



SENT BY EMAIL

November 22, 2013

Mr. Peter Tabuns
Chair, Standing Committee on Regulations and Private Bills
Main Legislative Building
Queen's Park
Toronto, Ontario

RE: Bill 6 Great Lakes Protection Act

Dear Mr. Tabuns,

Thank you for the opportunity to submit comments on Bill 6, the Great Lakes Protection Act. The Great Lakes and St. Lawrence Cities Initiative, a coalition of 110 Canadian and American mayors representing over 16 million people across the basin.

The Cities Initiative is supportive of Bill 6, the Great Lakes Protection Act. It is vital that complex problems on the Great Lakes that are not easily addressed through command and control regulation are addressed through collaborative action, and the legislated process outlined in Bill 6 would serve as an important means to enable this collaboration.

In establishing this legislative framework, the Province has introduced authority that would ultimately allow the Minister to approve geographically focused initiatives that could require significant financial and operational commitments from municipalities.

The amendments that the Cities Initiative is proposing, below, would serve to make transparent these costs and responsibilities, and would ensure that municipal councils



that are identified have an opportunity to comment on their ability to meet these new costs and responsibilities.

SPECIFIC PROVISIONS

With respect to the development and approval of geographically focused initiatives,

Part V, Proposals for Initiatives

Section 9 under Part V requires that the Minister release a summary of the scope of a Geographically-Focused Initiative before a proposal is developed.

An amendment is needed that requires that the government undertake a preliminary assessment of costs to implement the GFI and to identify the parties that may bear the cost.

Part VI, 15.

An amendment is also needed under Part VI, section 15, requiring the public body responsible for developing an initiative to include a comprehensive assessment of costs to implement and enforce the initiative and to identify which parties will incur these costs and responsibilities.



Part VI, Initiatives

Armed with this information, municipalities will then be able to provide informed comment on the initiative when it is close to being finalized. It is important that this step be formalised, as it is in the *Clean Water Act*.

An amendment is needed under Part VI that requires that the Minister seek a resolution of each municipal council in the geographic area that indicates its comments or concerns with the proposed GFI, before the Minister approves the initiative.

More than simply being consulted as the GFI is under development, this step will allow a municipal council to provide comment that will shape the final decision of the Minister. This type of clause is included in the *Clean Water Act* and has been valuable in soliciting informed municipal comment on source protection plans developed under that Act.

Under Part VI, Section 16, in the interest of keeping the GFI process on track, an amendment is needed to prescribe a timeline within which a Ministerial decision must be made about the proposed Initiative, for example 9 months.

Under part VI, Sections 21 and 22, related to Official Plan Conformity, there is concern that implementation of the Initiative, which is mandated by the Province, may result in appeals to the Ontario Municipal Board. Such appeals are enormously time consuming and costly for municipalities to defend.



An outright prohibition on appealing requirements in a provincially-approved plan would be ideal.

Another option would be to provide guidelines to the OMB or other quasi-judicial bodies that outline the expectations of the Government of Ontario in interpreting provincially-approved plans and their implementation.

Part VII, Miscellaneous

Key to the success of the geographically-focused initiative is a financial commitment on the part of the Province. Under the *Clean Water Act*, that commitment was demonstrated by enshrining in legislation a funding program to assist with costs incurred to protect drinking water. A similar legislative funding commitment is needed in Bill 6.

Part IV, 8. Targets

Turning now to Part IV on Targets, under section 8, an amendment is needed that adds an explicit requirement to consult with those impacted by the targets, and a requirement to conduct a cost assessment of meeting the targets.

The targets established under Bill 6, could have more far reaching financial and resource implications than the Geographically Focused Initiatives, and yet there is little in the way of consultation required in the Act, as compared to the GFIs.



Part I, 3. Interpretations

Finally, under part I,3, the definition of 'public bodies', an amendment should be made to remove 'source protection committees' (SPC) and 'source protection authorities' (SPAs). With Conservation Authorities listed as a public body, it is redundant to list Source Protection Authorities, as they are virtually one and the same.

And source protection committees are simply multi-stakeholder committees established under the *Clean Water Act*, and as such are not public bodies per se.

In conclusion, I want to reiterate the Cities Initiative's support for this Bill. The Great Lakes system represents the largest fresh water system on earth. With ever increasing urbanization and intensified agricultural activity, as well as the impacts of climate change, the Lakes will only come under greater pressure into the future.

It is time to organise our response in a collaborative way, from the local level through to the federal level to ensure that these Lakes are protected.

Thank you again for the opportunity to provide comments on Bill 6.

Sincerely,

ORIGINAL SIGNED BY

Nicola Crawhall
Deputy Director
Great Lakes and St. Lawrence Cities Initiative