

No. 141

The Embassy of Canada presents its compliments to the Department of State and has the honour to refer to the Embassy's Note No. 70 of February 15, 1980, and the Department of External Affairs' Note GNT-2072 of December 14, 1979 which expressed concerns of the Government of Canada related to continuing degraded water quality in the Niagara River, and its consequences for the health and property of Canadians.

Concerns about the low water quality of the Niagara River have been expressed over a number of years by the International Joint Commission and its Water Quality Board. The situation of the River has been stressed further by the failure of the carbon filtration system at the Niagara Falls, New York Sewage Treatment Plant. Continued discharge of this effluent, and the continued stress to the River, make even more timely the resolution of the funding difficulties which, it is understood, are delaying the commencement of efforts to repair the carbon filtration system, as mentioned in the Embassy's Note of February 15.

Action to implement the discharge permit approved recently for SCA Chemical Waste Services Inc. into the Niagara River at Porter, New York, adds to the previously expressed Canadian concern, by allowing a further increase in the total pollutant leading to the river. This is particularly so when seen against the background described above of the long term problems of pollutant loadings in the Niagara River and the stress to the River through the failure of the Niagara Falls Sewage Treatment plant to process adequately the effluent it receives.

In light of this general situation, the Canadian Department of the Environment and the Ontario Ministry of the Environment have reinforced their regular water quality surveillance and monitoring programmes with special efforts designed to look at a broader range of parameters for general water quality in the Niagara River. Data from these monitoring programmes is now under intensive examination by Canadian authorities. Once the analysis is complete the Canadian officials would welcome an opportunity to discuss the data with their United States counterparts.

Under these circumstances, the Government of Canada seeks the assurances of the Government of the United States that in any and all activities permitted on the United States side of the river by any United States jurisdiction it will respect the obligations undertaken in Article IV of the