

Areas of Concern Annex to the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem



DRAFT FOR PUBLIC COMMENT

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF CANADA (CANADA)

AND

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO (ONTARIO)

WHEREAS the Governor in Council, by Order in Council No. P.C. _____, dated the ____ day of _____, 200__ has authorized the Canada Minister(s) _____ to execute and deliver this Annex on behalf of Her Majesty;

WHEREAS the Lieutenant Governor in Council, by Order in Council No. O.C. _____, dated the ____ day of _____, 200__ has authorized the Ontario Minister(s) _____ to execute and deliver this Annex on behalf of ;

I Preamble

To achieve the Canada-Ontario Agreement's (COA) vision of a *healthy, prosperous and sustainable Great Lakes Basin ecosystem*, it is necessary to restore the environmental quality in 11 Canadian and five shared Canada-U.S. Areas of Concern (AOCs). AOCs are locations where environmental quality is degraded and beneficial uses (as defined in the Great Lakes Water Quality Agreement) are impaired.

Remedial Action Plans (RAPs) have made considerable progress towards restoring environmental quality in AOCs. However, additional effort and resources are needed to make further advances.

This annex addresses Canadian and Ontario initiatives that directly support the restoration and protection of environmental quality and beneficial uses in the 16 AOCs including:

- Repairing and sustaining ecological systems;
- Fostering greater community participation;
- Increasing knowledge through monitoring and reporting; and;
- Communicating progress.

Additional programs addressing the elimination of industrial and municipal discharges are addressed in the Harmful Pollutants Annex.

II Goals

Canada and Ontario have identified three five-year goals that will demonstrate progress towards restoring environmental quality and beneficial uses in the 16 Areas of Concern. They include:

1. Restoring environmental quality and beneficial uses in at least two locations, resulting in the removal of the designation “Area of Concern”;
2. Completing all required actions for Remedial Action Plans in at least six AOCs (and continuing to monitor recovery); and,
3. Making progress towards rehabilitation of ecological systems in the remaining AOCs.

III Results

Taking Action

Canada and Ontario will address the continuing sources of pollution to Areas of Concern by achieving:

Result 1

Reduced pollutant discharges from municipal sewage treatment plants and combined sewer overflows.

Canada and Ontario will:

- Apply a mix of regulatory and voluntary measures to reduce the quantity, and improve the quality, of wastewater and combined sewer overflows;
- Identify, to municipalities and infrastructure funding programs, priorities for upgrading primary sewage treatment plants to secondary treatment;
- Consider sewage treatment plant upgrades and combined sewer overflow issues as priorities for capital assistance through the Canada-Ontario Infrastructure Program for municipalities in AOCs; and
- Provide technical and/or financial assistance to municipalities so that they may:
 - Undertake optimization studies that will identify cost savings for upgrades to meet RAP targets;
 - Demonstrate innovative and potentially cost-saving technologies in AOCs;
 - Research cost effective options for controlling wet weather discharges from CSOs and plant bypassing;
 - Provide capital assistance for new technology demonstration projects for wastewater and combined sewer overflow management;
 - Develop and implement demonstration projects on low-cost sewage

- treatment for communal systems;
- Develop models that link improvements in infiltration to receiving water quality;
 - Undertake comprehensive pollution prevention and control planning at AOCs; and,
 - Develop and implement demonstration projects for innovative, high-rate treatment technologies for combined sewer overflows.

Result 2

Reduced loadings of nutrients, pathogens and trace contaminants from urban stormwater.

Canada and Ontario will:

- Evaluate the performance of new cost-effective technologies for treating of stormwater;
- Develop and transfer technology and best management practices to assist municipalities in controlling stormwater quantity and quality;
- Identify and rank waterways particularly susceptible to adverse stormwater effects to establish management priorities;
- Provide technical support to municipalities to determine pollutant sources and develop appropriate prevention strategies with industrial and institutional stormwater discharges; and,
- Provide support for implementing demonstration projects on new technologies that reduce stormwater impacts on receiving waters.

Result 3

Reduced nutrient, microbial and trace contaminants from agricultural sources.

Canada and Ontario will:

- Assist land-owners to access funding for projects that improve farm management practices and provide financial assistance for community-based land-owner contact programs;
- Provide financial assistance to the agricultural community for environmental stewardship projects;
- Provide technical support and outreach materials to the agricultural sector to promote stewardship initiatives through education programs; and,
- Transfer technologies and information on best management practices.

Canada and Ontario will address historic contamination and degradation by achieving:

Result 4

Management strategies for contaminated sediment.

Canada and Ontario will:

- Develop a risk-based, decision-making framework;
- Consult with local communities on the development of management strategies;
- Provide technical support and/or financial assistance for feasibility studies and remediation activities;
- Undertake post project and long-term monitoring studies to determine the recovery of beneficial uses; and,
- Develop publications and websites and conduct workshops to promote management strategies and technologies for contaminated sediment.

Canada will:

- Conduct detailed sediment chemistry and biological assessments in AOCs.

Ontario will:

- Use, where necessary, regulatory tools [e.g., director's orders] to advance the remediation of sediment.

Result 5

Rehabilitated aquatic and riparian habitat leading to the reestablishment of fish and wildlife populations.

Canada and Ontario will:

- Provide capital assistance to municipal and regional official planners to complete and implement natural heritage and fish habitat management strategies;
- Transfer habitat rehabilitation technology among local implementers;
- Confirm indicators to be used locally to assess restoration of habitat and fish and wildlife populations; and,
- Fund habitat strategy implementation including land-owner participation.

Canada will:

- Provide technical support to local implementers in the development of Habitat Management Strategies.

Ontario will:

- Develop lakewide and regional fish community objectives and advise on AOC-specific objectives and interim milestones; and,
- Provide technical support on monitoring plans and ensure consistency with provincial standards used by Ministry of Natural Resources.

Sharing Responsibility

Canada and Ontario will continue to encourage citizens to participate in planning, making decisions and taking actions to restore environmental quality in Areas of Concern by achieving:

Result 6

Collaborative action among government, organizations and basin residents.

Canada and Ontario will:

- Develop and sustain local RAP implementation mechanisms;
- Provide technical support and funding to local organizations to facilitate RAP implementation;
- Convene regular workshops and support information exchange and technology transfer;
- Consult with and engage community participants in the implementation of RAP activities;
- Publish RAP progress reports and information materials and maintain current websites.

Enhancing Knowledge

Canada and Ontario will ensure that essential knowledge is available to make informed decisions in Areas of Concern by achieving:

Result 7

Publicly available environmental monitoring information for evaluating environmental recovery and adjusting remediation strategies.

Canada and Ontario will:

- Develop and implement monitoring plans in consultation with AOC communities;

- Provide technical support in the delivery of monitoring programs and reports for all AOCs and build collaborative arrangements with local implementers to deliver and expand monitoring programs;
- Track federal and provincial monitoring in AOCs in conjunction with the Monitoring and Information Management Annex initiatives; and,
- Establish long-term monitoring strategies for Areas in Recovery.

Canada will:

- Undertake biological and chemical assessments and report on the quality of sediment and benthic communities;
- Monitor and report on the recovery of wildlife populations and contaminant levels;
- Provide data through upstream/downstream monitoring for the Niagara River Toxics Management Plan, Detroit/St. Clair River Corridor Monitoring; and,
- Monitor water quality in the St. Clair, Detroit, Niagara, St. Mary's and St. Lawrence Rivers.

Ontario will:

- Monitor and report on water, sediment and biota quality in the AOCs;
- Monitor and report on contaminants in sport fish in the AOCs;
- Ensure drinking water quality data generated provincially is made available for use by the AOCs; and,
- Collect emissions data from industry for use by the AOCs.

Management and Administration

This Annex will remain in effect for five years, after which time it may be considered for renegotiation and/or renewal by Canada and Ontario. Renegotiation, renewal or amendments to this Annex will include public consultation in accordance with the Canada-Ontario Agreement. Upon mutual agreement, the Parties may amend this Annex at any time.

Effective implementation and management of this Annex will ensure progress and consistency in decision making, monitoring, communications and reporting, as well as clarity in government leadership pursuant to this Annex.

To manage the delivery of the results and commitments under this Annex, the Parties will establish an AOC/Lakewide Annex Subcommittee. The Subcommittee will report to, and receive direction from, the COA Management Committee.

The Subcommittee will be co-chaired by a director-level representative of the Government of Ontario and a director-level representative of the Government of

Canada. It will be comprised of representatives of those departments and ministries of the Governments of Canada and Ontario responsible for delivery of commitments and the achievement of the Annex Goals.

Canada and Ontario will provide resources for the operation of the AOC/Lakewide Annex Subcommittee jointly and equally.

The AOC/Lakewide Annex Subcommittee will:

- Develop and coordinate implementation of a multi-year Work Plan within 12 months of this Annex coming into effect. The work-plan will be submitted to the COA Management Committee for review and approval. The Work Plan will describe the activities and deliverables of each contributing agency in relation to the specific results and commitments articulated within the Annex. In preparing COA Work Plans, every effort will be made to maximize the integration of activities of contributing departments and ministries in order to ensure a coordinated and cooperative approach;
- Annually, by June 1, submit the multi-year Work Plan and prepare Progress Reports for review and approval by the COA Management Committee;
- Establish issue teams, as needed, (e.g. sediment, habitat, non point source) that serve the AOCs or Lakewide needs. These issue teams will report to the AOC/Lakewide Management Committee;
- Canada and Ontario will Co-lead RAP management in Toronto and Region, Severn Sound, St. Marys, St. Clair and Detroit River AOCs. Canada will lead the process in Thunder Bay, Hamilton Harbour, Port Hope, and the St. Lawrence River AOCs.
- Ontario will lead the process in Nipigon Bay, Jackfish Bay, Peninsula Harbour, Spanish Harbour, Wheatley Harbour, Niagara River and the Bay of Quinte AOCs.

V Definitions

Area of Concern

- A geographic area that fails to meet the General or Specific Objectives of the Canada-US Great Lakes Water Quality Agreement, where such failure has caused or is likely to cause impairment of beneficial use or of the area's ability to support aquatic life.

Area of Recovery

- A geographic area, originally identified as an Area of Concern, where, based on community and government consensus, all scientifically feasible and economically reasonable actions have been implemented and monitoring continues to track the restoration of beneficial uses.

Beneficial Use

- The ability of living organisms to use the Great Lakes Basin Ecosystem without adverse consequence (includes the 14 uses identified in Annex 2 of the GLWQA).

Restoration of Beneficial Uses

- Meeting locally defined objectives designed to be rigorous and realistic.

Ecosystem Approach

- Recognizes the interactive system of biological communities, their non-living components, their associated activities and the interconnectedness of and linkages occurring among air, water, land and living things. Ecosystems include humans and their activities and institutions.

Delisting

- Meeting the objectives for the restoration of beneficial uses as defined by the RAP and agreed upon by the agencies.

Fish Community Objectives

- The objectives describe desirable fish community structure for nearshore and offshore habitat zones. The objectives provide a common framework for agencies to develop and implement complementary fishery management programs and serve as an interface with other environmental planning initiatives, including Remedial Action Plans and the Lakewide Management Plans.

Non Point Source

- Diffuse sources of pollution including combined sewer overflows and urban and rural runoff.

Parties

- The governments of Canada and Ontario.

Upstream/Downstream Monitoring

- Measurement of environment quality upstream and downstream of a particular source or stress to the ecosystem for the purposes of defining whether the source is causing environmental harm.

IN WITNESS WHEREOF, this Annex has been executed on the _____ day of _____, 2001.

Her Majesty The Queen in Right of Canada

Witness

Her Majesty The Queen in Right of Ontario

Witness