



November 20, 2006

BY E-MAIL to minister.moe@ontario.ca

The Honourable Laurel C. Broten
Minister of the Environment
135 St. Clair Avenue West
12th Floor
Toronto ON M4V 1P5

Dear Minister Broten:

**Re: Responses from York Region and Durham Region to Part II Order Requests
Duffin Creek Water Pollution Control Plant Proposed Expansion
Schedule C Municipal Class Environmental Assessment
MOE File Number: EA 05-03-05: YDSS**

Prior to the end of the Notice of Completion review period for this proposed project, three requests for a Part II Order under the *Environmental Assessment Act* were made. Today, York Region and Durham Region have submitted responses to these requests.

The responses also highlight the dedication of the Regions to environmental stewardship by proposing several voluntary initiatives.¹ The Regions are agreeing to reduce proposed discharge compliance criteria and operating objectives for total phosphorous and ammonia beyond the commitments made in the Environmental Study Report. In effect, the proposed limits for total phosphorous would be reduced from the existing compliance limit of 1 mg/L (operating objective also 1 mg/L) to 0.8 mg/L (operating objective 0.6 mg/L). Ammonia, which is not currently subject to a compliance limit, would be reduced to 6 mg/l (summer), 10 mg/l (winter), with an annual operating objective of 5 mg/L. Likewise, unionized ammonia would now be subject to a compliance limit of 0.2 mg/L (operating objective 0.1 mg/L).

¹ These measures should not be interpreted as agreement with the positions and allegations made by the requestors, in fact, the Regions and their experts continue to disagree, often quite strongly, with the arguments put forward.

In addition, after final completion of the proposed expansion, the Regions have committed to start the applicable federal and provincial environmental assessment processes necessary to address limiting conditions with the existing outfall and have the preferred alternative in place by the time flows reach 540 million litres per day (MLD). Based on current population projections, this is expected to occur sometime between 2019 and 2021.

To our knowledge, the precedent setting nature of these commitments dramatically exceeds the regulatory compliance limits and level of treatment required at the majority of, if not all, other municipal treatment plants along the north shore of Lake Ontario that are not designated as an IJC Area of Concern and operating under the auspices of a Remedial Action Plan. The net result of these new and revised commitments will be a significant overall improvement to effluent quality, even though the capacity of the facility is proposed to be increased by fifty (50) per cent.

Our responses address issues that relate to the completion of the Class Environmental Assessment. We would like to take this opportunity to provide some additional background regarding the need and benefits related to the proposed expansion of the Duffin Creek Water Pollution Control Plant (WPCP).

The WPCP is located on the shoreline of Lake Ontario in the City of Pickering in an industrial/commercial area. The Ontario Power Generation (OPG) Pickering Nuclear Generating Station is to the immediate west of the WPCP, the Duffins Creek Marsh and watershed is immediately to the east of the WPCP.

The WPCP was originally constructed by the Ministry of the Environment in the late 1970s to replace a number of small treatment plants situated in local watercourses in both Regions and end the practice of discharging treated effluent into local watercourses. This foresight has directly improved the natural environment in the Humber, Don, Rouge and Duffins Creek watersheds and also supports initiatives under the Great Lakes Water Quality Agreement and the Canada-Ontario Agreement respecting the Great Lakes. The proposed expansion of the Duffin Creek WPCP would continue in the spirit of these admirable initiatives.

The proposed expansion of the Duffin Creek WPCP represents good planning and implements a solution to infrastructure needs identified under Regional Master Plans completed under the Municipal Class Environmental Assessment. The proposed expansion would enable the facility to operate at a higher capacity and responsibly service existing and future residents in York Region and the Durham Region municipalities of Pickering and Ajax.

To expand on this aspect, the proposed expansion would meet a number of existing and future needs and provide various benefits. These needs and benefits include (in no particular order):

- Providing sufficient capacity to underpin the network of critical infrastructure in York Region that would accommodate new employers, residents and immigrants while adhering to provincial *Places to Grow* initiatives. This capacity would allow approved and intensified growth to occur primarily in provincially designated urban growth areas located in the southern portion of the Region and along the Yonge Street corridor.

- The Regional population is expected to significantly increase from the current population of 920,000 to the 2026 forecast of 1.28 million people (an average growth rate of 27,000 people per year, one of the most rapid in North America).
- Enable Durham Region to permit approved growth in Pickering (including the Seaton lands) and Ajax. Similar to York Region, *Places to Grow* has designated Central Pickering as an urban growth centre which must be planned as a focal area for investment to achieve minimum gross densities of 200 residents and jobs combined per hectare. The proposed expansion is required to support the mandated high density growth in Pickering.
- Facilitate the construction of residential homes and commercial infrastructure along with related economic spin-offs including employment opportunities, stimulation of service industries, and enhancement of the Regional and provincial tax base and Gross Domestic Product (GDP). Some other relevant points
 - Construction in York Region contributes \$6.75 billion yearly to the national GDP²
 - This activity alone generates 40,000 related jobs and \$2.1 billion in wages
 - In turn, this generates \$1.7 billion in provincial and federal taxes
- Enhance the ability of the WPCP to treat and process biosolids on-site instead of sending this waste to a landfill for disposal, which currently involves trucking waste to Michigan. Biosolids generated privately and from other Regional water pollution control plants would be transported to the WPCP for processing.
- Enable the Regions to continue to operate the Duffin Creek WPCP in compliance with regulatory requirements particularly as flows at the facility are over ninety (90) per cent of existing capacity under the existing Certificate of Approval.
- Enabling York Region to tie the proposed expansion of the Duffin Creek WPCP into other initiatives to add additional capacity to the York-Durham Sewer System (YDSS). Unlike municipalities with combined sewers that discharge raw sewage into Lake Ontario during storm events (e.g., Toronto), these initiatives and the fact that the Duffin Creek WPCP will not be designed to bypass, mean that raw or improperly treated sewage will not have the ability to flow during typical storm events into Lake Ontario— the source of drinking water for millions of Ontario residents.
- Permit the Regions to implement the voluntary commitments outlined in the Environmental Study Report and the additional commitments outlined in the responses provided to the Ministry to improve water quality in Lake Ontario.

In response to requestors who asked that the assessment be elevated to an individual environmental assessment, we have complied with the Municipal Class Environmental

² Source: GTHBA, 2004

Assessment process and the additional conditions imposed on this process by Minister Dombrowsky in her letter of October 1, 2004. The Regions have worked diligently, expended significant resources and consulted with Ministry Staff several times over the past two years to ensure that our work plan would successfully address the intent and ultimately comply with the conditions imposed in accordance with her decision. Furthermore, former Minister Dombrowsky completed a full review of this issue in 2004 and determined that the Municipal Class Environmental Assessment process should apply. Therefore, we do not believe that an individual environmental assessment should be required.

In response to the Town of Ajax's request for additional conditions, we do not believe that such conditions are warranted and disagree with the allegations and inferences contained in the Town's request that in summary, allege that the Duffin Creek WPCP is the primary cause of (a) the growth of excessive algae in the area and (b) animal *E. coli* responsible for adverse water quality at Rotary Park Beach. The Regions' position is supported by detailed studies and scientific assessments that are included in the Environmental Study Report and referenced in the responses provided to the Ministry.

However, after further review and assessment of what reasonable and practical measures could be implemented, our responses contain new or modified voluntary commitments that seek to address the concerns raised. This reflects the sincere efforts made by the Regions to address the Town's concerns in a responsible manner since these concerns were raised late in 2005. These further initiatives are in addition to the 16 commitments contained in the Environmental Study Report (that include e.g., the development of a Biodiversity/Greening Plan at the WPCP, a water quality monitoring study with the Town of Ajax, striving to exceed proposed effluent compliance criteria and implementing odour control technologies), and reflect the continued desire of the Regions to be responsible environmental stewards.

In the context of our responses, it is our view that the requests for a Part II Order should be denied. Our responses have either addressed the concerns identified or contain commitments to address unresolved concerns.

Any further delays to completion of this Class Environmental Assessment process have the potential to significantly compromise the ability of the Regions to obtain the necessary approvals required to start construction and operate the WPCP under the *Ontario Water Resources Act* and the *Environmental Protection Act*. Construction scheduling is dependent on seasonal constraints and appropriate working conditions. Further delays will put the Regions in jeopardy of not being able to complete the proposed expansion by 2010. This will result in exposure of the Regions to potentially significant liabilities and render continued compliance with regulatory requirements next to impossible. This would also result in the freeze of residential and commercial construction in York Region, the City of Pickering and the Town of Ajax, with related filter down effects across both Regions.

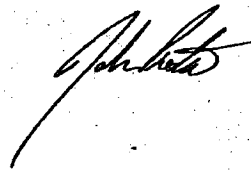
The benefits of this expansion and the security it provides for continued protection of the public and the natural environment in both Regions is of high priority and enhances the public good.

As the expansion of the Duffin Creek WPCP is a matter of great concern to ourselves and our Regions, we would appreciate the opportunity to discuss this with you in more detail at your earliest convenience.

Sincerely,



Debbie Korolnek
General Manager, Water & Wastewater
The Regional Municipality of York



John Presta
Director, Environmental Services
The Regional Municipality of Durham

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Copy to: The Honourable John Gerretsen, Minister of Municipal Affairs and Housing
The Honourable David Caplan, Minister of Public Infrastructure Renewal
Michael Garrett, CAO, York Region
Garry Cubitt, CAO, Durham Region



Maintenance Operations Ajax Depot

