FEDERATION of PRINCE EDWARD ISLAND MUNICIPALITIES

Presentation to:

The PEI Environmental Advisory Council on the Proposed Adoption of a Water Act

November 26, 2015

by:

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Municipalities

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Submission to the PEI Environmental Advisory Council on the Proposed Adoption of a Water Act

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Prince Edward Island is small and densely populated. It is the only province that relies entirely on groundwater for its supply of potable water. The Island economy is largely based on resource industries that depend on clean water, linking the livelihood of many Islanders directly or indirectly to the water. The province, municipalities, the private sector and all Islanders have a responsibility to manage this precious resource wisely.

The Federation of Prince Edward Island Municipalities commends the Government of Prince Edward Island for its decision to develop a Water Act, and thanks the Department of Communities, Land and Environment and the Environmental Advisory Council for the hard work being done to advance this initiative.

The goal of the Water Act is to protect the quality and quantity of the Island's water and ensure that our water supply is healthy and sustainable now and into the future. The Federation supports this goal.

Ground and surface water must be protected from contaminants, including pesticides, nutrients, bacteria and sediment. The levels of nitrates found in drinking water continues to be a serious concern in many areas. Through a new Water Act, the provincial government should enhance its efforts to improve nutrient management throughout the province.

Municipal governments deliver clean, safe drinking water to tens of thousands of homes on a daily basis. Municipalities dispose of wastewater, manage stormwater and provide water for fire protection. These public services require significant capital investment, ongoing maintenance, professional operations and long term planning.

PEI has been progressive in wastewater treatment and is ahead of many jurisdictions. The effluent from all municipal systems is treated at a secondary level or higher, and many systems use ultra-violet disinfection. It is important to maintain high standards given our reliance on healthy watersheds and ecosystems. Municipal water and wastewater systems are run by certified operators and water and wastewater effluent is tested regularly in accordance with provincial requirements. Many things are being done right, but we must continue to look for opportunities for improvement.

The Federation welcomes and encourages the proposed adoption of progressive legislation and regulations. However, the provincial government must also ensure that municipal governments are well equipped to fulfill their responsibilities as stewards of

the land and water. Municipalities require appropriate financial tools, as well as technical support from the Province. In addition, a transition to Island-wide incorporation of municipalities that have a sufficient tax base and population to be sustainable is necessary.

The important role that municipalities can and should play in the protection of land and water is undermined by the size and capacity of many municipalities and the extent of unincorporated area. Today, 70 percent of our Island is not incorporated and one-third of Islanders do not live within a municipality. This situation is unique in Canada and it is not in our collective best interest. A transition to larger, sustainable municipal governments across the entire Island will support efforts to ensure that Prince Edward Island protects its supply of clean water for the future. Municipalities will be better equipped to develop and implement integrated plans to support the preservation of this vital resource, including land use plans, wellfield protection plans, and stormwater management plans. Sustainable municipalities will also be better positioned to partner with each other on planning and service delivery.

A transition to larger, sustainable municipal governments across the entire Island will support efforts to ensure that Prince Edward Island protects its supply of clean water for the future.

It is well understood that the way we develop and use land is directly related to the quality of our ground and surface water. Our reliance on the land and water makes province-wide land use planning critical. Land use planning is best delivered locally by municipalities; but much of the province is not incorporated and many small municipalities lack the capacity to take on this important service. As a result, land use plans and zoning and development bylaws are only in place in 10 percent of the area of the province. This is one of the many reasons why the Federation is calling for province-wide incorporation of sustainable municipalities.

Watershed groups are doing tremendous work across the Island and the Federation is grateful to the many dedicated volunteers who carry out that important work. A shift to province-wide incorporation of viable municipalities and province-wide municipal land use planning would support the efforts of those volunteers. Stronger municipalities would be better positioned to work collaboratively with watershed groups to achieve common goals and align municipal plans with watershed plans. The Commissioner on Land and Local Governance recommended that the provincial government and municipalities develop and implement land use policies giving greater consideration to watershed boundaries. This is consistent with recommendations from the Federation to the Commissioner.

Municipal land use plans covering the entire province would help control the cost of public services. When homes and businesses are spread out it costs more to provide public infrastructure and services, such as building and maintaining roads, transporting children to school, collecting garbage, and building, maintaining and operating water and wastewater systems, to name a few. Municipal land use planning helps optimize existing services before expanding or developing new infrastructure. Viable municipalities would also be better equipped to develop and implement asset management plans, which would help minimize capital and operating costs over the life of the asset. The present municipal structure and absence of land use planning throughout much of the province has resulted in costly infrastructure to serve very small areas. Islanders cannot afford to continue to allow ad hoc development to drive up servicing costs, threaten the quality and availability of services, and negatively impact water quality.

In recent years, increased federal and provincial investments have resulted in major improvements to water, wastewater and stormwater systems, as well as other municipal infrastructure. These improvements followed an extended period of underinvestment in municipal infrastructure, which resulted in a massive infrastructure deficit. Unlike the federal and provincial governments, municipalities have limited options for raising revenue to address growing responsibilities. Municipalities are grateful to our provincial and federal partners for these worthwhile investments in our cities, towns and communities. There is still considerable work to be done, therefore, ongoing investment will be necessary.

Recent investments in stormwater separation from sewer lines greatly reduces the risk of sewage contamination in Island estuaries as a result of heavy rainfall. This is another example of Prince Edward Island being ahead of many other jurisdictions.

Some municipalities are experiencing increased flow in sanitary sewer lines during heavy rain. This provides evidence of private connections that allow stormwater to flow into the municipal sanitary storm lines. The Federation requests that this practice be prohibited.

Our collective efforts to protect our water must include appropriate steps to protect our investments in public infrastructure. Water extraction for fire protection and drinking water must continue to be top priorities within provincial policy.

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The Federation supports the provincial requirement for municipalities to establish wellfield protection plans. Municipalities have expressed concern that implementation and enforcement of these plans can be difficult. This becomes an even greater challenge when wellfield protection zones are situated outside municipal boundaries. The municipality does not have the authority to regulate activity for the protection of the wellfield. This leaves the municipality with few options, with the primary tool being

appealing to the good will of property owners. A Water Act should provide mechanisms for regulating or prohibiting land uses that do not comply with wellfield protection requirements. A new Water Act must also provide for the identification and protection of well fields for future drinking water supplies.

Protecting our water and maximizing the value of public infrastructure requires Islanders to use water responsibly, explore opportunities for innovation and consider the impacts of climate change. Innovative development practices and technologies should be encouraged to preserve the quality and quantity of water and reduce storm water runoff. Examples include the use of permeable surfaces and swales, green roofs, and stormwater capture and storage such as rain barrels. In addition, the use of water efficient fixtures should be required during new construction. The Department could support municipal governments by providing technical support and information, including information on best practices.

The Federation encourages the provincial government to work with its federal counterparts toward a single window approach to regulating water and wastewater. As the Province develops a Water Act and regulations, it should also explore options for minimizing red tape, including examining the role of the Island Regulatory and Appeals Commission under the Water and Sewerage Act.

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Municipalities play a key role in the protection of water. As the provincial government continues the important work of developing a new Water Act, the Federation recommends ongoing engagement with municipal governments.

Solutions to some of the issues raised by the Federation are beyond the scope of the proposed Water Act; however, those issues have been raised because they directly impact water and our capacity to manage it as municipalities.

We can't change the past but we can make wise decisions for today and the future. Those decisions must be based on science and decision-makers must consider the long -term cost of environmental and social impacts. The Federation looks forward to a modern and progressive Water Act that serves as an effective tool for the protection and preservation of ground and surface water. The proposed Act is an essential piece of the puzzle, however, public education, strong monitoring and enforcement, dedication of sufficient financial resources and transparency will also be vital to the success of our collective efforts.