

CWWA Review of Bill C-269 and Debate of May 10, 2021

Very Quick synopsis:

Bill C-269 is a Private Member's Bill proposed by former Conservative Party leader Andrew Scheer to ban the release of ANY raw sewage ever; citing the Montreal planned release of 2015. Private Members' bills rarely pass, but we were concerned with this one being an emotional issue.

However, after its first debate in the House of Commons (one hour on May 10th), it seems doubtful this will pass as clear opposition was stated by the Liberals, Bloc-Quebecois and the NDP. This returns for a second hour of debate in about a month at which time a vote of support is required to send it to committee for further consideration.

CWWA's Wastewater Committee met over a month ago to discuss our concerns and prepare for any official responses, if required. But we did not want to get too involved in a political debate if it was not necessary...and it seems it will not be necessary ...unless this gains some other life in the national media or social media requiring a position from CWWA.

Background:

Bill C-269 is a Private Member's bill, introduced by Conservative MP (and former leader) Andrew Scheer, that proposes amendments to the Fisheries Act protecting Canadian waters. It would ban the release of any raw sewage whether in an unplanned or a planned event and remove any powers of the Minister to exempt any municipality for any circumstance. He recognizes that, "*this bill would impose a burden on municipalities*", but offers a 5-year period from the assent of the bill to when all municipalities must be compliant. Comments from the other parties suggests this will also affect all commercial and recreational boating, industries and could apply to all effluent, even after secondary treatment.

Conservative Party position:

Mr. Scheer and Mr. Ted Falk:

- the bill defines raw sewage as a deleterious substance and would exclude raw sewage from any exemptions permitted under the Act
- "*this new bill would obviously impose a requirement that municipalities have the capacity to deal with unexpected events, whether it is a weather event that adds a tremendous amount of unexpected water flowing through the system or aging and decaying infrastructure that needs to be replaced.*"
- removes the Minister's power to provide any exemptions for any reason.
- recognizes that municipalities are "*under incredible challenge when it comes to their existing infrastructure needs*" and "*this bill would impose a burden on municipalities.*"
- they mention a future commitment, but do not clarify one. They do not commit any specific financial solution, only that they will be a "*partner at the table.*"
- Municipalities will "*have 5 years to plan, invest and upgrade their water systems*", and the "*timeline is long enough that they would have the time to do the necessary work.*"
- cites Montreal's 8 billion litre release of 2015, but also cites release from Toronto and Vancouver – cites 900 billion litres released over 5 years
- State that raw sewage is "*one of the largest sources of pollution in Canada's rivers and oceans.*" (Big red flag here for CWWA)
- state the "*simplicity of Bill C-269. It is not flashy. It is not showy. It is a good first step.*"
- aside from praise of the importance of water, most of their argument seemed to be an attack on the Liberal Government's environmental policies/actions and delays in the rollout of Infrastructure funds

Liberal Government position:

Francis Scarpaleggia (MP - Montreal West) and Chris Bittle (Parliamentary Secretary ECCC):

- notes current Act prohibits the deposit of deleterious substances including sewage, but with exemptions to municipalities, but not a “*carte-blanche*”
- explains that under the ACT, the government cannot outright forbid a release, but may set conditions and modify a release plan as they did in Montreal
- they worked with an expert panel to set conditions for Montreal to minimize any negative impacts
- notes that WSER has set deadlines for upgrading systems and that ECCC is working on improvements to the by-pass provisions (as announced to CWWA at the Window on Ottawa last July)
- bill would invalidate the current agreements they have with provinces and territories and affect many collaborations and their “*national wastewater strategy*”
- explained the circumstances in Montreal that led to the need for a planned release, their success in advanced treatment and their efforts to get to tertiary treatment.
- cites stats around wastewater including 6 billion cubic meters released very year, of which 72% has secondary tx, 25% primary tx and 3% untreated (no system, CSO's or occasional planned maintenance)
- suggests bill could make all effluent illegal
- bill is “*ambiguous*” likely affecting industries like pulp & paper, boating, fisheries
- exempts the North
- would “*impose significant financial and practical challenges on all levels of government.*”
- “*imposes an arbitrary and unachievable 5 year timeline... only to address the least significant source of pollution*”

Bloc- Quebecois position:

Monique Pauzé (MP - Quebec)

- they note this bill does not address any other major issues like release of chemical, petroleum products, micro-plastics or endocrine disruptors
- “*cannot support as it offers no real solutions to sewage dumping*” – it requires a full infrastructure plan
- exempting the North “*makes no sense*”
- speaks to the WSER and its deadlines of 2020/2030/2040
- FCM study(10 yrs ago) suggests we need \$31 billion to address wastewater
- Réseau Environnement study suggest they need \$17 billion in Quebec just to upgrade existing plants, not including WSER or the need for new plants (80 municipalities in Quebec have no treatment systems at all)
- “*no one should be expected to do the impossible*”
- Defends Montreal's 8 billion litre ‘flush-gate’ compared to 218 billion litres across Canada that year (noting Toronto's 7.1 billion releases from CSO's)
- \$1.5 billion invested by the Liberals is “*peanuts*”
- Note the tax discrepancy that municipalities get 8% of taxes but are responsible for 52% of all infrastructure (2002) – “*this is why it is impossible for municipalities to keep up*”
- “*making arbitrary and unenforceable prohibitions is not the solution.*” “*We must also provide stability for municipalities*”
- “*no municipality derives pleasure from wastewater spills. They want to comply with the standards, but simply do not have the means to do so.*”

NDP position:

Gord Johns (MP - BC)

- “we absolutely support the intent of the bill, but it is deeply flawed in its approach.”
 - “NDP strongly support stopping the flow of raw sewages, ...however the bill penalizes those communities that cannot afford to upgrade their systems...and the bill does not do anything positive to help them get there.”
 - the bill would punish communities instead of helping to build the systems they need”
 - speaks to the rising costs of treatment plants and cites Tofino system going from \$12 million plan to an \$82 million project bid and an unreasonable cost per household
 - questions the level of consultation Mr. Scheer had with municipalities
 - unreasonable to expect municipalities to get there in 5 years
 - they note the effect on recreational and commercial ships
 - they support the development of a “National Freshwater Strategy”
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CWWA comments:

- Most of our most critical points are made by the Liberals, NDP, Bloc
- we’re talking of \$ billions needed to address aging wastewater infrastructure, not to mention water and stormwater
- we cannot just absorb the costs of more regulations without the adequate financial programs to support them
- the timeline is ridiculous, even if we had all the money, we cannot plan, design and build/replace all the necessary infrastructure in 5 years
- there is no mention of the practicality and challenges of many projects with regard to approvals or the effect on the local economy as we dig up streets.
- Quoting the Bloc, “**no municipality derives pleasure from wastewater spills**” but they are a reality and will be for a long time. We need a plan to move us all towards continual improvement and minimizing releases or even the risk of releases, but they will happen
- Addressing the infrastructure upgrades (that will take longer than 5 years) will require a lot of planned releases.
- Climate change and severe storms are not helping our situation
- We take great issue with the concept that these wastewater releases are “one of the largest sources of pollution in Canada’s rivers and oceans.” But I think they might want to take a look at mining, petroleum and agricultural practices. A bigger and more obvious threat to our waters is algal blooms; from not-point runoff.
- Is this the best use of limited funds? If I recall from the Montreal situation, the alternative to dumping was an extra \$ billion or more to construct a redundant system (if possible), but no one had the extra \$ billion, and if they did there were several more critical projects that would have a bigger, more permanent impact on protecting the environment
- We make a similar argument for Halifax Water and the \$ billions needed to improve minimally to meet WSER, whereas they could have a FAR bigger impact on water quality in the harbour if they could redirect those funds to stormwater management
- So what is the ‘best bang for the dollar’? How do we use our limited funds most-wisely to achieve the greatest positive impact?
- We are working with ECCC on implementing WSER and the new amendments
- Without taking a political side, we must note that the Conservatives introduced WSER without any funding. Their Infrastructure Plan was \$10 billion over 10 years with no priorities and NO mention of water or wastewater, whereas the Liberal plan introduced over \$100 billion with \$20 billion earmarked for water (including First Nations). So even if there had been issues rolling out the funds, at least there were more funds than ever before and a clear direction that water was a high priority.