



**Water Environment
Association of
Ontario**

P.O. Box 176
MILTON, ON L9T 4N9
Tel: 416-410-6933
Fax: 416-410-1626
Email: weao@weao.org
Website: <http://www.weao.org>

**“WEAO WILL BE THE PREEMINENT ORGANIZATION OF
TECHNICAL AND PROFESSIONAL INDIVIDUALS
DEDICATED TO THE PRESERVATION AND
ENHANCEMENT OF ONTARIO’S WATER
ENVIRONMENT”**

March 10, 2008

2007 –2008
EXECUTIVE

PRESIDENT
Peter Takaoka

VICE-PRESIDENT
George Lai

PAST-PRESIDENT
Vincent Nazareth

WEF DIRECTOR 2006–2009
George Crawford

WEF DIRECTOR 2007–2008
Larry Madden

DIRECTORS 2005–2008
Tim Constantine
Mark Rupke

DIRECTORS 2006–2009
Don Kemp
Rick Niesink

DIRECTORS 2007-2010
Michael Albanese
John Duong

PWO REPRESENTATIVE
John C. Thompson

CWWA REPRESENTATIVE
Rosanna DiLabio

OWWA REPRESENTATIVE
John Braam

OPCEA REPRESENTATIVE
Wayne Harrison

NP REPRESENTATIVE
Edgardo Tovilla

TREASURER
John Presta

EXECUTIVE DIRECTOR
Catherine Jefferson

EXECUTIVE
ADMINISTRATOR
Julie A. Vincent

Claude Fortin,
Environment Canada,
Place Vincent Massey,
351 St. Joseph Blvd., 18th floor,
Gatineau, Québec K1A 0H3

Dear Mr. Fortin,

Re: Draft National Report on Wastewater Consultations – February 2008

This letter represents comments on behalf of the Water Environment Association of Ontario (WEAO), an Association representing municipalities, engineering consulting firms, academia, equipment suppliers, scientific and technological researchers respecting the management of wastewater, storm water and biosolids in Ontario. The comments reiterate and clarify comments captured within the Draft National Report on the consultations that WEAO members feel must be captured to ensure a successful transition to a National Strategy and Federal regulation.

Although municipalities represent the front line activities, the Federal government is responsible for administering instruments such as the Canadian Environmental Protection Act (CEPA 1999) to manage substances that are new to the Canadian marketplace and inevitably discharged to sanitary sewer systems. Through implementing the appropriate sections of CEPA, substances can be identified and subjected to treatability studies and impact assessments. Troublesome products can then be restricted if they prove to be “untreatable” by conventional wastewater treatment systems. The provincial/territorial jurisdictions can then ensure municipalities have the appropriate authority to implement and enforce sewer use by-laws. Having said that, there must also be a mechanism put in place that protects municipalities from the release of “untreatables” to the environment until such time as a *Fisheries Act* Regulation and/or some other agreement recognizes municipalities to be the recipients of others waste products and not as polluters themselves. WEAO encourages the Federal government leadership in development and implementation of modelling of new substances with respect to relevant Canadian treatment systems and technologies to address treatability issues.



**37th ANNUAL TECHNICAL SYMPOSIUM & EXHIBITION
MAY 25 - 27, 2008
BLUE MOUNTAIN RESORT
COLLINGWOOD, ONTARIO**



WEAO also encourages Federal leadership, but not necessarily active participation, in promoting public awareness, operator training, plant optimization, sewer use by-laws, and environmental monitoring programs. We see this as emphasizing a strong Federal role and the encouragement of a National benchmark for wastewater management across Canada.

WEAO encourages the Federal government to take a leading role in ensuring coordination of research in science and technology, and providing funding for partnerships in research related to climate change, acute and chronic toxicity evaluations.

The unrolling of a regulation as the Federal government's implementation of the National Strategy is an admirable task, but presentation still offers some confusion to stakeholders. Several issues that we encourage Environment Canada to articulate as clearly as possible relate to:

- Explaining “deleterious” and “CEPA toxic” and how the courts determine “deleterious”. We suggest that this may help stakeholders in better appreciating the requirements of acute and chronic toxicity testing;
- Definitions of Arctic, remote and rural communities, with respect to climate change and the time lines set for implementation of the National Strategy and Federal house responsibilities;
- Compliance promotion versus enforcement activities;
- Purpose of reporting through one window and subsequent availability of data for public use;
- Coherence of the National Strategy and Federal regulation content and implementation to assure municipalities, while following a National Strategy are not caught under the Federal *Fisheries Act*;
- Relationship between Federal house, First Nations/aboriginals, and municipal provincial Strategy implementation.

WEAO encourages the Federal government provide consistency in delivery of the proposed Federal regulation across the country and within provincial jurisdictions. This is an age-old problem faced by those on the front lines when dealing with regional and district government offices, particularly of two levels of senior government. Policy development and implementation are not always clearly defined nor delivered based on interpretation.

We encourage consideration be given to selecting a small number of pilot sites for the testing of the proposed National Strategy and Federal Regulation before finalization of either is made. We believe this could be the most cost effective way to articulate the messages, work out many wrinkles, and evaluate the cost/benefits.

There are a number of issues left to the discretion of the jurisdictions including Environment Canada, which if unmonitored, could lead to the failure of the intent of a “National” Strategy and success of a Federal regulation. We encourage the formation of a permanent body to provide an oversight role on the status of activities as they unroll after the signing of the Strategy by the Ministers. The role of this body would be similar to the role of the Federal/Provincial/Territorial Drinking Water Quality Committee, but be distinct from a coordinating body on Science and Research. The body providing an oversight role should include members of various stakeholder groups e.g. wastewater associations. Similarly we encourage close liaison of responsible ministries and stakeholders, and a mechanism to ensure that different levels of government (provincial/municipal) continue to work together to address issues left to their discretion. These include development and implementation of pollution prevention strategies (other than CEPA P2) such as public education and public awareness, plant optimization, operator training, sewer use by-laws, and the elimination of CSOs and SSOs.

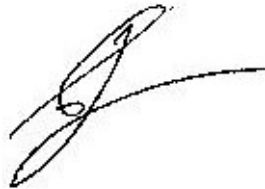
There is a very real need to ensure excellent communications amongst the three levels of government and the public. In this day, public reporting in an open transparent fashion is critical. However, we caution against reporting that can be taken out of context and used inappropriately. At the same time, reporting should not be used as a threat to prosecution, particularly if the process to improve environmental and public health (the National Strategy) is being implemented, and due diligence being practised.

A major concern, one which WEAO has previously voiced, is the current and growing lack of capacity in the wastewater operations and management area due to the changing demographics and retirement of the baby boomers. The demographic issue will make implementation of the Strategy and Federal implementation component even more difficult. We encourage the Federal government to address the capacity issues and provide funding to establish apprenticeship programs and other programs to attract new graduates into the wastewater industry, as engineers, technologists or operators.

Thank you for the opportunity to reiterate concerns of the Water Environment Association of Ontario. We trust that these comments will be considered in future work on the Federal Strategy implementation (*Fisheries Act* regulation).

The WEAO looks forward to continued participation with Environment Canada and the Ontario Regional Office as the Federal regulatory framework unfolds with the National Strategy. In addition we will be working closely with the Ministry of the Environment as the Strategy moves forward.

Sincerely,

A handwritten signature in black ink, appearing to be 'Catherine Jefferson', written over a light blue horizontal line.

On behalf of the Water Environment Association of Ontario

Catherine Jefferson, MSc
Executive Director

Cc: WEAO Government Affairs Committee
WEAO Board and members
CWWA
B. Anderson, Ministry of the Environment
T. Tseng, Environment Canada Ontario Region