

January 31, 2003

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**Re: EBR Registry Number RC02E0002**  
**Comment Period: Closing January 31, 2003**

**Proposed Stage 2 Draft Nutrient Management Regulations under the  
Nutrient Management Act**

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Pollution Probe has the following comments regarding proposed regulations under the Nutrient Management Act.

Pollution Probe supports the Ministries of Environment and Agriculture, Food and Rural Affairs in the need for clear, effective regulation to address the impact on the natural environment of agricultural nutrients that derive from agricultural operations.

Pollution Probe is a non-profit charitable organization that works with all sectors of society to protect health by prompting clean air and clean water. Established in 1969, Pollution Probe is supported by an active donor base of approximately 10,000 donors. Working in partnership with industry, governments and communities, Pollution Probe offers innovative and practical policy-oriented solutions to air and water pollution issues and we seek to support measures that will assist in providing a clean, safe and healthy environment for us all.

Together with members of the Safe Water Coalition, Pollution Probe participated in all parts of the Walkerton Inquiry, undertaking research and providing submissions to Justice O'Connor on source protection and the sustainable management and financing of drinking water systems.

The reliance of communities, both rural and urban, on their water resources and water systems is absolute. Adequate supplies of clean, safe water are essential for the health of people, and the security and prosperity of Ontario. The farming community clearly has a stake in helping to protect those resources and will clearly benefit by having a clear set of nutrient management regulations to guide their actions.

As Pollution Probe said in our comments on the Safe Drinking Water Act, Walkerton has shown the overwhelming importance of applying a multi-barrier approach that includes source protection but also includes watershed management and planning. These elements of a broad water strategy should fit with other water and water related laws and regulations through an overall water policy for Ontario. In the absence of a coherent and comprehensive water policy for Ontario, Pollution Probe is unable to be assured at this time that “the missing pieces” will be found and that the puzzle does indeed fit together.

We are very supportive of the Ministry’s consultation process regarding the proposed approach for the development of watershed-based source water protection programs, se proposed regulations as well as for Bill 175 (The Sustainable Water and Sewage Systems Act) and Bill 195 (The Clean Water Act) and for providing us with the opportunity to remind us all of the need to keep an eye on the big policy picture. It will be particularly important to make sure that proposed watershed source protection plans fit integrally with proposed Nutrient Management Regulations, individual farm plans....

Another area (Section 1.6) that concerns Pollution Probe is the non-inclusion of commercial fertilizers used in accordance with the Fertilizer Act (Canada). Given that nutrients derive from commercial chemical fertilizers as well as from biosolids and septage, we suggest proposed farm protection plans should deal with both together. A nutrient is a nutrient wherever it comes from and a practical plan should recognize and accommodate that.

Pollution Probe recommends that regulations provide for public access to data bases which will be developed further to the requirements of the Nutrient management Act.

Pollution Probe is supportive of the winter application restrictions included in section 6.13.

Pollution Probe is concerned that the definition of “surface water” in section 1.2 of the regulation may be too limiting. We would recommend that the definition specifically include (rather than specifically exclude) “grassed waterways”. We are concerned that excluding temporary or intermittent streams or waterways undervalues the important connection between surface and groundwater

systems and may provide future “loopholes” that would undermine the integrity of the regulations. The definition of surface water should be consistent with other acts including the Ontario Water Resources Act.

Finally, Pollution Probe would support the five year phase out of septage application, but would limit the period to five years, including any Certificate of Approval extensions.

In conclusion, Pollution Probe is supportive of clear, effective regulations under the Nutrient Management Act, however we have both general and specific concerns about aspects of the regulations as they have been proposed.

Sincerely,

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