



MEMORANDUM

TO: Committee of the Whole

FROM: Erin Mahoney, Commissioner of Environmental Services

DATE: June 19, 2014

RE: **Environmental Bill of Rights (EBR) Posting No. 012-1607: Regulatory Amendments to support implementation of the Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement**

This memo provides a summary of Regional staff comments submitted to the Ministry of the Environment in accordance with the Environmental Registry deadline of June 9, 2014 for EBR Posting No. 012-1607 (*see Attachment 1*).

Province carrying out public consultation to develop draft regulations for intra-basin transfers

In 2005, the Province signed the Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement with Quebec and the eight Great Lakes States. The Ministry of the Environment is currently performing pre-consultation to develop draft regulations to fulfill commitments made in this agreement through domestic legislation. Ontario's proposed approach is consistent with practices in other jurisdictions and seeks to establish baselines for future transfers of water between different watersheds known as intra-basin transfers.

York Region is situated over two watersheds and requires intra-basin transfers to service future population growth

York Region is situated in two Great Lakes watersheds, Lake Ontario and Lake Huron. The Lake Simcoe watershed lies within the Lake Huron watershed and encompasses local municipalities north of the Town of Aurora, as well as northern portions of the Town of Whitchurch-Stouffville and Township of King. York Region currently provides Lake Ontario water to some of these areas which qualify as intra-basin transfers. Northern areas of the Region have been identified for future growth and development under the *Places to Grow Act, 2005* which require a secure long-term water supply.

York Region undertook the prior notice and consultation process in 2010 under the Great Lakes Charter to support this intra-basin transfer proposal. The Region successfully completed its consultation process for an intra-basin transfer volume of 105 million litres per day which is anticipated to meet water supply demands for forecasted growth to the year 2031. York Region's intra-basin transfer project was recognized by the Province to be standard setting among Great Lakes Provinces and States due in large part to the enhanced consultation conducted with key stakeholders.

Based on the approval which permits an intra-basin transfer of up to 105 million litres per day, York Region has developed hundreds of millions in infrastructure to support planned population growth. In an effort to support these infrastructure investments, the Region has also implemented a wide array of innovative water conservation measures to ensure that there will be sufficient water supply to service growth to 2031 and beyond based on permitted volumes.

Baseline intra-basin transfer rates must be set based on currently permitted volume of 105 million litres per day to support infrastructure investments and future growth

York Region staff submitted comments to meet the June 9, 2014 EBR comment submission deadline. In the submission, staff advocated that York Region's intra-basin transfer baseline is expected to be 105 million litres per day as a result of the extensive prior consultation performed. Setting York Region's intra-basin transfer at 105 million litres per day will help ensure sufficient capacity for future population growth and protect the Region's significant infrastructure investments which were based on this permitted volume. Environmental Services staff will continue to monitor developments as these regulations move forward are developed and will report back to Council as required.

Erin Mahoney, M. Eng
Commissioner, Environmental Services

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Attachment

Copy to: Leo Luong, Manager, Land and Water Policy Branch, Ministry of the Environment
Brian Nixon, Director, Land and Water Policy Branch, Ministry of the Environment

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June 9, 2014

Leo Luong
Manager (Acting)
Ministry of the Environment
Integrated Environmental Policy Division
Land and Water Policy Branch
135 St. Clair Ave. W, 6th Floor
Toronto, Ontario, M4V 1P5

Dear Mr. Luong:

RE: York Region Staff Comments – Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement – EBR Number 012-1607

York Region staff commend the Ministry of the Environment (Ministry) for moving to enact regulations in support of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement. Region staff would like to thank the Ministry for the opportunity to comment on these proposed regulatory changes and provide the following feedback for the Ministry's consideration.

York Region undertook a highly successful intra-basin transfer consultation process in 2010

In 2010, York Region undertook the prior notice and consultation process under the Great Lakes Charter for an intra-basin transfer that aligned with the principles established by the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement. This consultation process supported an intra-basin transfer proposal to help meet future population growth demands in Aurora, Newmarket and East Gwillimbury. York Region requested and received approval for an intra-basin transfer volume of 105 million litres per day from the Lake Ontario watershed which is anticipated to supply forecasted growth to the year 2031. York Region's intra-basin transfer project was recognized by the Province to be standard setting among Great Lakes Provinces and States as a result of enhanced consultation with key stakeholders.

Baseline transfer rate for York Region must be set based on existing permitted volume of 105 million litres per day

York Region staff supports the Ministry's position to develop a baseline for existing intra-basin transfers. York Region has completed the prior notice and consultation process for transfer of 105 million litres per day to accommodate approved growth under the *Places to Grow Act* and has planned and built hundreds of millions of dollars in Regional water, waste, and transportation infrastructure based on this approval. The Ministry of the Environment and the Ministry of

Natural Resources were heavily involved in the widespread consultation that was performed with all Great Lakes states and provinces under this process. Based on this extensive consultation, the Region expects that 105 million litres per day will be considered as the Region's baseline under the proposed regulatory amendments.

Staff supports consultation requirements being entrenched in regulation

York Region supports the requirement for a prior notice and consultation procedure to be completed for future intra-basin transfers. York Region also strongly supports this principle being entrenched in a regulation implementing the Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement. York Region staff are pleased to see the Province initiating steps to establish regulations to support successful implementation of the Great Lakes-St. Lawrence Basin Sustainable Water Resources Agreement. Reviewing and incorporating already established best practices for future intra-basin transfers is worthwhile and York Region staff are available to assist in this review if needed.

Region staff thank the Ministry for engaging municipalities and other stakeholders on this important initiative. We look forward to the Region's baseline transfer volume being preserved at 105 million litres per day to ensure sustainable services for future growth within existing permit limits. We also appreciate the opportunity for continued consultation with the Province on this water resources agreement moving forward. If you have any questions regarding this response, please contact Stephen Fung, Director of Infrastructure and Asset Management at stephen.fung@york.ca or Brent Marissen, Policy and Advocacy Coordinator at brent.marissen@york.ca

Yours truly,



Erin Mahoney, M. Eng.
Commissioner, Environmental Services
Regional Municipality of York

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