

## Documents in Support of the Lake in Crisis Designation for Lake Memphremagog

**The Geneva Conventions (1949) and their Additional Protocols (1977)** outline the fundamental importance of access to safe drinking water and sanitation for ...

61 pages

[The Right to Water](https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet35en.pdf)

<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet35en.pdf>

### **F. What is a rights-based approach to the provision of safe drinking water?**

Approaching the provision of safe drinking water and sanitation from a human rights perspective can act as a fillip to mobilize individuals, in particular the poor and marginalized, inform them of their legal rights and empower them to realize these. A human rights approach brings a new paradigm to the water sector: the provision of safe drinking water is no longer perceived as charity, but as a legal entitlement, with individuals at the centre. While a human rights framework does not automatically resolve difficult policy issues about financing, delivery or regulation, it does provide international standards to guide political and economic decisions over the allocation of water resources; enables individuals to be heard in decisionmaking related to water and sanitation; and can strengthen States' accountability for the delivery of water and sanitation services. What is a rights-based approach to development? A rights-based approach to development is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed towards promoting and protecting human rights. A rights-based approach integrates the norms, standards and principles of the international human rights system into the plans, policies and process of development. The norms and principles are those contained in the wealth of international treaties and declarations. The principles include equality and equity, accountability, empowerment and participation. A rights-based approach to development includes: • Express linkage to rights; 16 • Accountability; • Empowerment; • Participation; • Non-discrimination and attention to vulnerable groups. A human rights approach to the provision of safe drinking water and sanitation provides principles for addressing the current water and sanitation crisis. Even though the right to water applies strictly to personal and domestic uses of water, a human rights-based approach could and should be used when considering larger issues, such as water resource management. Such an approach notably requires that no population group should be excluded and that priority in

allocating limited public resources should be given to those who do not have access or who face discrimination in accessing safe drinking water. A human rights approach also informs water management by clearly prioritizing, in the allocation of water among competing uses, personal and domestic uses as defined in general comment No. 15. Looking at water and sanitation from a human rights perspective shows that individuals and communities should have access to information and participate in decision-making. Poor people and members of marginalized groups are frequently excluded from decision-making regarding water and sanitation, and hence their needs are seldom prioritized. Community participation in the planning and design of water and sanitation programmes is also essential to ensure that water and sanitation services are relevant and appropriate, and thus ultimately sustainable. Access to information in South African law South Africa's Water Services Act (1997) requires water services authorities to take reasonable steps to bring their draft water services development plans to the notice of their consumers, potential consumers and water services institutions within their areas of jurisdiction and to invite public comments to be submitted within a reasonable time. Authorities must also consider all comments received before adopting their development plans and, on request, report on the extent to which a specific comment has been taken into account or, if a comment was not taken into account, provide reasons therefor. However, community participation may sometimes obscure the voice of vulnerable members of the community, such as women or persons with 17 disabilities. Care should therefore be taken to ensure that everyone in the community is empowered and given the space to have their say in the decision-making concerning water and sanitation. The women do not have a role in the management of the water, like they are not included in the decision-making at all stages of life. Source: Woman from Turkey, "Water Voice" project, 2003. A central feature of a human rights-based approach is also its focus on accountability, which underlines the obligations of the State, as dutybearer, to ensure access to safe drinking water and sanitation to rightsholders. In practice, accountability requires the development of laws, policies, institutions, administrative procedures and mechanisms of redress to promote and protect access to safe drinking water and sanitation.

## **The Boundary Waters Treaty of 1909** January 11, 1909

### **Precis**

The Boundary Waters Treaty was signed in 1909 to prevent and resolve disputes over the use of the waters shared by Canada and the United States and to settle other transboundary issues. The treaty established the International Joint Commission (IJC) to help the two countries carry out its provisions. At the time, disputes over water were already creating tension along the border. Settlers in Montana and Alberta were building competing canals to divert the waters of the St. Mary and Milk Rivers for their own use. On the Niagara River, it was increasingly clear that the two countries needed a management plan that could balance the growing demand for hydroelectric power with the interests of navigation, while safeguarding the unique natural beauty of Niagara Falls. The treaty provided a framework to deal with these disputes. The IJC held its first meeting in 1912 and has worked to resolve more than 100 matters raised by the two federal governments.

<https://www.ijc.org/en/boundary-waters-treaty-1909:>

**ARTICLE IV** The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission. It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

### **Vermont Environmental Justice Law Act 154**

The purpose of the Environmental Justice Law is to ensure all Vermonters regardless of race, cultural background, or income have equitable access to environmental benefits such as clean air and water, healthy food, and public transportation. The Environmental Justice Law also protects communities from disproportionate environmental burdens such as polluted air and water, climate change impacts, and limited access to green spaces. The Environmental Justice Law requires State agencies to meaningfully engage Vermonters in the environmental decision-making processes.

<https://anr.vermont.gov/about-us/civil-rights-and-environmental-justice/vermont-ej-law#:~:text=Also%20known%20as%20Act%20154,Vermont's%20Environmental%20Justice%20Sate%20Policy.>

**4-18-24**

**Letter to Governor Scott from the Canadian Consulate General Hon. Bernadette Jordan**

[2024-04-18 Jordan to Scott \(VT\) Coventry.pdf](#)

Canadian Consulate General C o n s u l a t O c i e t a l o u C a n a d a

Governor Phil Scott

109 State Street, Pavilion

Montpelier, VT 05609

Dear Governor Scott:

Canada has great appreciation for Vermont as an exemplary neighbor and friend to Canada. The bond forged between us - by shared geography, common values and economic connections – has allowed our communities to thrive for generations. A key aspect of our relationship has always been the value we place on our natural environment. Canada and Vermont have a shared commitment to protecting our natural resources and a common understanding of the importance of water to the health and safety of our citizens and to our respective economies.

Under the Boundary Waters Treaty of 1909, Canada and the United States have mutual commitments for preventing transboundary water pollution along the 5500-mile border between our two countries. The Treaty establishes rules for the management of waters shared by Canada and the United States, establishing a set of obligations for each country with respect to decisions about those waters. Canada therefore has an interest in developments in the Lake Memphremagog and Lake Champlain watersheds, and in preserving respect for obligations under the Treaty.

In this regard, I am writing to express Canada's concern about the application from Cassella Waste Systems to amend its discharge leachate pretreatment permit for the Coventry landfill, particularly the proposal to attempt to remove per- and polyfluoroalkyl substances (PFAS) from leachate, by injecting it into concrete blocks and then burying them at Coventry landfill. This could result in leakage of PFAS from the facility into Lake Memphremagog, a drinking water source for over 175,000 Quebecers.

We are increasingly aware that exposure to PFAS may lead to potential human health and environmental risks. Since PFAS components break down very slowly over time, leading to the nickname "forever chemicals," once they are discharged into the environment, removal is incredibly difficult. As seen from the February 24, 2024, malfunction of the treatment system and subsequent spill of thousands of liters of leachate, the handling of leachate can be precarious.

I will be in Vermont next month and would appreciate the opportunity to further discuss these matters with you.

I am thankful to you, your team and to the people of Vermont for the stewardship of our shared environment. Canada looks forward to working with Vermont to find a solution to this matter.

Sincerely

Hon. Bernadette Jordan

Consul General of Canada in Boston

CC: Secretary Julie Moore, Vermont Agency of Natural Resources



**ASSEMBLÉE NATIONALE  
DU QUÉBEC**

**RÉSOLUTION DE L'ASSEMBLÉE NATIONALE DU QUÉBEC**

**Que** l'Assemblée nationale reconnaisse que le lac Memphrémagog constitue un attrait naturel précieux qui permet de fournir de l'eau potable à 175 000 citoyennes et citoyens en Estrie ;

**Qu'elle** salue le moratoire interdisant jusqu'en 2023 le rejet de lixiviat traité par l'usine de traitement des eaux de Newport vers le lac Memphrémagog ;

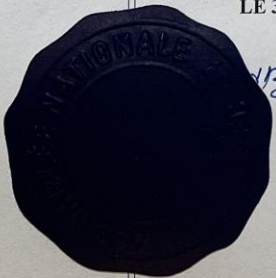
**Qu'elle** partage les inquiétudes des citoyennes et des citoyens, des élu-es et des groupes environnementaux de l'Estrie à l'égard des risques potentiels de la fin de ce moratoire pour la santé humaine et environnementale ;

**Qu'elle** prenne acte de la déclaration commune des élu-es de la région sur le lac Memphrémagog, exprimant leur volonté "que le traitement du lixiviat dans l'usine d'épuration de Newport soit interdit à long terme";

**Que** l'Assemblée nationale demande au gouvernement du Québec de prendre officiellement position pour l'interdiction permanente des rejets du lixiviat traité dans le bassin versant du lac Memphrémagog et de le revendiquer auprès du gouvernement du Vermont.

**COPIE CONFORME DE LA MOTION ADOPTÉE À  
L'UNANIMITÉ PAR L'ASSEMBLÉE NATIONALE  
LE 3 JUIN 2021.**

Québec, ce dixième jour de juin 2021



**ARIANE BEAUREGARD**

Directrice de la séance et de la procédure parlementaire  
Assemblée nationale