

the federal and provincial context:

events since 2000



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2.0 THE FEDERAL and PROVINCIAL CONTEXT events since 2000



The responsibility for environmental protection is shared among many federal, provincial, regional and municipal agencies. This section provides an overview of the key environmental policies, programs and legislation that have been developed by the federal and provincial governments since 2000.

2.1 land

Federal Sustainability Initiatives

In Canada, as in many countries around the world, there has been growing awareness of the need for long-term environmental strategies for achieving sustainable development in the wake of the World Commission on Environment and Development (the Brundtland Commission) in 1983. In 1992, Canada participated in the historic United Nations Conference on Environment and Development, at which Agenda 21 was signed.¹ Since that time the federal government has tackled sustainability on many fronts. The federal budget in 2005 highlighted sustainability by providing funding to cities and communities for their efforts to reduce greenhouse gas emissions, and encourage energy efficiency and alternative forms of transportation such as public transit.²

The major federal funding programs that help regions and municipalities to work towards sustainability are:

- **Green Municipal Enabling Funds:** These funds consist of a \$250 million endowment from the Federal Government to the Federation of Canadian Municipalities (FCM) and are designed to remove investment barriers to green municipal infrastructure, such as real or perceived risks and higher capital costs. The Fund's priorities are to cut greenhouse gas emissions, improve local air, water and soil quality, and promote renewable energy.³
- **Federal Gas Tax Revenues:** The Federal Government has promised to distribute \$5 billion over five years to enable municipalities to invest in environmentally sustainable infrastructure projects in areas such as transit, roads, clean water and sewers.⁴
- **Partners for Climate Protection (PCP) Program:** This is a network of more than 121 Canadian municipal governments who have committed to reducing greenhouse gases and acting on climate change. PCP is a partnership between the FCM and the International Council for Local Environmental Initiatives (ICLEI), and receives financial support from the Canadian Government through the Climate Change Action Fund (CCAF).⁵
- **Canada Strategic Infrastructure Fund (CSIF):** Through Infrastructure Canada, the Federal Government has set aside \$4 billion for regions and municipalities seeking to invest in infrastructure projects that promote effective urban development and use innovative technologies and practices to minimize greenhouse gas emissions and other pollutants. Other similar federal programs include the Infrastructure Canada Program (ICP) and the Municipal Rural Infrastructure Program (MRIP).⁶





2.1 land continued

Provincial Sustainability Initiatives

Although the term “sustainable development” is not explicitly used in the Provincial Government’s current programs and policies, a number of initiatives put in place since 2000 support the key directions of sustainable development. These include the Provincial Government’s Smart Growth Principles, the Greenbelt Plan, the Places to Grow Draft Growth Plan, and a strengthened Provincial Policy.

Other Provincial Government initiatives that relate to sustainability include the proposed goal of diverting 60% of waste from disposal by the end of 2008, the support for brownfields redevelopment, the Five-Point Action Plan for Cleaner Air and the proposed approach to watershed-based source water protection. New initiatives around energy conservation and support of alternative or “green” forms of energy include wind farms. Rebate programs have recently been announced for individuals and businesses that have installed green energy devices such as solar panels.

Oak Ridges Moraine

The Oak Ridges Moraine is one of Ontario’s most significant landforms and a major ecological resource. Its rolling hills support headwater streams, high quality wildlife habitat, and abundant recreational, agricultural and aggregate resources. In response to growing public concern about increasing pressure to develop the Moraine, in 2001 the Ontario government enacted the *Oak Ridges Moraine Act* and in 2002 followed up with the *Oak Ridges Moraine Conservation Plan*. The Ontario government’s vision for the Moraine is “a continuous band of green rolling hills that provides form and structure to south-central Ontario, while protecting the ecological and hydrological features and functions that support the health and well-being of the region’s residents and ecosystems.”⁷

The Oak Ridges Moraine Conservation Plan provides direction to ministries, municipalities, landowners and stakeholders on how to protect the Moraine’s ecological and hydrological features and functions. It does this by defining four land use designations - Natural Core Areas, Natural Linkage Areas, Countryside Areas and Settlement Areas - and prescribing the land uses that can take place in each area. The Plan places a great deal of emphasis on protecting key natural heritage features including wetlands, woodlands and hydrologically sensitive features such as kettle lakes and springs. The Plan requires municipalities to develop Official Plan Amendments to bring their Official Plans into conformity with it. York Region achieved this in 2004 with the Regional Official Plan Amendment (ROPA) 41, The Oak Ridges Moraine Conformity Amendment (see section 3.2.3).⁸

Greenbelt Legislation

The Ontario government enacted the *Greenbelt Act*, 2005 in February 2005 in conjunction with the revised Provincial Policy Statement and the Draft Growth Plan for the Greater Golden Horseshoe area. The *Greenbelt Act* is intended to protect up to 1.8 million acres of greenspace and contain urban sprawl in the Golden Horseshoe. The *Act* gives the government the authority to establish a plan that would define the area of the greenbelt (which would include the lands protected under the *Niagara Escarpment Act* and the *Oak Ridges Moraine Conservation Act*) and detail the policies for protecting land from urban development and sprawl. Among the objectives of the *Act* are to establish a network of countryside and open spaces, preserve agricultural land, and promote river connections between the Oak Ridges Moraine, the Niagara Escarpment and Lake Ontario. In June 2005, the Province announced the establishment of the Greenlands Council, which will advise the Minister of Municipal Affairs and Housing on implementation, performance measures and other matters.



2.1 land

continued

Draft Growth Plan for the Greater Golden Horseshoe

The Province released its Draft Growth Plan for the Greater Golden Horseshoe in February 2005, following on the heels of the *Places to Grow Act* that was introduced at Queen's Park in 2004. The Draft Growth Plan proposes strategies for how and where growth should take place in the Greater Golden Horseshoe (which includes the GTA, Hamilton, Niagara, Waterloo Region, Simcoe County and Peterborough County). The thrust of the Draft Growth Plan is to:

- use intensification to direct growth away from agricultural and natural lands;
- reduce urban sprawl, gridlock and smog;
- provide a range of housing choices and employment opportunities; and
- maximize public infrastructure investments to deliver better transit services, quicker movement of goods and cleaner, safer water.

The Province's Draft Growth Plan anticipates a York Region population of 1.5 million by 2031.⁹ This forecasted level of growth in York Region represents a population increase of approximately 600,000 people over the current existing population and an increase of 350,000 jobs and 236,000 additional housing units. The Plan expects that this new population will be accommodated in a series of intensified urban growth areas (Urban Growth Centres) and to a lesser extent in expanded areas outside existing built areas. Detailed planning for this new growth is to be undertaken through a new level of plan called a sub-area growth strategy (SAGS). Under the Plan, public transit is to be supported as the preferred means of moving people within and between Urban Growth Centres. Expanded transit service will be required to accommodate this population increase in York Region.

The Draft Growth Plan contains a number of policies that will have significant implications for York Region including a 40% intensification rate, land budget restrictions and affordable housing targets. These policy initiatives also present serious implementation challenges, in particular the requirement for corresponding infrastructure funding and approvals.

The Region has made recommendations to the Province that these issues be considered seriously before proceeding. At the time of writing, consultation on the Draft Plan is still taking place.

Provincial Policy Statement

The Provincial Policy Statement (PPS) is issued by the Province of Ontario under the *Planning Act*, and provides direction to municipalities, landowners and others on land use planning and development. The original PPS came into effect in 1996 and was amended in 1997. Following a long round of consultations beginning in 2002, the Province issued its new PPS in March 2005. While the former policy required planners to "have regard to" provincial policies, the new PPS requires that they "be consistent with" provincial policies. The strengthened PPS is expected to encourage more compact development and infill development, better planned employment lands, densities that support transit, and land use patterns that support energy conservation.¹⁰ It supports the notion of "triple-bottom line sustainability" by recognizing the often complex inter-relationships among environmental, economic and social factors in land use planning. It states that:

"The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment...The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policy regarding matters of provincial interest. Provincial plans and municipal plans provide a framework for comprehensive, integrated and long term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term."^{vii}





2.1 land continued

Brownfields

Brownfields are lands on which industrial or commercial activity took place in the past and that may (or may not) need to be cleaned up before they can be redeveloped in order to protect human health and the environment. Contamination of soils or groundwater may be found through routine sampling of the environment, or it may be done as a condition of approval when land use is changing, for example, from industrial to residential.

In 2001, the Province introduced the *Brownfields Statute Law Amendment Act* in order to encourage the revitalization of former industrial and commercial sites, and to address the legal, land use planning and financial barriers to revitalization. Ontario Regulation 153/04 under the *Environmental Protection Act*, which came into effect on October 1, 2004, requires that property owners provide specific information to the Ministry of the Environment (MOE) and municipalities by filing a record of site condition before redevelopment of industrial or commercial lands can occur. Regulation 153/04 also requires landowners to seek permission from both the local and regional levels of government to conduct certain types of site clean ups. The Ministry of Municipal Affairs and Housing has also recently released a number of tools to assist landowners and municipalities with the financial aspects of brownfield redevelopment.

The Region is working with the 9 area municipalities to ensure that it takes a coordinated approach when addressing these requests, which are again, governed by strict provincial rules. Development and redevelopment of lands is a key part of the Region's Centres and Corridors Strategy, and some of the lands to be redeveloped may be brownfields.

2.2 water

Walkerton

The contamination of municipal drinking water in May 2000 in the community of Walkerton devastated the community of 5,000 and sent shock waves reverberating across the province. Exposure to the bacteria involved - *E. coli* 0157:H7 - killed 7 people and made more than 2,300 people ill. Many of those who were exposed still suffer health effects. In the wake of the disaster, public scrutiny was focused on trying to understand how the tragedy happened, and what could be done to prevent it from happening elsewhere. The Report of the Walkerton Inquiry, released in 2002, shed a spotlight on the activities in Walkerton and mapped out strategies to protect Ontario consumers of drinking water through improved training of operators, more rigorous testing of treated water, tougher standards and watershed-based protection of drinking water sources.¹²

Safe Drinking Water Act

In the aftermath of the Walkerton tragedy and in response to the recommendations of the Walkerton Inquiry, the Ontario government enacted the *Safe Drinking Water Act* in 2002. Among other things, the Act:

- created legally-binding standards for contaminants in drinking water;
- made it mandatory to use licensed and accredited laboratories for drinking water testing;
- made it mandatory to report adverse test results to the Medical Officer of Health and the MOE when contaminants in drinking water do not meet the drinking water quality standards;
- required operators of municipal drinking water systems to be trained and certified; and
- created the position of Chief Inspector to oversee inspections and enforcement at the MOE.

One of the regulations made under the *Safe Drinking Water Act* sets tough new testing standards for designated facilities such as schools, daycares and retirement homes that serve vulnerable populations.



2.2

water continued

Source Water Protection

One of the recommendations of the Walkerton Inquiry was the creation of watershed-based source water protection plans to provide an additional layer of protection for public health.¹³ To address this recommendation, the Ontario government introduced a proposed *Drinking Water Source Protection Act* in July 2004. The aim of the *Act* is to protect human health by ensuring that current and future sources of drinking water in Ontario's inland lakes, rivers, groundwater and the Great Lakes are protected from potential contamination and depletion. The *Act* provides a framework for the development of source protection plans by establishing source protection areas, designating source protection boards and committees and defining the responsibilities for developing plans. The *Drinking Water Source Protection Act* is not yet law.

Nutrient Management Act

Another piece of legislation that emerged in response to the Walkerton Inquiry was the *Nutrient Management Act*, which was enacted in June 2002. Nutrients such as those found in manure and chemical fertilizers are essential to farm operations. When applied in proper quantities and at appropriate times, the nutrients help to achieve optimum crop yields. However, improper use of nutrients can cause water quality problems in ground and surface waters. The *Nutrient Management Act* provides a comprehensive nutrient management framework for Ontario's agricultural industry, municipalities and other generators of materials containing nutrients. It includes clear environmental protection guidelines. This *Act* provides for the development of strong new standards for all land-applied materials containing nutrients, prohibits the land application of untreated septage (biodegradable waste from septic tanks and sewage treatment plants), and includes new requirements for the review and approval of nutrient management plans, certification of land applicators and the creation of a new registry system for nutrient management plans.

Spills Bill

Bill 133 - the *Environmental Enforcement Statute Law Amendment Act* - was enacted by the Ontario Legislature in June 2005. The *Act* encourages businesses and industries to take action to prevent spills from taking place and gives the MOE the power to impose tough environmental penalties on companies that cause unlawful spills and emissions. The proposed maximum penalty under the *Act* (for a second offence) is \$100,000 a day, and it will initially apply to the nine industrial sectors regulated by the Municipal-Industrial Strategy for Abatement (MISA) regulations.

2.3

air

Federal Air Quality Initiatives

Since 2000, the federal government has introduced regulations to reduce emissions from on-road and off-road vehicles; reduced the allowable levels of sulphur in fuel; introduced measures to reduce emissions of Volatile Organic Compounds (VOCs); developed guidelines to reduce emissions from power plants, consumer and commercial products and developed Canada-wide standards for ozone and particulate matter. In December 2000, Canada signed an Ozone Annex Agreement with the United States, which committed each nation to reduce its emissions of ozone-forming substances - nitrogen oxides (NO_x) and volatile organic compounds (VOCs).

Through the Canada/U.S. Border Air Quality Strategy, the federal government is exploring ways to reduce the transboundary flow of smog by developing a coordinated airshed management approach with the U.S. in the Great Lakes area.



N P R I

The National Pollutant Release Inventory (NPRI) is a tool that allows Canadians to find information on releases and transfers of pollutants from industries in their communities and across the country. The registry reports on releases and transfers from designated (large) industrial facilities, but does not include mobile sources (such as vehicles) or small generators. The NPRI allows the Government of Canada to track progress in pollution prevention, evaluate releases and transfers of pollutants, set environmental priorities and develop policies. In 2002, the NPRI was expanded to include the releases of pollutants that contribute to the formation of smog and acid rain.

Source: www.ec.gc.ca/pdb/npri/npri_home_e.cfm





2.3

air continued

Provincial Air Quality Initiatives

Since 2000, the provincial government has established emission caps for nitrogen oxides (NO_x) and sulphur dioxide (SO₂) from power plants, ordered the Lakeview Generating Plant to stop burning coal and set timelines for phasing out Ontario's other coal-burning power plants. The province has also reduced allowable emissions of sulphur dioxide from Inco and Falconbridge and introduced stricter limits for smog-causing emissions from trucks, buses, and automobiles as part of the Drive Clean Program.¹⁴

In June 2004, the MOE released Ontario's Clean Air Action Plan. The Clean Air Action Plan sets new air quality standards for Ontario and includes Ontario Smog Reduction targets for NO_x, VOCs and fine particulate matter.¹⁵ It also includes proposals to replace some coal-fired generating capacity with renewable sources. The Plan serves as Ontario's Implementation Plan for the Canada-Wide Standards for Particulate Matter and Ozone that the Canadian Council of Ministers of the Environment agreed to achieve by 2010.

In June 2004, the MOE released Ontario's Industrial Emissions Reduction Plan: Proposal for NO_x and SO₂ Regulation. The Emissions Reduction Plan proposes to set sector emission caps for NO_x and SO₂. It also proposes to apply NO_x and SO₂ limits to additional industrial sectors, reduce allowable NO_x and SO₂ limits in future years and set new air standards for 29 harmful pollutants, including carcinogens and toxins that could pose a threat to human health.^{16, 17}

Persistent Organic Pollutants

On May 17, 2004 the Stockholm Convention on Persistent Organic Pollutants (POPs) came into force. Canada was the first to sign and ratify the Convention in 2001. This Convention aims at reducing and eliminating the major international sources of POPs that are toxic to human health. Canada's draft National Implementation Plan serves as a good example of a comprehensive POPs management regime.¹⁸

Climate Change

The federal government has played a central role in the climate change issue. In April 2005, it announced the creation of "Project Green", a plan to achieve the greenhouse gas emission reduction commitment that arose from the signing of the Kyoto Accord in 1998 and its ratification in December 2002.¹⁹ Project Green includes \$10 billion in funding between 2005 and 2012 that will be available for climate change related initiatives such as the development of renewable energy projects, greenhouse gas reduction programs such as the EnerGuide for Houses, Home Retrofit Incentive Program, programs to reduce greenhouse gas emissions from federal facilities and activities and programs targeting consumer actions.

The One Tonne Challenge, a consumer action program, was launched in 2004 to get Canadian citizens involved in actions to reduce their emissions of greenhouse gases. (See section 9.1) Many of the smog-reduction initiatives developed by the Government of Ontario also provide benefits in terms of combating climate change. Through the Federation of Canadian Municipalities' Green Municipal Fund, many Canadian cities and towns have developed their own plans to reduce greenhouse gas emissions.

On April 5, 2005 the Government of Canada signed an agreement on climate change action with the Canadian automobile industry. Under the Memorandum of Understanding (MOU), automobile manufacturers voluntarily agreed to reduce greenhouse gas (GHG) emissions from new vehicles in Canada so that by 2010, annual emissions reductions will reach 5.3 megatonnes.²⁰ The MOU signing took place at Auto 21, an automotive engineering facility at the University of Windsor.

COAL BURNING P L A N T S

In 2003, the provincial government promised to close all 5 of Ontario's coal-burning power plants by 2007 and replace them with cleaner sources of energy such as natural gas, hydro, wind and landfill methane.

The Lakeview power plant in Mississauga was the first of the plants to close. It was announced in 2005 that 3 of the remaining 4 plants will be closed by 2007, however, the Nanticoke plant near Port Dover, Ont., likely won't close until 2009.