

December 19, 2025

Public Input Coordinator - Source Protection
MECP Conservation and Source Protection Branch
300 Water Street North Tower, 5th floor
Peterborough, ON K9J 3C7
Canada

RE: ERO 025-1257

The following comments are provided regarding the above-named postings on behalf of the Essex Region Source Protection Committee (SPC).

The Essex Region SPC supports actions that will improve efficiencies and facilitate further collaboration between Conservation Authorities (CAs). However, we have several concerns as outlined below. This letter was prepared under a Resolution passed unanimously by the Essex Region SPC on December 10, 2025.

THAT the ERSPA Project Manager draft a letter for review by the SPC outlining their concerns regarding the proposed regional conservation authority as discussed in their meeting on Dec 10, 2025 and further;

THAT the final letter be submitted in response to ERO 025-1257 and copied to the Essex Region Source Protection Authority, all local MPPs and municipalities, and the Minister of the Environment, Conservation and Parks

Moved by: Jim Drummond

Seconded by: Bill Dukes

Carried.

Delineation of new boundaries

The Essex Region SPC is concerned by the justifications identified for the delineation of the proposed boundaries for 7 regional conservation authorities, particularly the claim that they maintain watershed-based jurisdictions and are consistent with Source Protection Areas. A watershed is a hydrologic unit wherein an area of land drains to a single point or outlet to a larger body of water. Watershed or sub-watershed scale is appropriate for management, with the current Conservation Authority boundaries as an excellent example. In the Essex Region, there are more than 20 hydrologically distinct watersheds, each draining either to Lake St. Clair, the Detroit River or the western basin of Lake Erie. The new proposed Lake Erie RCA is a basin scale delineation, not watershed. As an example, the management issues in the watersheds of Essex are inherently different than those in the Grand River watershed, which drains to the eastern basin of Lake Erie, and are not interrelated.

Key elements of the governance of the source water program are defined in the Clean Water Act and regulations with reference to current CA boundaries, and would be affected by the provincial proposal, including:

- Source Protection Area (SPA) - the area over which a CA has jurisdiction - and Source Protection Regions (SPR) - consolidated SPAs (s. 4(1), CWA and O. Reg. 284/07)
- Source Protection Authority - the power and duties of which are to be exercised and performed by a CA (s. 4(2), CWA).
- Source Protection Committees (SPCs), which are established by each lead Source Protection Authority for a Source Protection Region or Source Protection Area) (s. 7, CWA). O. Reg. 288/07 prescribes the number of members and composition of SPCs among other matters.

The proposed boundaries do not maintain the boundaries of the 19 SPAs and SPRs. The proposed Lake Erie RCA would contain two SPRs and one SPA. The other six proposed RCAs contain up to four SPR and/or SPAs, and one SPR would be split between three new RCAs. Should the proposed boundaries be accepted, it would necessitate simultaneous changes to the Clean Water Act and its Regulations. If the CA boundaries are dissolved, so too is the Source Protection Authority and therefore also the local Source Protection Committee. Local input and expertise are essential to success of source water protection – the people responsible for writing policies and assessing progress are also those who drink the water and understand their community's needs.

Local Source Protection Committees (SPC) are integral to the program beyond their legislated roles and duties laid out in O. Reg 288/07. At full capacity, there are 280 SPC members providing their expertise to Source Water Protection, 61 of these members and three Chairs have been serving since the beginning of the program. These members represent countless sectors and occupations – notably they are engineers, farmers, water treatment operators, policy specialists, educators, planners, biologists, mining experts, hydrologists, etc. SPCs also have representation from local First Nations and endeavor to build on knowledge exchange and support of their communities, many of whom do not have access to safe, clean drinking water. SPC members are active in their communities and help to share key messages about protecting the sources of drinking water that they, their families and their neighbours use. Most importantly, they are the body that holds implementers accountable to the execution of the policies the SPC has written. Further, each SPC has a Chair who is appointed by the Minister of Environment, Conservation and Parks. In August 2025, the terms of several of those Chairs expired and most indicated that they would be willing to stand again. The Minister has not yet re-appointed any of those Chairs. In addition, there are other Committees whose Chairs retired on or before August 2025, those Committees also do not have Chair appointments; for some they have been without a Chair in excess of 1-2 years.

Therefore, we recommend:

- That Chairs be appointed to all 19 Source Protection Committees as soon as possible
- That the current geographic scale of SPA and SPRs be retained, including local Source Protection Committees.
- That the current extent of the Source Protection Regions and Areas be considered the *largest possible geographic extent* for any new Regional Conservation Authorities
- That any new RCA boundaries be watershed based at the appropriate scale for management

- That any change to CA boundaries or amalgamation of CAs occur only after extensive consultation with the affected CAs and their communities

Erosion of Local Input and Expertise

Considered together with the recent changes to the Clean Water Act under Bill 56 and the delay in appointment of Source Protection Committee Chairs, the amalgamation of conservation authorities increases our concerns about the Province's continued commitment to locally derived and implemented Source Protection Plans. The Committee is generally in favour of changes to the CWA proposed under ERO 025-1060 (Bill 56) as they pertain to improving approval timelines and reducing administrative burden. We do, however, have concerns with the changes where they pertain to Prescribed Instruments (PI) and the authority of the Minister to govern policies in Source Protection Plans (see s.108(g.1) of the CWA).

A key component of Source Water Protection is the development of locally prepared Source Protection Plans and policies. With the changes to the CWA, the Minister will provide standardized PI policies that will replace those locally developed policies, including those that require the Province to report annually to the SPA. We understand that the Province will use a standardized approach to ensure that certain prescribed activities cease to be or never become significant drinking water threats, and that annual reporting will be a required action through Regulations, although it is not clear how this will be enforced or where the requirement to report to SPAs will be included. We support both approaches if they are appropriate and include consultation with source protection staff.

We recommend the following to ensure that Source Protection Plans remain relevant to local sources of drinking water:

- That Source Water Project Managers be consulted on policy language and standard approaches to implementation and that the final approach consider the recent discussions between Project Managers and MECP
- That the requirement for the Province to report annually to the SPAs be retained by the use of Monitoring policies at least until such time as they are satisfied that any new approach under Regulations provides adequate information directly to the SPA
- That SPCs be provided the opportunity to include non-legally binding language in PI policies to suggest locally relevant actions, and also that SPCs be provided the opportunity to write additional types of policies should they feel that the removal of PI or Part IV policies would result in greater risk to sources of drinking water
- That s.108(g.1) of the CWA be amended to read: "s.108(g.1) governing source protection plans, including prohibiting policies from being included in source protection plans for the purposes of subsection 22 (8.x)"

Provision of Services

The Province has clearly stated that the new RCAs would continue the core mandate work, described as Category 1 activities, including source water protection, natural hazard and watershed management, and CA ownership and management of lands and trails. However, there has been no mention of Category 2 (e.g. Risk Management for Source Water Protection) or

Category 3 (e.g. tree planting, restoration, education and outreach, water quality monitoring, stewardship). Currently all municipalities in the Essex Region responsible for implementing policies written under Part IV of the Clean Water Act have delegated that responsibility to the Essex Region Conservation Authority as a Category 2 activity. These agreements would need to be renegotiated with the new Regional Conservation Authority, likely at a higher cost to municipalities.

We understand that Category 3 activities are agreed upon by the Board of Directors of a CA and are concerned that these programs will be at risk with new Regional Boards who will not see value in using municipal tax money to support activities in municipalities that are hundreds of kilometres away. At the Essex Region CA, these activities are essential in meeting the goals of Category 1 activities, including source water protection. Every tree planted, wetland restored, person educated, and stewardship practice supported, improve and protect our natural areas thereby protecting our sources of drinking water. Water quality monitoring programs are essential for tracking progress and identifying emerging issues.

Therefore, we recommend

- That the Province strengthen their support for Category 3 activities, rather than view them as a hinderance to the delivery of Category 1 activities.

Ontario Provincial Conservation Agency

The OPCA was created under Bill 68 through budgetary measures without consultation, under the guise that conservation authorities require more oversight in order to provide consistent services. We wish to highlight the collaborative nature of Source Water Protection as just one example of how CAs already work together. The Essex Region SPAR and neighbouring Thames-Sydenham and Region SPR drafted policies together that would affect landowners at their boundaries and our Project Manager routinely shares templates and draft text and receives the same from other Project Managers so that work can be built upon rather than duplicated. The suggested needs for consistency, where appropriate, can be met with improved use of technological tools and do not require amalgamation. Further, we are concerned with the precedent that this government is setting with the passing of Bill 56 and Bill 68 either during the consultation period or without consultation.

Summary

In closing, the Essex Region SPC is supportive of ideas that will improve efficiency and facilitate collaboration, however, we have great concerns about the current proposal as we have outlined above. We feel strongly that Source Water Protection must remain local, as indicated by Justice O'Connor in his recommendations following the Walkerton Inquiry. Specifically, in section 4.3.2 Source Protection Plans, Recommendation 1 (p. 95) Justice O'Connor wrote:

"For this recommendation, I suggest that the provincial government accept the watersheds as they are currently defined for the purposes of establishing the jurisdiction of the conservation authorities. These jurisdictions have the advantage of already being in place, and they have worked well in the past. There has been no serious suggestion that watersheds should be

reidentified for the purpose of the planning process I am recommending. Below, I recommend that where possible, the conservation authorities coordinate the development of watershed-based source protection plans. It therefore makes sense to adopt the jurisdictional areas within which the conservation authorities now operate for the purposes of source protection planning.”

This then dictates that the boundaries of any new Regional Conservation Authority should not exceed SPR/A boundaries as they are based on Justice O’Connor’s recommendations to prevent another tragedy from occurring.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Mousseau". The signature is fluid and cursive, with a large initial "T" and "M".

Tim Mousseau, Acting Chair Essex Region Source Protection Committee

CC: Essex Region Source Protection Authority
Municipality of Lakeshore
Town of Tecumseh
City of Windsor
Town of LaSalle
Town of Amherstburg
Town of Essex
Town of Kingsville
Municipality of Leamington
Township of Pelee
County of Essex
Andrew Dowie, MPP (Windsor Tecumseh)
Anthony Leardi, MPP (Essex)
Trevor Jones MPP (Chatham-Kent-Leamington)
Lisa Gretzky MPP (Windsor West)