Sara Ehrhardt

A VICTORY FOR THE TAY RIVER

In January 2004, Ontario's new provincial government cancelled the controversial water-taking permit issued by the Mike Harris government to OMYA Canada Inc. that would have allowed the Swiss-based transnational to take approximately 4,500 cubic metres of water per day from the Tay River.

In its place, the government has issued a new permit restricting the volume of water that may be taken by OMYA to less than 1,500 cubic metres of water per day. Although it is not known at this time whether OMYA will appeal this decision, the announcement has been welcomed by the citizens of Perth (the community through which the Tay River flows) and the thousands of Canadians who have been following this issue.

The Tay River Legal Defence Fund says, "This precedent setting David and Goliath case shows what can be accomplished with cooperation and perseverance. The Canadian Environmental Law Association provided affordable legal services and the Council of Canadians provided valuable assistance and encouragement throughout the four years." It's worth looking back at those four years.

In 2000, OMYA was given a permit by the Ontario government to remove 1.6 billion litres of water per year from the Tay River. OMYA mines calcium carbonate from a quarry in the Lanark Highlands and trucks the rock to a plant near Perth, where it is mixed with river water to make slurry for paper and paint.

In 2002, the Ontario Environmental Review Tribunal supported an appeal launched by The Council of Canadians and several local residents to overturn a decision made by the Ontario Ministry of Environment. The appeal stopped the 1.6 billion litre permit.

Despite the fact that the Tribunal's decision did not diminish OMYA's current operations, that it protected local jobs, and that it created an opportunity for the company to build a better relationship with the local community, OMYA decided to appeal the ruling to the Ontario Divisional Court and the then Minister of the Environment Chris Stockwell. With OMYA threatening to warn foreign investors away from Ontario unless it got all the water it wanted, the Minister decided to overturn the decision of the Tribunal. The Minister took this action despite the pleadings from his own ministry to wait until the issue had been given a full and fair hearing in court.

Photo: Dr. Allan Taylor

The Tay River water fight is not an isolated battle. Across Canada, corporations are lining up to pump, pipe, privatize, bottle, transfer, divert, filter and exploit our waters for their profit. Thankfully, citizens across the country are taking action in defence of the right to water for people and nature. Many of these "water warriors" already recognize that their local struggle is connected to a global movement.

In the case of Tay River, community activists in Perth made connections with U.S. water activists fighting OMYA in Vermont. The group "Vermonters for a Clean Environment," which tracks the operations of OMYA, held their first international conference last year to connect citizens fighting OMYA worldwide.

In Hamilton, citizens have experienced 10 years of mismanagement of their water and wastewater services by four different corporate operators, including Enron's Azurix and RWE Thames. The people of Hamilton have remained committed to challenging their seemingly indifferent city councillors on this issue.

Local struggles against water bottlers, industrial water takers, and public-private partnerships (P3s) are all linked to a larger national and international question of how to manage the most precious resource on this planet. Every day Canadians are working with people around the world to ensure that water remains public, protected and priceless.

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