Community Care Access Centre
Renwick, Sally	Ministry of Natural Resources (SWP Planner) - (Peterborough office)

continued...



Appendix 3

Forum Participants *continued...*

Rodgers, Glenda	Lower Trent Conservation Authority
Ryken, George	Northumberland Stewardship
Sauder, Wendy	OMAFRA - Assistant Policy Advisor, Rural Development Division (Guelph office)
Sethuratnam, Sri	University of Guelph (Student)
Stevenson, Bridget	Lower Trent Conservation Authority
Thompson, Doug	City of Ottawa (Councillor)
Tousaw, Jane	County of Haliburton (Development Services Coordinator/Planner)
Tuttle, Lindsay	Kawartha Region Conservation Authority
Vrebosch, Bill	Rural Ontario Municipal Association (ROMA)
Walker, Meredith	University of Guelph (MSc Candidate, SRPD)

* **OMAFRA** = Ontario Ministry of Agriculture, Food & Rural Affairs

** **AAFC** = Agriculture and Agri-Food Canada



Fall, 2006