



MULTI-LEVEL WATER GOVERNANCE PATRICIA HANIA, PHD., LAW & BUSINESS –TRSM

1. WHAT IS MULTI-LEVEL WATER GOVERNANCE?

1. **Complicated** – *by* Constitutional Framework.
2. **Localized** – Opportunities Innovation?
3. **Water Governance Crisis** – Overlooked – *Responsiveness, Resiliency and Inclusion.*

COMPLICATED – FEDERAL GOV JURISDICTION

Complicated Legislative Waterscape

Guidelines for Canadian Drinking

Water Quality (Health Canada) – standards

Fisheries Act (Environment and Climate
Change Canada) – deleterious substances

[Municipal] Wastewater Systems

Effluent Regulations - SOR/2012-139

– Fisheries Act

Clean Water Act, 1985 – federal/pollution agreements
pollution, conservation, development and use of water resources

International Joint Commission – *Boundary Treaty Act, 1909*

s. 91(CA, 1867)

- *Health*
- *Fisheries*
- *First Nations*

Intra Vires

COMPLICATED - PROVINCIAL GOV JURISDICTION

Complicated Legislative Waterscape

Ontario Drinking Water Quality – standards –
Safe Drinking Water Act, 2002

WasteWater Treatment/ Sewage

- *Environmental Protection Act, 1990*

– environmental compliance approval

- *Ont Water Resources Act, 1990*

- *City Toronto Water Supply By-law* –

Municipal Code

Source Protection - *Clean Water Act, 2006*

s. 92(CA, 1867)

- *Local Works*
- *Municipalities*
- *Non-renewable*
- *Natural Resources –
forestry, electricity*

Intra Vires

COMPLICATED – “A CREATURE OF THE PROVINCE”



LOCALIZED – Water Source Protection



LOCALIZED – CLEAN WATER ACT, 2006

Jurisdictional Boundary: Watershed Basis – 38 Source Protection Areas (O.Reg. 284/07)

Local Governance: 19 Source Protection Committees (i.e., municipal, industry, agricultural, environmental, health and other interests of the general public O.Reg. 288/07) & Conservation Authorities

SPC Model: participatory governance - is premised upon public participation and **empowers communities to take action to prevent threats from becoming significant**

Risk Assessment Function: prepare Science-based Assessment Reports that identify “**prescribed drinking water threats**” & these reports form the basis of the source protection plan that sets out action plans to address significant threats. (O.Reg. 287/07)

Risks: Road Salt – Yes

No: CECs – Gender Effects, Climate, First Nations, WWT

WATER GOVERNANCE CRISIS

WHY ARE INDIGENOUS WOMEN OVERLOOKED?

‘The Silencing Effect’ – defined as:

“A suppression of women’s cultural identity and governance authority that is tied to water”

- A communities’ water knowledge keeper &
- Legal Source - Indigenous stories – a source of First Nation Law

A Systemic Problem: Colonial Settler State Law – Male Privileging



THE EFFECT: SILENCED & SIDELINED

Resistance Practices: Responsibilities to Water *or* Protest?



“THE MAIN PATHWAY FOR PHARMACEUTICALS ENTERING THE GREAT LAKES IS FROM MUNICIPAL WASTEWATER TREATMENT PLANTS. OTHER PATHWAYS, SUCH AS RUN-OFF FROM AGRICULTURAL SOURCES ARE SECONDARY. AGRICULTURE IS A MAJOR USER OF ANTIMICROBIALS AND COULD BE AN IMPORTANT SOURCE OF THESE COMPOUNDS IN THE LAKES.” – POLLUTION PROBE FACTSHEET P 3

TORONTO, ON – APRIL 4, 2019 – *POLLUTION PROBE AND THE CLEAN WATER FOUNDATION* ARE PLEASED TO ANNOUNCE THE RELEASE OF THE NEW REPORT, *REDUCING THE IMPACT OF PHARMACEUTICALS ON THE GREAT LAKES.*

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Water Governance Crisis - CECs



Water Governance Crisis - \$\$\$\$

Ministry of the Environment, Conservation and Parks

- To protect our water, air, and natural spaces and build a world class Ontario Parks experience. we have:
- Partnering with the federal government on the release of a draft new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health to protect Great Lakes water quality from threats such as wastewater and stormwater overflows, algal blooms, invasive species and the effects of climate change.

Water Governance Crisis - CECs

Ontario Govt's Environmental Plan

1. Clear Rules
2. Trust & Transparency
3. Resilient Communities

But, Are we Turning to Non-state Actors? –

- Enforcers & Compliance & Education Functions
 - For example, WWF- Canada, Pollution Probe, CELA, etc.,
- \$\$\$ - Provincial Cutbacks to CA etc

