

- (b) *Mercury and Other Toxic Heavy Metals.* The aquatic environment should be free from substances attributable to municipal, industrial or other discharges in concentrations that are toxic or harmful to human, animal or aquatic life.
- (c) *Persistent Organic Contaminants.* Persistent pest control products and other persistent organic contaminants that are toxic or harmful to human, animal or aquatic life should be substantially absent in the waters.
- (d) *Settleable and Suspended Materials.* Waters should be free from substances attributable to municipal, industrial or other discharges that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life or waterfowl.
- (e) *Oil, Petrochemicals and Immiscible Substances.* Waters should be free from floating debris, oil, scum and other floating materials attributable to municipal, industrial or other discharges in amounts sufficient to be unsightly or deleterious.

3. *Non-degradation.* Notwithstanding the adoption of specific water quality objectives, all reasonable and practicable measures shall be taken in accordance with paragraph 4 of Article III of the Agreement to maintain the levels of water quality existing at the date of entry into force of the Agreement in those areas of the boundary waters of the Great Lakes System where such levels exceed the specific water quality objectives.

4. *Sampling Data.* The Parties agree that the determination of compliance with specific objectives shall be based on statistically valid sampling data.

5. *Mixing Zones.* The responsible regulatory agencies may designate restricted mixing zones in the vicinity of outfalls within which the specific water quality objectives shall not apply. Mixing zones shall not be considered a substitute for adequate treatment or control of discharges at their source.

6. *Localized Areas.* There will be other restricted, localized areas, such as harbours, where existing conditions such as land drainage and land use will prevent the objectives from being met at least over the short term; such areas, however, should be identified specifically and as early as possible by the responsible regulatory agencies and should be kept to a minimum. Pollution from such areas shall not contribute to the violation of the water quality objectives in the waters of the other Party. The International Joint Commission shall be notified of the identification of such localized areas, in accordance with Article VIII.

7. *Consultation.* The Parties agree to consult within one year from the date of entry into force of the Agreement, for the purpose of considering:

- (a) Specific water quality objectives for the following substances:

Ammonia	Copper	Oil
Arsenic	Cyanide	Organic chemicals
Barium	Fluoride	Phenols
Cadmium	Lead	Selenium
Chloride	Mercury	Sulphate
Chromium	Nickel	Zinc