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**CITIZENS ENVIRONMENT ALLIANCE**  
of southwestern Ontario

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Essex Region Source Protection Committee c/o Essex Region Conservation Authority  
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Dear Essex Region Source Protection Committee,

**RE: Elements to be considered for inclusion in the Essex Region  
Source Protection Area Terms of Reference**

Ontario Regulation 287/07 sets out the content requirements for the Terms of Reference ('TOR') which you and all other Source Protection Committees across the province are developing.

However, an important element of the *Clean Water Act, 2006* ('CWA') is the ability of a Source Protection Committee to address both mandatory and discretionary issues through its TOR. Certain potential threats to sources of drinking water may be unique to a particular Source Protection Area or Region, or may pose localized transboundary impacts within adjoining Areas or Regions. Other threats to source water could emerge in the future, and existing water quality/quantity problems could worsen; both of these possibilities warrant prudent and forward-looking decision-making under the CWA – decision-making that is based on a precautionary approach. In addition, the strength of the TOR, and ultimately that of the Assessment Reports and Source Protection Plans which will follow, would be increased by incorporating various forms of community-based information and local (i.e. non-scientific) knowledge into the source protection planning process.

The Citizens Environment Alliance would like to suggest a number of discretionary issues for you to consider for inclusion in your TOR.

- Provisions should be made for incorporating local knowledge and aboriginal traditional knowledge into the source protection process. People who have lived in an area for a long time may have knowledge of obscure but potential threats to

source water, such as abandoned wells or old or unlicensed private waste disposal sites. Anglers and hunters may or might have come across potential threats to drinking water in the seldom-frequented areas where they enjoy their pastimes. Whenever possible, such knowledge should be sought out and used to complement the scientific work on source protection. We also encourage you to promote and facilitate community-member contributions of local knowledge and aboriginal traditional knowledge.

- Potential threats to source water can be addressed through guiding principles, the most notable of which is the precautionary principle. In the introduction to your proposed TOR it is stated that '[t]he [CWA] is a science-based approach which is inherently precautionary', and on page 8 you state that '[t]he scientific research underway to support [Source Protection Plans] employs the precautionary principle.' It is commendable to see the precautionary principle mentioned specifically in your proposed TOR. This principle should be considered an element of the source protection process. A lack of scientific certainty should not be permitted to delay or preclude policies intended to address potentially significant threats to drinking water.
- Known or suspected threats to sources of drinking water, including threats with direct, indirect and cumulative impacts from point and non-point sources, should be identified and evaluated during the development of the Assessment Report. Such threats can then be mitigated through the application of your Source Protection Plan.
- All cross-regional issues should be discussed. The listing of transboundary issues that necessitate consultation with other specified Source Protection Committees, is a required element of the TOR. In your proposed TOR all known transboundary issues are listed. More however could be included. The relevant planning area should be defined, evaluation guidelines should be drawn up, and the parties that will be undertaking an evaluation need to be identified. Examples of cross-regional issues include the Great Lakes, where more than one Area's or Region's systems draw their water from lake surface water and there is a potential of overlap of Total Water Contributing Areas; inter-watershed transfers; headwaters; non-point-source contamination such as that which results from the application of road salts and pesticides; and climate change.
- The Ministry of the Environment or Conservation Authorities could be asked to provide lists of all drinking-water systems in your Area, under the *Safe Drinking Water Act, 2002*. These could include both municipal and non-municipal systems (such as those serving schools and community and daycare centres).

An explicit part of the public discussion on the TOR should centre on which non-municipal systems under the *Safe Drinking Water Act, 2002*, should be considered

priorities for elevation. Examples of priority non-municipal systems are systems of six or more households on one well, and systems serving children.

- Pending further direction from the MOE, priorities should be made for designating clusters for inclusion in the Source Protection Plan. A cluster is a community on six or more private wells where water is drawn from the same aquifer or surface-water source.
- An executive summary of the TOR should be prepared with a public audience in mind. Items that would benefit from public participation, such as prioritizing systems for elevation, and those which are dependent on public participation, such as the volunteering of local knowledge or aboriginal traditional knowledge, should be mentioned in the executive summary.
- A mission statement outlining the goals which you intend to achieve through the source protection process, should be included in your TOR.

We would like to thank you for this opportunity to participate in the development of your TOR.

Yours sincerely,



Derek Coronado  
Coordinator, Citizens Environment Alliance