

July 17, 2002

The Honourable Chris Stockwell, M.P.P.  
Minister  
Ministry of Environment and Energy  
135 St. Clair Avenue West, 12<sup>th</sup> Floor  
Toronto, Ontario  
M4V 1P5

**RE: The Part 2 Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water**

Dear Mr. Stockwell:

The Ontario Professional Planners Institute (OPPI) provided a submission to Part 2 of the Walkerton Inquiry in October 2001. The focus of our submission was on the Inquiry's questions pertaining to the watershed planning process, and the regulation of other land uses and their interaction with a watershed management planning process.

OPPI represents Ontario's professional planning community, and is the only organization that brings all Ontario planners together. Our members include both public and private sector municipal, land use and environmental planners who are active in formulating the land use and environmental policies and decisions which shape the land use fabric in Ontario. An objective of OPPI is to improve the quality of the Ontario environment and communities by the application of sound planning principles.

We have now reviewed the document entitled **The Part 2 Report of the Walkerton Inquiry: A Strategy for Safe Drinking Water**. We are very pleased to indicate that OPPI is very supportive of Justice O'Connor's recommendations for a comprehensive watershed-based source protection planning system. We would, however, like to comment on the issue of legislative review, which is addressed in section 4.3.15 of the Part 2 report. Specifically, it is noted that:

*"Implementing a province-wide watershed-based source protection planning strategy may require changes to provincial legislation. Conservation Ontario, the Association of Municipalities of Ontario, and the Ontario Public Service Employees Union have all emphasized the need for changes to the Planning Act to enable municipalities to undertake source protection. I do note, however, that the Planning Act provides broad powers to the Province to affect planning through the Provincial Policy Statement. I also note that section 34 of the Act allows municipalities to control land uses ... and section 23 provides the Minister of Municipal Affairs and Housing with the ability to require changes to municipal plans ... It may be possible to develop a*

*comprehensive watershed-based source protection planning system under current legislation ... I would suggest that the province should review current legislation to ensure that the tools needed for implementing the watershed-based source protection regime recommended in this chapter are available"* (Part 2 Report, pp. 118-119).

We agree that the provisions of the Provincial Policy Statement (currently under review) and sections 23 and 37 of the *Planning Act* may have merit in the implementation of the proposed planning system, however, these provisions reflect the current planning regime. While these provisions have an important role in shaping land use planning policy and decision-making, OPPI feels that the recommendations in Chapter 4 of Part 2 propose a system that is an enhancement of the current planning regime. The Commissioner says on p. 119 of his report, "It *may* be possible to develop a comprehensive watershed-based source protection planning system under current legislation" (our italics), but this is a slender reed upon which to develop such a major and far-reaching new planning initiative.

Therefore, OPPI strongly supports the review of current legislation and the development of legislative changes in order to ensure that there is a solid and enforceable process in place for watershed-based source protection planning as recommended in Chapter 4. OPPI would favour a consolidated legislated approach that integrates whatever new components are required within the existing overall planning system, instead of new, stand-alone legislation and policy tools. Without the appropriate legislative provisions in place, we believe that watershed planning will continue in a piecemeal and inconsistent manner. A more definitive approach is required in order to ensure that Justice O'Connor's recommendations for watershed planning are effectively implemented.

OPPI would be pleased to provide further input on this issue. Please contact the undersigned to discuss the further participation of OPPI in the implementation of the Part 2 recommendations.

Yours truly,

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Director  
Policy Development

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