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THE PROPOSED LAKE SIMCOE PROTECTION PLAN

The Transportation and Works Committee recommends:

- 1. Receipt of the presentation by Phil Brennan, Senior Manager and Steven Borg, Senior Policy Advisor, Lake Simcoe Project, Ministry of the Environment;**
- 2. Receipt of the communication from Carolyn Lance, Administrative Assistant to the Town Clerk, Town of Georgina, dated March 9, 2009, regarding 'Draft Lake Simcoe Protection Plan, Environmental Bill of Rights Registry (EBR) Number 010-4636'; and**
- 3. Adoption of the recommendations contained in the following report dated March 25, 2009, from the Commissioner of Environmental Services and the Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council endorse the attached staff comments on Environmental Bill of Rights (EBR) posting 010-4636 as submitted on March 16, 2009.
2. The Regional Clerk forwards this report to the Honourable John Gerretsen, Minister of Environment.
3. The Regional Clerk forwards this report to the following stakeholders:
 - a) Lake Simcoe Region Conservation Authority
 - b) The Township of King and the Towns of Aurora, East Gwillimbury, Georgina, Newmarket and Whitchurch- Stouffville
 - c) The Building Industry and Land Development (BILD) York Chapter
 - d) The County of Simcoe
 - e) The Regional Municipality of Durham

2. PURPOSE

The purpose of this report is to advise Council of the contents of the Draft Lake Simcoe Protection Plan; discuss the implications to York Region and its local municipalities; and obtain Council endorsement of the coordinated comments from York Region and local municipalities submitted to meet the EBR comment deadline of March 16, 2009.

3. BACKGROUND

Province proceeds with plan to protect Lake Simcoe water quality and ecological integrity

In 2006, the Province of Ontario announced they would introduce legislation to protect Lake Simcoe. On June 17, 2007, Bill 99 - *the Proposed Lake Simcoe Protection Act* was introduced in the Legislature. A previous report (September 18, 2008, Report No. 8 of the Regional Planning and Economic Development Committee) provided comments to the Province on the EBR posting related to Bill 99. At that time, Regional Council directed staff to continue to monitor Bill 99 and appear before Standing Committee on General Government to articulate the Region's issues. Subsequently, the Commissioner of Environmental Services appeared before Standing Committee on November 19, 2008.

The *Lake Simcoe Protection Act, 2008* received Royal Assent on December 12, 2008.

On January 13, 2009, the Province released the proposed Lake Simcoe Protection Plan and posted it on the EBR (Posting #010-4636) for a 60 day comment period ending March 16, 2009.

4. ANALYSIS AND OPTIONS

York Region has a long and consistent history of supporting the protection of Lake Simcoe

York Region has supported the protection and study of Lake Simcoe for many years through the funding of the Lake Simcoe Regional Conservation Authority and participation on the Lake Simcoe Environmental Management Strategy (LSEMS).

In addition, York Region has consistently demonstrated our commitment to protecting Lake Simcoe through:

- A commitment to utilizing "drinking water quality" equivalent membrane treatment technology at the Region's Keswick Water Pollution Control Plant in addition to other environmental enhancements already implemented such as accreditation to the ISO 14001 environmental management system standard.
- Continuously operating our Water Pollution Control Plants at/or beyond compliance to ensure enhanced protection of the Lake.

- Developing necessary background and scientific information through the Lake Simcoe Environmental Management Study (LSEMS).
- Submitting a funding request to the Lake Simcoe Clean-Up Fund to develop a Regional Phosphorus Management Strategy to evaluate and address cumulative impacts of Phosphorus loadings from within York Region boundaries.

Province should be commended for a comprehensive document that supports many environmental initiatives currently approved in York Region

The proposed Lake Simcoe Protection Plan (LSPP) supports many of the environmental initiatives currently approved in York Region as part of the Oak Ridges Moraine, Greenbelt and Growth Plans. The proposed Lake Simcoe Protection Plan requires adjacent communities to undertake similar water conservation and use reduction strategies that York Region has promoted, with the Water for Tomorrow program. The environmental goals set out in the proposed Plan for improving watershed quality are commendable.

York Region staff, representatives from local municipalities and other stakeholders met to discuss common key issues

As part of the comments submitted in response to the EBR Posting #010-4636, York Region staff had specific comments related to the following:

- Impact of the proposed Lake Simcoe Protection Plan on York Region's ability to service the northern portion of the region, achieve the Growth Plan requirements and provide for the development of complete communities.
- Funding to support implementation of the Lake Simcoe Protection Plan.
- Capacity of various stakeholders in the Lake Simcoe Protection Plan to deliver on the extensive and aggressive work plan.
- Municipal requirements will be costly and are presently unfunded.

Attachment 1 to this report contains detailed comments forwarded to the Ministry of Environment in response to the EBR posting and its March 16th, 2009 deadline.

Lake Simcoe Protection Plan 'Water Quality' initiatives target sewage treatment plants and stormwater management

The 'Water Quality' section of the proposed Lake Simcoe Protection Plan focuses on sewage treatment, stormwater management, subsurface sewage treatment, scientific water quality monitoring and research, phosphorus reduction strategy, and construction and

mineral aggregate resource activities. The proposed Lake Simcoe Protection Plan seeks to impose stricter controls on sewage treatment plants including development of long-term loading caps for individual plants on the Lake and seeks to require effluent characterization of each plant in the basin. Upon the revocation of O.Reg. 60/08, no new municipal sewage treatments will be approved on the Lake and any non-municipal sewage treatment plant that is proposed will be required to demonstrate a net reduction in phosphorus to the Lake. The proposed plan also commits to evaluating the feasibility of a Water Quality Trading program for the basin.

Stormwater management is also emphasized heavily in this section of the plan. Municipalities will be required to conduct stormwater master plans within five years of the plan's declaration. The proposed Lake Simcoe Protection Plan also suggests that retrofit programs for the existing stormwater infrastructure should be developed prior to the completion of the master plans.

The plan proposes no new subsurface sewage treatment systems or works be permitted within 100 metres of the Lake Simcoe shoreline. All existing on-site sewage systems within 100 metres of the Lake Simcoe shoreline or any permanent stream of Lake Simcoe will be required to be re-inspected through a regulation proposed under the *Building Code Act* (1992).

Interim Phosphorus regulation will be extended beyond March 31, 2009

The Province has approached York Region regarding extension of the Interim Regulation Ontario Regulation 60/08 beyond the current deadline of March 31, 2009. York Region staff have been working with the Province to consider a jurisdictional limit to apportion flexibly to each of the five York Region sewage treatment facilities in Holland Landing, Mount Albert, Schomberg, Sutton and Keswick. This approach would also satisfy servicing needs by permitting the Region to maximize specific site efficiencies, while facilitating operational flexibility.

Gains in phosphorus reduction will be realized if regulations focus on large contributors

The proposed Lake Simcoe Protection Plan indicates that the major contributions of phosphorus within the Lake Simcoe basin are from atmospheric deposition (33%) and urban and rural inflow drainage (37%). Currently, emphasis in the proposed Lake Simcoe Protection Plan is to more closely regulate sewage treatment plants and develop additional reduction programs and targets. It should be noted that sewage treatment plants contribute a small amount (7%) of the phosphorus to the watershed.

York Region staff recommends stronger regulatory controls be placed on the larger sources of phosphorus in the basin; there should be consistent application of the right instruments to increase phosphorus reduction in the lake.

Emphasis on Water Quality trading in the Lake Simcoe Protection Plan should be considered a viable option for phosphorus reduction

The practice of water quality trading allows the reduction of phosphorus at a point source. Water quality trading would provide for a decrease of phosphorus prior to entering a treatment plant. York Region has applied for funding from the Lake Simcoe Clean-up Fund to begin identifying sources of phosphorus, together with the local municipalities, prior to it reaching the plant.

Currently, the Lake Simcoe Protection Plan only commits to researching the concept of water quality trading within the first year of implementation. York Region recommends an effective program for water quality trading should be developed and a pilot undertaken within one year. York Region staff also suggest that the program could be piloted within the region.

Plan seeks to build on existing work through Source Protection committees and *Clean Water Act* (2006)

The *Clean Water Act* (2006) has mandated formation of Source Protection Committees throughout the province and a number of specific technical projects within each watershed. The proposed Lake Simcoe Protection Plan will work through the water budget process to develop flow targets for stressed watersheds and subwatersheds in Lake Simcoe.

The proposed Lake Simcoe Protection Plan will also require municipalities on the lake without water conservation and efficiency master plans to develop them within five years of the plan coming into effect. York Region's award winning, 'Water for Tomorrow' program satisfies water conservation and efficiency requirements stipulated in the proposed Plan.

Proposed Lake Simcoe Protection Plan requires significant work be undertaken by the Province and all stakeholders

The proposed Lake Simcoe Protection Plan represents one of the most labour intensive Provincial initiatives in recent history. The Plan itself represents a monumental and necessary undertaking; the associated work plan to accomplish goals set out in the proposed Plan over the next three years is extremely aggressive for all stakeholders.

Within the first three years, stakeholders including the Province (including the Ministry of the Environment, the Ministry of Natural Resources and the Ministry of Energy and Infrastructure) and the Lake Simcoe Conservation Authority are committed to undertaking 36 studies. Municipalities are committed to three studies within the first five years.

Any deviations from this timetable could delay additional elements of the plan. Given current fiscal limitations and projections of deficits in Provincial funding, there is a serious possibility that the proposed timetable may be impacted. Based on experiences with other Provincial Plans, including the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe, the Province and other stakeholders may not have the necessary finance and human resources to fully deliver the initiatives proposed in the first five years of the Plan. It would be more feasible for the Province to extend some of the timeframes and/or consider additional funding to manage some of these challenges.

Relationship to Vision 2026

The proposed Lake Simcoe Protection Plan continues to support the strong tradition that York Region has demonstrated in support of programs that protect the health of Lake Simcoe. More specifically, in Vision 2026, Goal 2 'Enhanced Environment, Heritage and Culture – Securing A Green York Region' commits to the protection of sensitive features including Lake Simcoe.

5. FINANCIAL IMPLICATIONS

Long-term financial commitment is vital to the success of the Lake Simcoe Protection Plan

The proposed Lake Simcoe Protection Plan acknowledges that funding has been a concern to all stakeholders. Estimates for Lake Simcoe Protection Plan implementation in the first 10 years is upwards of \$135 million, exclusive of municipal costs estimated at \$120 million for stormwater management and \$105 million for sewage treatment plant upgrades. The total estimate for project planned in the first 10 years of the Plan implementation is \$360 million dollars. York Region staff have recommended that the Province and Federal government consider an endowment structure of \$500 million over 10 years to allocate sustainable funding over a long-term period for the implementation of the Plan. This would allow for roughly \$36 million dollars per year to be contributed to the Plan implementation.

The Province has currently committed \$20 million over four years with a focus on providing assistance to farmers to encourage agricultural best management practices, scientific research, monitoring, and administrative support. There is no indication whether this commitment is a one time commitment or ongoing funding support. There is also no mention of the \$30 million Federal contribution through PROPEL funding and it's place in future implementation.

6. LOCAL MUNICIPAL IMPACT

Stormwater Management and Septic System re-inspections present some concerns for affected local municipalities

York Region staff have met with representatives of local municipalities affected by the proposed Lake Simcoe Protection Plan. The proposed Plan will pose a significant impact at the local level from a workload and financial perspective.

The proposed Lake Simcoe Protection Plan places a large emphasis on formalizing and upgrading stormwater management practices. It is estimated that this requirement alone will cost municipalities upwards of \$100,000 to \$150,000 to complete in accordance with Municipal Class EA process. Retrofitting existing stormwater management infrastructure will likely be in the millions of dollars.

A proposal that local municipalities will be responsible for on-site sewage inspection and certification programs will also tax local governments beyond existing resources. Town of Georgina staff have suggested the focus of this program should be on older systems (beyond 10 to 15 years of age) as these systems are more likely to have issues that will more effectively reduce phosphorus from this source. Cost for the re-inspection program is also a major concern to local municipalities. It has been suggested that the cost of re-inspection and any remedial actions or works should be born by the individual landowners, potentially with a Provincial incentive program.

7. CONCLUSION

The proposed Lake Simcoe Protection Plan supports many of the environmental initiatives currently approved in York as part of the Oak Ridges Moraine, Greenbelt and Growth Plans. Additionally, it builds on work that is already being undertaken by the Province in other initiatives such as the *Clean Water Act* (2006) and development of provincial water conservation programs.

York Region has an extensive history in support of Lake Simcoe Conservation Authority and its continued excellence in the protection of the Lake and the protection of the lake as a whole. The Lake Simcoe Region Conservation Authority should take an active role in the implementation of the Lake Simcoe Protection Plan.

Sewage treatment plants are small contributors of phosphorus to the basin. As such, regulatory instruments should be developed and applied to large sources of phosphorus to affect the most gain in phosphorus reduction in Lake Simcoe.

The Province should give additional consideration to the aggressive workplan for all stakeholders within the proposed Lake Simcoe Protection Plan and establish long-term funding sources to ensure success.

For more information on this report, please contact Laura McDowell, Director,
Environmental Promotion and Protection Branch, Environmental Services at ext.5077.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Draft Lake Simcoe Protection Plan

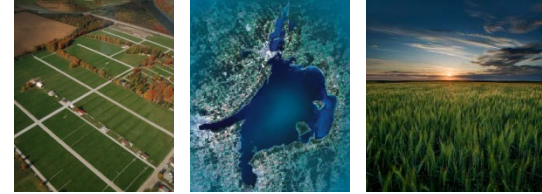
York Region - Transportation and Works Committee

Phil Brennan, MOE

April 8, 2009

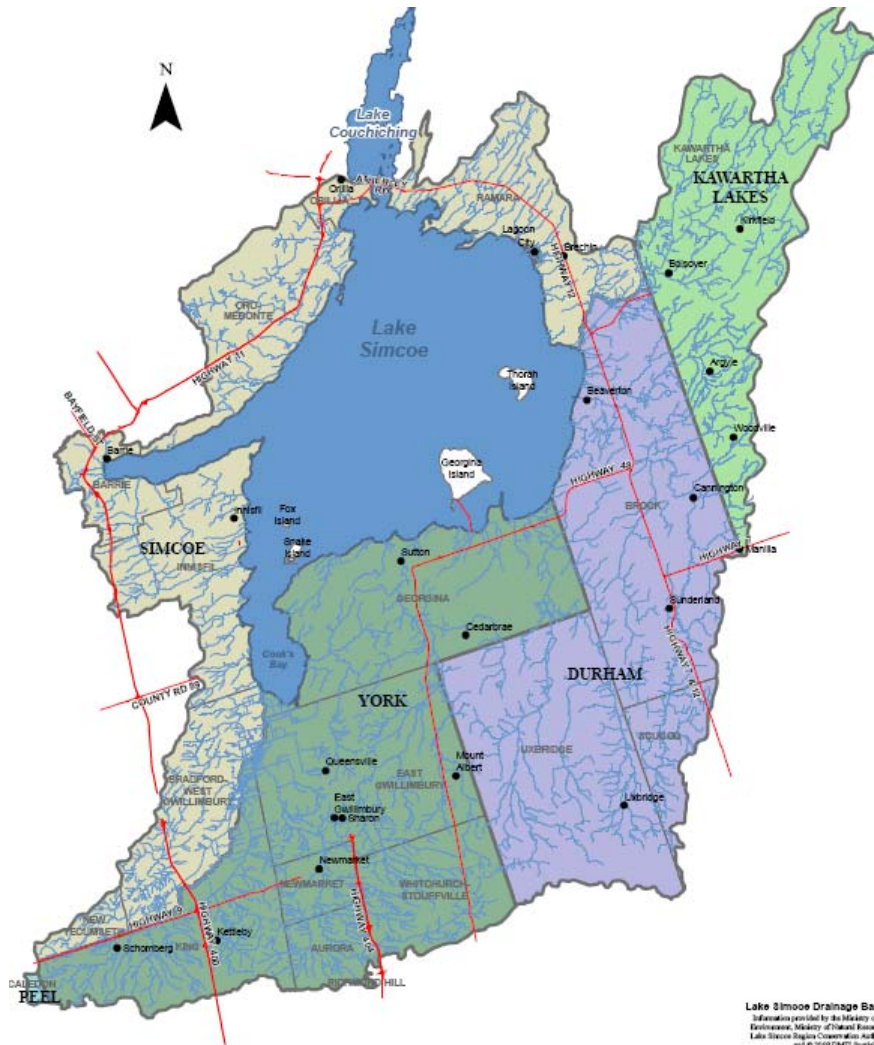


Presentation Outline

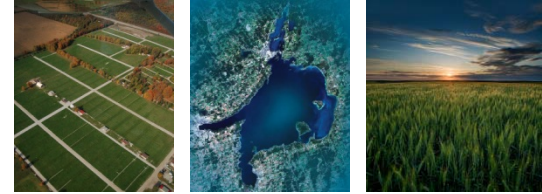


The Lake Simcoe Watershed

- To provide an overview of the draft Lake Simcoe Protection Plan.



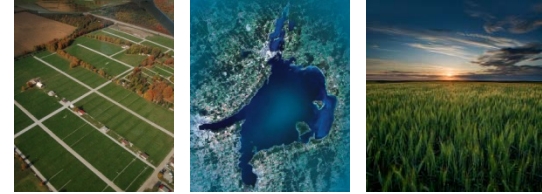
Lake Simcoe & Its Watershed



- Largest inland lake in southern Ontario
 - Home to 350,000 people
 - 47% of watershed is in agricultural land use (~\$300M/yr, 2000 farms)
 - Valuable sport fishery and recreation (~\$200M/yr)
 - 18% of watershed is developed lands, non-agricultural land, roads
 - 35% of the watershed is under natural cover (woodlands and wetlands), much of it fragmented, most of the shoreline is developed.
- Science Advisory Committee and Stakeholder Advisory Committee created to advise government on plan development, including:
 - Bruce Macgregor – *Co-Chair for SAC, CAO, Regional Municipality of York*
 - Jon Babulic – *CAO, City of Barrie*
 - Christine Drimmie, *CAO's Office for the Regional Municipality of Durham*
 - Harry Hughes – *Mayor, Oro-Medonte Township, member of Simcoe County Council*
 - Jeffrey Lehman – *Councillor, City of Barrie, Chair, Finance Committee of Council*
 - Phyllis Morris – *Mayor, Town of Aurora*
- **Government Response:** December 2008 the *Lake Simcoe Protection Act* became law. Draft *Lake Simcoe Protection Plan* posted for comment (*ended March 16, 2009*)

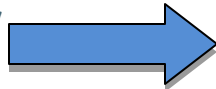


Key Threats to Lake Simcoe

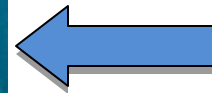


Policies in the Plan are tied to the threats identified by the Lake Simcoe Science Advisory Committee and to the objectives of the Lake Simcoe Protection Act.

Degraded Water
Quality



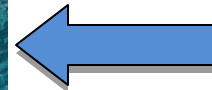
Newly Introduced Species (e.g.
zebra mussels)



Changes to Hydrologic Cycle
(Water Quantity Changes)



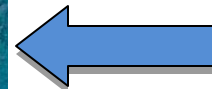
Emerging Threats
(Climate Change)



Loss and Fragmentation of
Sensitive Natural Areas and
Habitat



Other Human Pressures
(Fishing and Other Resource
Uses)

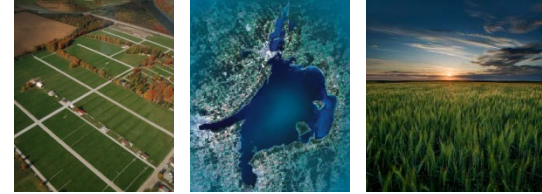


**THREATS &
STRESSORS**

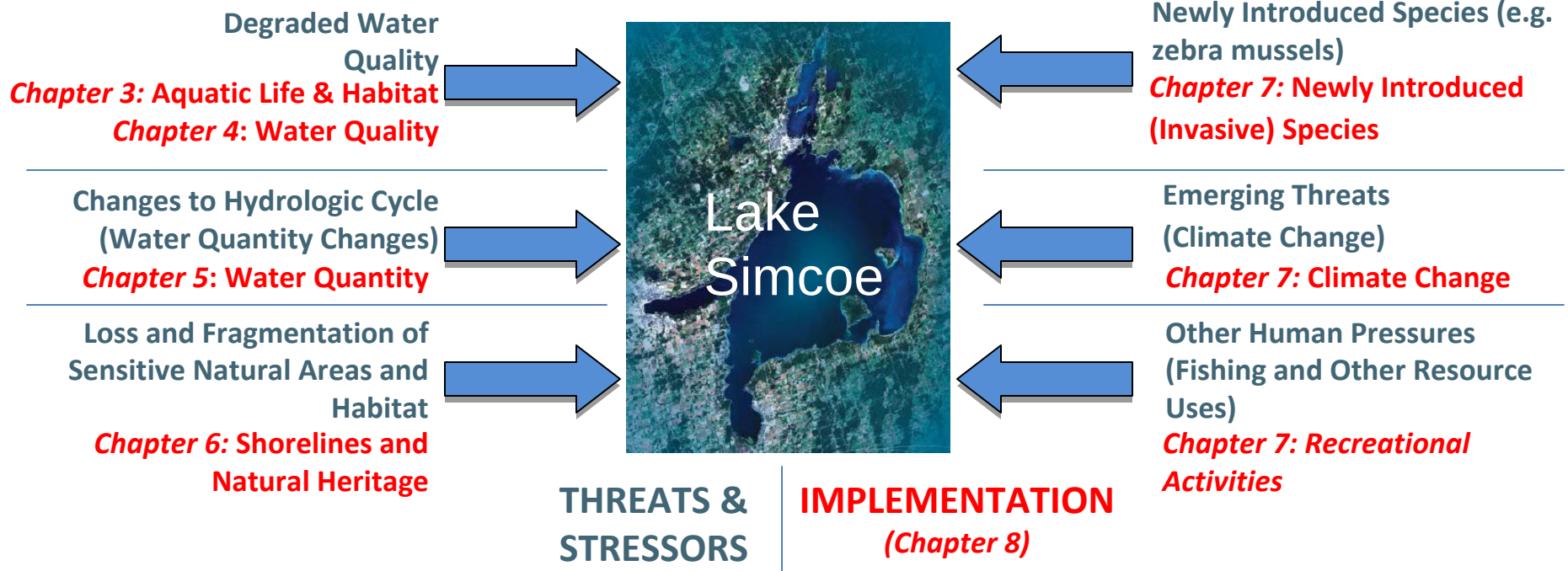
"These stressors do not act independently; they will affect one another, and may also have combined effects on the lake and watershed."

Lake Simcoe Science Advisory Committee Report

Key Threats to Lake Simcoe



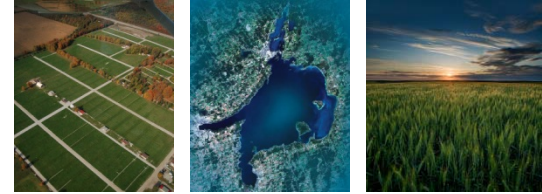
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Lake Simcoe Science Advisory Committee Report

Summary of Key Policies



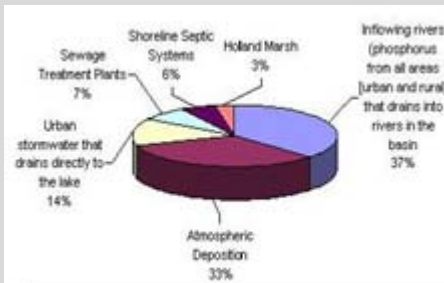
Aquatic Life and Habitat

- Develop **aquatic/fish community objectives**
- Establish **baseline mapping** of aquatic habitats
- Enhance **monitoring, research and assessment**
- Review the **stocking program**



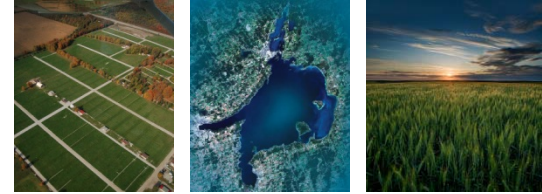
Water Quality

Sources of Phosphorus



- Prepare **phosphorus reduction strategy** ★
 - to include loading targets; sewage treatment plant caps; actions on all phosphorus sources and timelines
- **Stormwater master plans** to be prepared and implemented ★
 - Applications for major developments (i.e. larger than 500m²) to be accompanied by a stormwater management plan
- Extend **interim regulation caps on STPs** for one year ★
(complete, as of April 1st 2009)
- **Prohibit new municipal sewage treatment plants or non-municipal sewage treatment plants** (with exceptions) ★
- **Restrict new on-site sewage systems** within 100 meters of the shoreline (with exceptions) ★
- **Mandatory septic re-inspections**, within 100 meters of the shoreline and permanent stream ★
- Evaluate feasibility of a **water quality trading program**

Summary of Key Policies

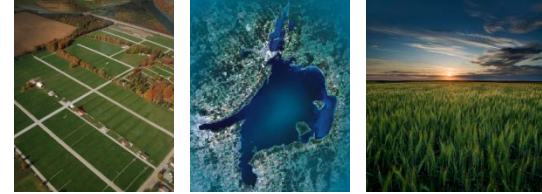


Shorelines & Natural Heritage



- **Decisions on development and site alteration** proposals must conform to the designated policies of the plan ★
 - **Shoreline buffers** where development would not be permitted
 - Development and site alteration prohibited in **natural features and vegetation protection zones**
 - **Shoreline protection regulation** that may restrict or prohibit activities, such as fertilizer use and vegetation removal
- Shoreline strategy and stewardship strategy to look at **restoration, securement and acquisition** ★
- Template for **tree cutting & site alteration bylaws** developed
- **Significant groundwater recharge areas** to be incorporated into municipal official plans ★
 - Urban settlement area expansions should **avoid these areas**
 - Applications for development/site alteration in these areas to include an **environmental impact study**
 - Municipal official plans required to **restrict uses** (i.e., generation, storage, disposal and management of wastes) in these areas
- **Minimum erosion and sediment control measures to be considered for construction practices**
- **Delineate priority areas for riparian area restoration** ★

Summary of Key Policies



Water Quantity



- Develop **detailed water budgets** in all stressed watersheds ★
- Require **applications for major recreational uses** to be accompanied by water conservation plans
- Specific **municipalities to produce water conservation and efficiency plans** ★
 - Barrie, Orillia, New Tecumseth, Bradford West Gwillimbury, Innisfil, Oro Medonte, Ramara
- Develop **instream flow targets** for ecological purposes

Invasive Species

- Only **baitfish captured in the watershed** are to be used in the watershed
- **Develop watch list and prepare risk-based response plans**



Round Goby

Climate Change

- Develop a **climate change adaptation strategy** for the Lake Simcoe watershed ★

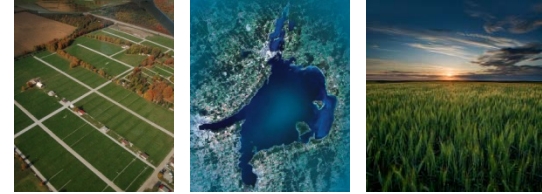


Recreational Activities

- **Assess recreational carrying capacity**
- Encourage municipalities to include **public access to lake** ★



Implementation



Subwatershed Approach

- **Multi-scale watershed approach** – to focus priorities where needed
- **Guidelines** to be prepared to define, evaluate, set targets and actions for subwatersheds
- Within 5 years **subwatershed evaluations** will be completed for priority subwatersheds



Research & Monitoring



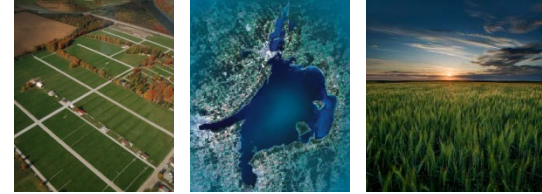
- **Scientific research and monitoring** to inform an adaptive management approach
- **Research and monitoring event every two years**, to promote transfer of research among watershed partners

Stewardship

- Actions will focus on both **agricultural, rural and urban (non-farm) stewardship**
 - Stewardship Network / Alliance
 - Develop structured, incentive-based programs to address watershed priorities
 - agri-environmental stewardship programs
 - stewardship program for rural and urban (non-farm) landowners



Implementation



Coordination

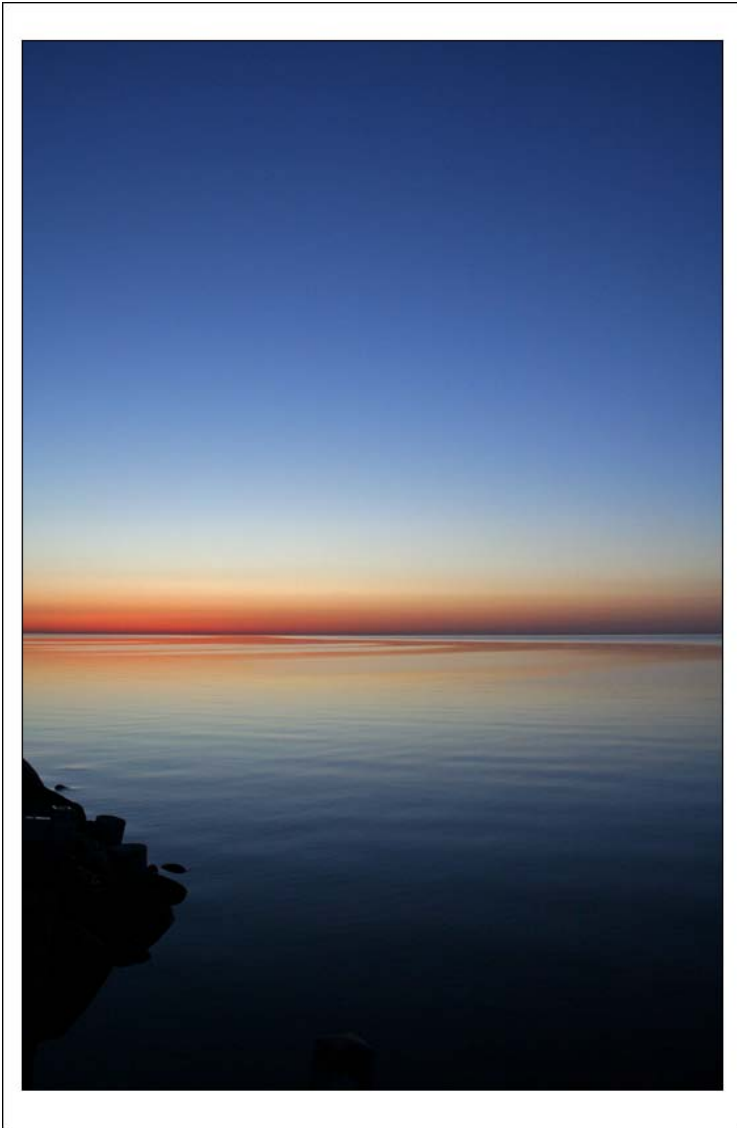
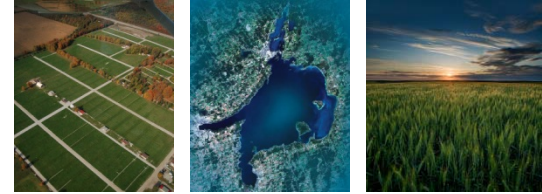
- Implementation through a **partnership approach**
- The Province will take a **leadership role**, supported by:
 - **Coordinating Committee**: advice on implementation and monitoring progress (members from municipalities, LSRCA, agriculture/commercial community, Aboriginal community, ENGOs, public)
 - **Science Committee**: advice on monitoring programs, areas for research and amendments
- A provincial **Lake Simcoe Project Team** will lead implementation, working with partners



Financing

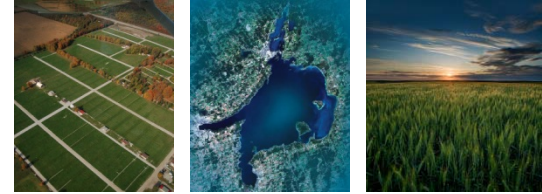
- The Province will invest **\$20 million over 4 years (2008-12)** for implementation (i.e., agricultural stewardship, science and monitoring, and coordination)
- The draft Plan includes a **financing strategy**

Key Regulations



- **Interim Regulation to extend caps** on Sewage Treatment Plants – *now extended until March 31, 2010.*
- Regulations to be released with the Plan:
 - **Transition regulation** to address planning or other approvals that are submitted but not yet decided upon or that have received previous related approvals.
 - **Regulations prescribing watershed boundaries and instruments.**
- Regulations to be released after Plan is in effect:
 - **Shoreline regulation** (*timing within 1 year*) that may restrict or prohibit activities, such as fertilizer use and vegetation removal.
 - **Septic re-inspections regulation** (*under the Building Code*) that would require mandatory septic re-inspections.
 - Regulation, under the federal *Fisheries Act*, to restrict angler **use of live bait** (e.g., bait fish) from outside of the watershed.
 - **Water quality trading regulation** (*if determined to be feasible*) to provide details of a possible water quality trading program.

Summary of Consultations



Community Partner Workshops:

- February 6th – Barrie
 - February 9th – Jackson's Point
 - February 20th – Newmarket
 - March 4th – Orillia
- = 109 Attendees**

Open House sessions:

- February 4th – Barrie
 - February 25th – Newmarket
- = 177 Attendees**

Sector specific workshops/presentations:

Community Partners = 253 Attendees

- *Agri-Info Day*, January 14th
- *Lake Simcoe Community Stewardship meeting*, January 16th
- *Environmental Defence/ Campaign Lake Simcoe*, January 27th
- *Agricultural Workshop*, January 28th
- *BILD Simcoe Chapter*, January 30th
- *MOE-Laurentian Univ. Science Communication Workshop*, Feb. 12th
- *Bait Industry Meeting*, February 18th
- *Lake Simcoe Fisheries Stakeholder Committee Meeting and Fish Lake Simcoe Tourism Alliance*, February 24th
- *South Georgian Bay-Lake Simcoe Source Protection Committee Meeting*, February 26th
- *LSRCA Board Meeting*, February 27th
- *Ontario Stone, Sand and Gravel Association Presentation*, March 5th
- *LSRCA – Meeting with Key Staff*, March 13th
- *PROPEL committee*, March 17th
- *Boating Ontario Regional Meeting*, March 26th

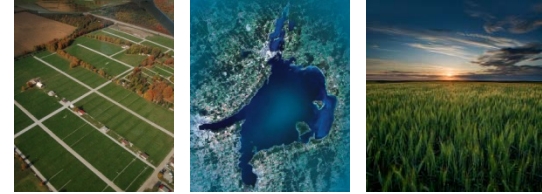


Municipalities = 103 Attendees

- *Municipal Workshop*, February 12th
- *Town of Uxbridge Watershed Advisory Committee Meeting*, January 28th
- *Township of King*, February 17th
- *Township of Brock*, March 2nd
- *Town of Aurora*, March 3rd
- *Region of Durham*, March 3rd
- *York Region*, March 5th
- *County of Simcoe*, March 11th
- *Town of Uxbridge*, April 6th
- *York Region – Transportation and Works Committee*, April 8th

Over the course of this consultation period, the Province met with over 600 concerned citizens and organizations.

Next Steps



- Province to finalize Plan based on comments and feed back received
- Province to finalize key regulations:
 - Transition Regulation
 - Regulation prescribing watershed boundaries and instruments

Ministry of the Environment

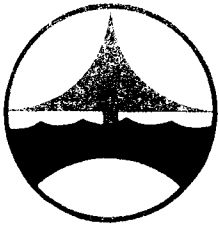
Lake Simcoe Project

55 St. Clair Ave W, 7th floor
Toronto, ON M4V 2Y7

Tel: 416-325-4000 or 1-800-565-4923
Fax: 416-327-9823

Email: protectlakesimcoe@ontario.ca

Website: <http://ontario.ca/lakesimcoe>



TOWN OF GEORGINA

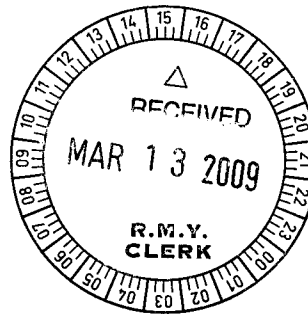
26557 Civic Centre Rd., R.R. #2, Keswick, Ontario L4P 3G1

REGION OF YORK
CLERK'S OFFICE

FILE No. - **906**

March 9, 2009

Ministry of the Environment,
Environmental Programs Division,
135 St. Clair Avenue West,
12th Floor,
TORONTO, Ontario
M4V 1P5



Attn: Liz Unikel,
Senior Policy Coordinator,
Environmental Programs Division, Lake Simcoe Project Team

Dear Ms. Unikel:

Re: Draft Lake Simcoe Protection Plan,
Environmental Bill of Rights Registry (EBR) Number 010-4636
Report No. PB-2009-0022

Town Council at its meeting held on March 2, 2009, considered the above-noted report concerning the Draft Lake Simcoe Protection Plan and passed the following motion:

- A. THAT REPORT NO. PB-2009-0022 BE ENDORSED AND RECEIVED AS INFORMATION.
- B. THAT COUNCIL ADVISE THE PROVINCE OF IT'S SUPPORT OF THE DRAFT LAKE SIMCOE PROTECTION PLAN AND FURTHER, THAT THE PROVINCE PROVIDE THE RESOURCES (FINANCIAL AND OTHERWISE) THAT ARE NECESSARY TO IMPLEMENT THE PLAN, INCLUDING THE PROVISION OF FINANCIAL ASSISTANCE TO MUNICIPALITIES TO CARRY OUT THEIR ROLE AND RESPONSIBILITIES.
- C. THAT COUNCIL ADOPT THE SPECIFIC RECOMMENDATIONS SET OUT IN SECTION 6 OF REPORT NO. PB-2009-0022; SPECIFICALLY;
 - I) THAT THE PROVINCE BE ADVISED OF THE TOWN'S CONCERNS REGARDING THE HIGH CAPITAL AND OPERATING COST ASSOCIATED WITH THE PREPARATION AND IMPLEMENTATION OF MASTER STORMWATER MASTER PLANS

... 2

- II) THAT IN CONSIDERATION OF THE ABOVE, THE PROVINCE BE REQUESTED TO CONSULT WITH MUNICIPALITIES TO CLARIFY ITS INTENTIONS OR EXPECTATIONS WITH RESPECT TO IMPLEMENTATION OF SWMP'S, AND THAT THE PROVINCE ESTABLISH AN ADEQUATE FUNDING SOURCE OR MODEL TO PROVIDE FINANCIAL ASSISTANCE TO MUNICIPALITIES IN CARRYING OUT THEIR ROLE AND RESPONSIBILITIES.
- III) THAT THE LAKE SIMCOE REGION CONSERVATION AUTHORITY DEFER ITS ACTIVITIES WITH RESPECT TO THE DEVELOPMENT OF AN ON-SITE SEWAGE MAINTENANCE RE-INSPECTION PROGRAM UNTIL SUCH TIME AS A REGULATION HAS BEEN ENACTED AND CLARITY IS PROVIDED IN TERMS OF WHO WILL PLAY THE LEAD ROLE IN UNDERTAKING ON-SITE SEWAGE RE-INSPECTIONS.
- IV) THAT POLICY 4.14-SA BE REVISED BY INCLUDING THE DEFINED TERM "SUBSURFACE SEWAGE SYSTEM:
- V) THAT POLICY 4.14-SA BE REVISED BY REQUIRING THE MINISTRY OF THE ENVIRONMENT AND THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING TO CONSULT WITH AFFECTED MUNICIPALITIES WITH RESPECT TO THE CONTENT OF A REGULATION DEALING WITH ON-SITE SEWAGE RE-INSPECTIONS AS WELL AS HOW THIS ACTIVITY WILL BE FINANCIALLY SUPPORTED AND IMPLEMENTED.
- VI) THAT POLICY 4.16-DP BE REVISED TO ENABLE EXISTING DWELLINGS/COTTAGES TO UPGRADE FAULTY AND NON-COMPLYING SEPTIC SYSTEMS BEYOND ORIGINAL CAPACITY AND, FURTHERMORE, TO INCLUDE PROVISIONS WHICH ALLOW FOR SOME FLEXIBILITY IN TERMS OF ALLOWING MINOR EXPANSIONS TO EXISTING DWELLINGS WHICH ALSO NECESSITATE AN EXPANSION OF THE EXISTING SEPTIC SYSTEM.
- VII) THAT THE PROVINCE PROVIDE CLARIFICATION AS TO WHY OTHER "SEWAGE" SYSTEMS AND WORKS UNDER THE ONTARIO WATER RESOURCES ACT ARE NOT INCLUDED WITHIN THIS PROPOSED POLICY.
- VIII) THAT POLICY 4.16-DP BE IMPLEMENTED BY A REGULATION UNDER THE ONTARIO BUILDING CODE ACT.
- IX) THAT THE MINISTRY OF THE ENVIRONMENT BE REQUESTED TO INCREASE THE INTERIM PHOSPHOROUS CAP FOR THE SUTTON SEWAGE TREATMENT PLANT TO AN AMOUNT NECESSARY TO SERVICE THE EXISTING APPROVED OFFICIAL PLAN POPULATION FOR SUTTON OF 13,500 WHICH IS REQUIRED TO ACHIEVE CONFORMITY WITH THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE AND, FURTHER,

THAT THE MINISTRY OF THE ENVIRONMENT STAFF BE REQUESTED TO MEET WITH TOWN AND REGION STAFF ON THIS ISSUE AND RELATED MATTERS DEALING WITH THE PROPOSED LONG TERM PHOSPHORUS DISCHARGE LIMITS FOR THE KESWICK AND SUTTON SEWAGE TREATMENT PLANTS SO AS TO ENSURE THAT GEORGINA CAN CONTINUE TO DEVELOP INTO A COMPLETE AND BALANCED COMMUNITY.

- X) THAT THE MINISTRY OF THE ENVIRONMENT CONSULT WITH MUNICIPALITIES IN DEFINING AND MAPPING THE BOUNDARIES OF SHORELINE BUILT UP AREAS FOR INCLUSION INTO THE LAKE SIMCOE PROTECTION PLAN (LSPP).
- D. THAT COUNCIL MAKE A REQUEST TO THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING FOR AN 18 MONTH EXTENSION TO THE JUNE 16, 2009 DEADLINE FOR GROWTH PLAN CONFORMITY, WITH SAID EXTENSION TO COMMENCE FOLLOWING THE COMPLETION OF THE YORK REGION GROWTH PLAN CONFORMITY EXERCISE.
- E. THAT THE TOWN CLERK FORWARD A COPY OF THIS REPORT AND COUNCIL'S RESOLUTION THEREON TO LIZ UNIKEL, SENIOR POLICY COORDINATOR OF THE MINISTRY OF ENVIRONMENT'S ENVIRONMENTAL PROGRAMS DIVISION (LAKE SIMCOE PROJECT TEAM), AND TO THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING, THE REGIONAL MUNICIPALITY OF YORK AND THE LAKE SIMCOE REGION CONSERVATION AUTHORITY.

Accordingly, please find attached a copy of Report No. PB-2009-0022 for your review and information purposes.

Sincerely,
FOR THE TOWN OF GEORGINA,



Carolyn Lance
Administrative Assistant to the Town Clerk

cc: Ministry of Municipal Affairs and Housing, 777 Bay St, 17th Floor, Toronto M5G 2E5
Region of York, 17250 Yonge St, Newmarket L3Y 6Z1, Attn: Denis Kelly, Regional Clerk
Lake Simcoe Region Conservation Authority, Box 282, 120 Bayview Parkway, Newmarket L3Y 4X1
Harold Lenters, Director of Planning and Building

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. PB-2009- 0022

FOR THE CONSIDERATION OF THE
COMMITTEE OF THE WHOLE
MARCH 02, 2009

COPY

**SUBJECT: DRAFT LAKE SIMCOE PROTECTION PLAN
ENVIRONMENTAL BILL OF RIGHTS REGISTRY
NUMBER 010-4636**

1. RECOMMENDATION:

- A. THAT REPORT NO. PB-2009-0022 BE ENDORSED AND RECEIVED AS INFORMATION.
- B. THAT COUNCIL ADVISE THE PROVINCE OF IT'S SUPPORT OF THE DRAFT LAKE SIMCOE PROTECTION PLAN AND FURTHER, THAT THE PROVINCE PROVIDE THE RESOURCES (FINANCIAL AND OTHERWISE) THAT ARE NECESSARY TO IMPLEMENT THE PLAN, INCLUDING THE PROVISION OF FINANCIAL ASSISTANCE TO MUNICIPALITIES TO CARRY OUT THEIR ROLE AND RESPONSIBILITIES.
- C. THAT COUNCIL ADOPT THE SPECIFIC RECOMMENDATIONS SET OUT IN SECTION 6 OF REPORT NO. PB-2009-0022.
- D. THAT COUNCIL MAKE A REQUEST TO THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING FOR AN 18 MONTH EXTENSION TO THE JUNE 16, 2009 DEADLINE FOR GROWTH PLAN CONFORMITY, WITH SAID EXTENSION TO COMMENCE FOLLOWING THE COMPLETION OF THE YORK REGION GROWTH PLAN CONFORMITY EXERCISE.
- E. THAT THE TOWN CLERK FORWARD A COPY OF THIS REPORT AND COUNCIL'S RESOLUTION THEREON TO LIZ UNIKEL, SENIOR POLICY COORDINATOR OF THE MINISTRY OF ENVIRONMENT'S ENVIRONMENTAL PROGRAMS DIVISION (LAKE SIMCOE PROJECT TEAM), AND TO THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING, THE REGIONAL MUNICIPALITY OF YORK AND THE LAKE SIMCOE REGION CONSERVATION AUTHORITY.

2. INTRODUCTION:

On January 13, 2009, the Government of Ontario placed the "Draft Lake Simcoe Protection Plan" (LSPP or Plan) on the Environmental Bill of Rights Registry (EBR) for public review and comment. The deadline for submitting comments is March 16, 2009. A copy of the draft LSPP is not attached to this report, but has been provided under separate cover with the agenda package. The purpose of this report is to provide staff's comments and recommendations on the draft LSPP for Council's endorsement and submission to the Province.

3. BACKGROUND:

As part of the Provincial election campaign in 2006, the Liberal party announced that they would introduce legislation to protect Lake Simcoe. In December, 2007 the Province also announced that it intended to undertake the following:

- Release an interim regulation governing, among other things, phosphorus discharge into the Lake from sewage treatment plants;
- Set-up a science advisory committee to ensure legislation and long-term protection strategies are based on science;
- Set-up a multi-stakeholder advisory committee to advise on best practices to improve the long-term future of the Lake;
- Consult with First Nations with links to Lake Simcoe;
- Develop a broad public consultation plan to gather input from stakeholders; and,
- Release a Discussion Paper to help frame the key objectives and issues being considered in the development of a protection strategy.

On March 27, 2008 the Discussion Paper "Protecting Lake Simcoe: Creating Ontario's Strategy for Action" was released for comment. At the same time, the Province released a regulation (O.Reg.60/08), which imposed a 12 month phosphorus loading limit on each of the 14 existing municipal sewage treatment plants and the one industrial sewage treatment plant located in the Lake Simcoe Basin. The Regulation also prohibits the establishment of new sewage treatment plants in the Lake Simcoe Basin. On April 28, 2008, Council adopted the recommendations of Report No. PB-2008-0045 and these were submitted as the Town's comments on the Discussion Paper. These recommendations are contained in Resolution No. C-2008-0189, which is attached as Schedule '1'.

On June 17, 2008, Bill 99, the proposed Lake Simcoe Protection Act was introduced in the Legislature. In addition, the Ministry of the Environment (MOE) posted it on

the EBR for public review and comment until August 15, 2008. York Region staff, in consultation with pertinent local municipal staff, submitted a letter with comments on Bill 99, which is attached as Schedule '2'. The Lake Simcoe Protection Act passed by the Ontario Legislature sets the framework for protecting the Lake Simcoe watershed by, most notably, requiring the Province to create the Lake Simcoe Protection Plan.

On June 23, 2008, Council adopted the recommendations of Report No. EPW-2008-0027 dealing with concerns associated with the Sutton Sewage Treatment Plant expansion caused by the interim phosphorus loading cap. Both the Environmental Assessment (EA) Study for the Plant expansion and the Sutton Secondary Plan Review Study have been negatively affected by the Phosphorus cap. A copy of Report No. EPW-2008-0027 is attached as Schedule '3'. The Minister of the Environment's letter in reply to Report No. EPW-2008-0027, is attached as Schedule '4'. In his letter, the Minister states that "until such time as both the proposed Act and protection plan are promulgated and commented on publicly, it would be premature to consider revisions to any of the sewage treatment plant phosphorus limits".

On February 9, 2009, the writer along with the Town Engineer, attended a stakeholder's workshop on the draft LSPP. This workshop was held in Georgina and was conducted by the Province. A number of Town staff also attended a Provincially initiated workshop in Newmarket on February 12, 2009, specifically geared to obtain feedback from local and upper tier municipal staff.

4. OVERVIEW OF DRAFT LSPP:

Plan Objectives:

The draft LSPP seeks to improve the overall ecological health of the Lake Simcoe watershed with a specific focus on restoring a coldwater fish community in the Lake through discharge reductions in phosphorus (P) and other nutrients and pollutants. In particular, the draft Plan proposes to reduce the total loading of P to the Lake from 75 tonnes/yr to 44 tonnes/yr in order to achieve a target Lake dissolved oxygen level of 7 mg/L.

Plan Principles:

The draft Plan identifies and describes the following principles that will guide the efforts to protect and restore the Lakes ecological health:

- Ecosystem Approach
- Precautionary Approach

- Adaptive Management Approach
- Shared Responsibility
- Cost Effectiveness

Plan Priorities:

The Draft Plan recognizes that restoring the ecological health of the Lake Simcoe watershed will be a long term undertaking. Notwithstanding, the Plan sets out initial actions focused on the issues most critical to the health of Lake Simcoe including:

- Improving water quality, including reducing loadings of phosphorus into the Lake;
- Maintaining water quantity;
- Improving the health of the ecosystem by protecting and rehabilitating important areas, such as vegetated buffers along shorelines, tributaries and wetlands; and,
- Addressing impacts of invasive species and climate change.

Plan Targets, Indicators and Policies:

In conducting their work, the Lake Simcoe Science Advisory Committee identified the following as the primary threats or stressors that affect the health of the Lake Simcoe watershed ecosystem:

- Emerging Threats (climate change)
- Changes to Hydrologic Cycle (water quantity)
- Degraded water quality
- Other human pressures (recreational activities)
- Loss and fragmentation of sensitive natural areas and habitats
- Newly introduced species (e.g. round goby)

In consideration of the above, the “meat” of the draft LSPP consists of targets, indicators and policies organized into chapters that address the above stressors under the following topics or headings:

- Aquatic Life
- Water Quality
- Water Quantity
- Natural Heritage and Shorelines
- Invasive Species
- Climate Change
- Recreational Activities

In addition to the above, the draft Plan also contains a final chapter dealing with Implementation. The Plan proposes to work in concert with existing Provincial legislation, plans and programs as well as recognition of building on existing science from programs such as the Lake Simcoe Environmental Management Strategy (LSEMS).

5. KEY LSPP POLICIES:

The Lake Simcoe Protection Act, 2008 includes provisions for different types of policies. Some policies have a legal effect, while others do not. The policies in the Plan are divided into the following three categories:

1. "DP" - Designated Policies to which decisions under the Planning Act and Condominium Act, as well as prescribed instruments such as sewage works under Section 33 of the Ontario Water Resources Act, must conform.

The Act also requires that municipalities bring their official plans into conformity with the applicable "designated policies" at their five year official plan reviews.

2. "M" - Policies governing Monitoring by Public bodies.
3. "SA" - Policies related to Strategic Actions that are essential to achieving the Plan's objectives, but are not given legal effect by the Act.

A summary of the key policies within each of the major topic areas is provided below:

Key Aquatic Life Policies

- Develop aquatic/fish community objectives
- Establish baseline mapping of aquatic habitats
- Enhance monitoring, research and assessment
- Review stocking program
- New and enhanced stewardship incentive programming
- Conduct socioeconomic evaluation of the value (ecological/monetary) of aquatic resources

Key Water Quality Policies

- Prepare a phosphorus reduction strategy
- Provide financial incentives for adoption of agricultural best management practices (e.g. vegetative buffers)
- Encourage stormwater infrastructure improvements
- Development of comprehensive stormwater master plans and stormwater management plans
- Use of integrated treatment approaches for stormwater management that go beyond end-of-pipe solutions
- Regulation to extend interim regulation caps on Sewage Treatment Plants (STPs) until the phosphorus reduction strategy has been implemented; continued prohibition on new municipal STPs or non-municipal STPs (with exceptions)
- Restrict new on-site septic systems within 100 meters of the shoreline (with exceptions)
- Require mandatory on-site sewage re-inspections, under the Building Code, within 100 meters of the Lake Simcoe shoreline and permanent streams
- Reduce phosphorus from construction through requirements for site plan and subdivision agreements
- Research on atmospheric deposition and effectiveness of management

practices

- Evaluate feasibility of a water quality trading program
- Enhancing existing water quality monitoring and scientific research programs

Key Water Quantity Policies

- Develop detailed water budgets in all stressed watersheds
- Require applications for major recreational uses to be accompanied by water conservation plans
- Commit certain municipalities to produce water conservation and efficiency plans
- Develop instream flow targets for stressed subwatersheds
- Financial incentives for agricultural water conservation Best Management Practices
- Encourage commercial and industrial sectors to implement water conservation and efficient use practices

Key Shorelines & Natural Heritage Policies

- Development and site alteration to be generally prohibited:
 - along shoreline of Lake Simcoe outside of existing settlement areas (within 100m); and,
 - along shoreline within shoreline built-up areas and within key natural heritage and key hydrologic features and their associated vegetation protection zones (min. 30m).
- Exceptions are proposed in relation to existing uses
- Settlement areas not to be subject to the shoreline, natural heritage and hydrologic policies although measures to improve ecological health of features and functions are encouraged
- Development of a shoreline protection regulation that may restrict or prohibit activities affecting the health of Lake Simcoe, such as fertilizer use and vegetation removal, is proposed

- The function of significant recharge areas is to be protected
- Priority areas for restoration, improvement and enhancement of shoreline and natural heritage features are to be identified

Key Invasive Species Policies

- Restrict angler use of live bait (e.g. bait fish) from outside of the watershed, proposed under the federal Fisheries Act
- Enhance education and outreach, including best management practices for public and industry
- Conduct community-based social marketing
- Develop watch list and prepare risk-based response plans
- Evaluate risk through other pathways (i.e. Trent-Severn, live food fish trade, ponds)
- Implement annual terrestrial invasive species monitoring program

Key Climate Change Policies

- Develop a climate change adaptation strategy for the Lake Simcoe watershed to:
 - assess and evaluate the risk and expected frequency of climate change impacts;
 - identify areas for research on the impact of climate change in the watershed;
 - identify the steps needed to develop an integrated climate change monitoring program;
 - identify the role of municipalities in the watershed with respect to adaptation planning;
 - identify key recommended adaptation actions that need to be undertaken, having regard to the advice of the Provincial Expert Panel on Climate Change Adaptation; and,
 - identify potential amendments to the Lake Simcoe Protection Plan.

Key Recreation Activities Policies

- conduct an assessment of the recreational carrying capacity and develop sustainable recreation policies
- Encourage municipalities to include public access to lake, when approving development
- Encourage owners and operators of marinas and golf courses to protect the ecological integrity of the lake and its watershed

As can be seen from the above, the draft Plan includes a broad range of policies and strategic actions. To assist Council in understanding who is required to do what and when, a detailed summary chart of all of the strategic actions has been provided with the draft Plan that was circulated in the agenda package.

Specifically, the summary chart identifies the strategic actions on the left side of the chart. On the right side, it indicates the timeline for completion and also shows which public body(ies) are responsible for carrying out the strategic action (denoted by an "R") and which public body(ies) are to be consulted (denoted by a "C").

6. ANALYSIS AND DISCUSSION:

Generally speaking, staff are of the opinion that the draft LSPP is a major step in the right direction towards restoring the ecological health of the Lake Simcoe watershed. Overall, the Plan is comprehensive, well organized and well presented. The Province is to be commended for its leadership and commitment to restore and protect the Lake Simcoe watershed, which is of utmost importance to the Town of Georgina. However, it is also recognized that it is a very ambitious Plan requiring a lot more work and resources (financial and otherwise) to successfully implement it. In this regard, the Plan falls short in terms of committing the necessary funding from the upper levels of government and this shortcoming has to be addressed moving forward.

It should also be pointed out, that the reaction to the Plan as a whole by the variety of stakeholders that attended the meetings the writer has participated in, was mostly very positive. However, as with most Provincial initiatives of this scope and magnitude, a number of issues, concerns and questions were raised.

The balance of this section will focus on the policies/strategic actions of the proposed Plan that present the most significant issues/concerns for the Town. Assisting the writer in this regard are comments from the Town Engineer, which are attached as Schedule '5'. As staff have no significant concerns with Chapters 1 - 3 of the Plan, the discussion below commences with Chapter 4.

Chapter Four: Water Quality

Stormwater Management (refer to Policy 4.5-SA, 4.6-SA and 4.7- DP on pg.25)

Policy 4.5-SA:

This policy requires municipalities, in collaboration with the Lake Simcoe Region Conservation Authority (LSRCA), to prepare and implement comprehensive stormwater management master plans (SWMP) for each settlement area in the Lake Simcoe watershed. The policy sets out a number of criteria directing how the SWMP's are to be prepared and what they must include. Most notably, the last two criteria require "an identification of the recommended approaches for stormwater management in each settlement area and an implementation plan for the recommended approaches".

As stated by the Town Engineer in his comments, the main issues relate to the costs and implementation challenges associated with SWMP's, and the maintenance and retrofitting of existing stormwater facilities to meet new standards. As Mr. Magloughlen notes, the Keswick SWMP must be undertaken pursuant to the Class EA process, and is expected to cost approximately \$160,000.00, with a portion of this covered by a \$33,000.00 grant from the Lake Simcoe Clean Up Fund. Within 5 years, additional funds will be required for similar studies to be undertaken for Sutton and Pefferlaw. Further, given the relatively broad language of the definition "settlement area" in the LSPP, it appears that a SWMP may also have to be done for the Lakeshore Residential areas.

Staff's concern is not only about the cost to carry out the SWMP Studies, but we are also concerned about the costs associated with improving existing facilities or providing stormwater management facilities in existing settlement areas that have minimal or uncontrolled runoff. While the policies on implementation only speak to municipalities being encouraged to implement the SWMP, the bottom line is why spend \$100,000.00's doing master plans if they are not going to be implemented. Certainly, the Province is going to expect implementation by the municipalities, but at this point it is not clear as to what the real expectations are in this regard. At the end, these costs will need to be paid by someone, and a reasonable funding formulae or funding source must be developed.

Recommendations:

THAT the Province be advised of the Town's concerns regarding the high capital and operating cost associated with the preparation and implementation of Master Stormwater Master Plans.

THAT in consideration of the above, the Province be requested to consult with

municipalities to clarify its intentions or expectations with respect to implementation of SWMP's, and that the Province establish an adequate funding source or model to provide financial assistance to municipalities in carrying out their role and responsibilities.

Subsurface Sewage Treatment (refer to Policy 4.14-SA, 4.16-DP on pg. 28)

Policy 4.14-SA:

This policy requires the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of the Environment (MOE) to develop a proposal for a regulation under the Ontario Building Code Act, 1992 to designate the lands within 100 metres of the Lake Simcoe Shoreline and any permanent stream of Lake Simcoe as a prescribed area for required on-site sewage maintenance re-inspections.

There are several issues and concerns related to this policy. The first issue stems from the fact that the LSRCA had received PROPEL funding in 2008 to initiate their own on-site sewage inspections and maintenance program. In this regard, the LSRCA contacted sub-watershed municipal Chief Building Official's (CBO's) to seek their support and participation in the development of such a program. However, concerns have been raised with respect to the LSRCA proceeding in advance of the proposed regulation. From discussions with the Town CBO, as well with MOE/MMAH staff, there appears to be a disconnect between what the LSRCA is currently doing and what the Province is proposing through the draft LSPP. In our view, while we certainly commend the LSRCA for wanting to move ahead on this type of initiative, it is premature for the LSRCA to proceed on their own initiative.

Other concerns of staff focus on what the regulation is going to require of municipalities in terms of implementation and enforcement. The policy provides no details in this regard. Staff is of the opinion that the focus of this program should be on the older systems, as these are more likely to have problems. As such, the CBO (in consultation with other CBO's within the watershed) suggests the program should target systems that are, for example, 10 - 15 years old and, any other systems where their age cannot be determined. Municipal staff has extensive knowledge and experience in dealing with on-site sewage systems and this would be of significant value to the Province in preparing a proposed regulation. However, the policy as it reads does not require the MOE and MMAH to consult with municipalities.

It should also be pointed out that Policy 4.14-SA specifically speaks to "on-site sewage maintenance re-inspections", where "sewage" is defined as "drainage, stormwater, commercial wastes and industrial wastes and such other matter or substances as is specified by the regulations under the Ontario Water Resources Act". It is clear from the workshops staff have attended that the Province is also

proposing re-inspections of private residential Class 4 septic systems. However, these types of systems are specifically defined as a “*subsurface sewage system*” in the LSPP and are not included within Policy 4.14-SA. As such, if it is the Province's intention to re-inspect Class 4 systems, then the term “*subsurface sewage system*” should be included in Policy 4.14-SA.

Another concern of staff is who will be leading this initiative and the various costs associated with a re-inspection program. In our view, the cost of re-inspections and any remedial actions or works should be borne by the individual landowners. However, to make such a program more palatable to affected landowners, it may be appropriate for the Province to provide some funding to assist landowners in covering a portion of the costs associated with the regulation (re-inspection fees, system remediation or replacement, etc.).

Recommendations:

THAT the Lake Simcoe Region Conservation Authority defer its activities with respect to the development of an on-site sewage maintenance re-inspection program until such time as a regulation has been enacted and clarity is provided in terms of who will play the lead role in undertaking on-site sewage re-inspections.

THAT Policy 4.14-SA be revised by including the defined term “subsurface sewage system”.

THAT Policy 4.14-SA be revised by requiring the MOE and MMAH to consult with affected municipalities with respect to the content of a regulation dealing with on-site sewage re-inspections as well as how this activity will be financially supported and implemented.

Policy 4.16-DP:

Criteria b) of this policy stipulates that new “*subsurface sewage systems*” or “*subsurface sewage works*” within 100 metres of the shoreline will only be permitted if the capacity does not exceed the capacity of the original system.

This policy fails to recognize that there are seasonal residences or cottages that have become full time residences. In these cases, the capacity of their septic systems would need to increase in order to accommodate the full time use. In other situations, there may be existing homes that have an undersized older septic system. Under the proposed policy, older inadequate systems requiring replacement could not be increased in size to properly service the size of the existing home. This policy would also prevent any expansion of an existing dwelling where such expansion also requires an upgrade to the capacity of the septic system. On lots of

adequate size, this policy appears to be overly restrictive and some flexibility appears warranted.

Staff are also questioning why the Province is only specifically targeting new "*subsurface sewage systems*" or Class 4 septic systems under the Building Code Act, and not including other types of "sewage" systems and works under the Water Resources Act (i.e. commercial and industrial wastes or larger communal systems).

Another matter requiring clarification is how the Province intends to implement this policy. It appears necessary that these new restrictions would have to be enforced through a regulation under the Building Code Act. Such restrictions cannot be enforced through the standard Planning Act mechanism (i.e. Official Plan and Zoning provisions).

Recommendations:

THAT Policy 4.16-DP be revised to enable existing dwellings/cottages to upgrade faulty and non-complying septic systems beyond original capacity and, furthermore, to include provisions which allow for some flexibility in terms of allowing minor expansions to existing dwellings which also necessitate an expansion of the existing septic system.

THAT the Province provide clarification as to why other "sewage" systems and works under the Ontario Water Resource Act are not included within this proposed Policy.

THAT Policy 4.16-DP be implemented by a regulation under the Ontario Building Code Act.

Phosphorus Reduction Strategy (refer to Policy 4.25-SA and 4.26-SA on pp. 30 and 31)

Policy 4.25-SA

This is a significant policy which requires the development of a Phosphorus Reduction Strategy (PRS) within one year of the date the LSPP comes into effect.

The Policy sets out the components of the PRS, which would appear to require a considerable amount of research and other work. In view of this, the creation of a PRS in one year appears very ambitious and doubtful. In fact, MOE staff have indicated to the writer that given the complexity in terms of dealing with such matters as atmospheric deposition of phosphorus, they foresee the one year deadline as being difficult to achieve and a two year time frame is more realistic.

The implication of this is that the Province has indicated that it will not finalize the long term total phosphorus loading caps for the sewage treatment plants in the Basin in the absence of a completed PRS. This means that the present delay in our ability to implement the Growth Plan, will continue for another one or possibly two more years.

On a positive note, it is good to see that in subsection b) there is recognition of setting phosphorus loading targets for the lake "which will accommodate the implementation of the Growth Plan for the Greater Golden Horseshoe". Furthermore, subsection e) ii) indicates that the "flow capacity needed to accommodate the population and employment growth allocated to the areas serviced by a sewage treatment plant, pursuant to the Growth Plan for the Greater Golden Horseshoe", will be considered in establishing long term loading caps.

Notwithstanding the above, as noted earlier, the Province is planning to extend Ontario Regulation 60/08 until the PRS is prepared and implemented, which will take at least one year, and more likely two years. This is a big concern from the standpoint of moving forward with the proper planning for the Town and Sutton in particular, as the interim phosphorous cap for the Sutton Plant is set at a level which cannot service the planned service population of 13,500 in the existing Sutton Secondary Plan. Report No. EPW-2008-0027 provides a more detailed explanation of this issue.

Extending the interim phosphorous cap on the Sutton Sewage Plant for another one or possibly two years, or for however long it will take to complete the PRS, is not appropriate. Simply stated, the planned serviced 13,500 population as contained in the existing Sutton Secondary Plan is required in order to meet the Town's proposed population allocation under the Growth Plan. In this regard, York Region's proposed 2031 population assignment for Georgina is approximately 71,000. The table below provides an overview of the breakdown of the future growth (both serviced and non-serviced) that is required to meet the 71,000 population target. All of this growth is presently approved in the Town's Official Plan and Sutton's 13,500 serviced population is needed to achieve the Growth Plan assignment for Georgina.

Planning Areas	2009 Existing Population	Official Plan Approved Planned Population
Keswick (served)	26,000	38,700
Maple Lake Estates (served)	0	2,000
Sutton (served)	4,500	13,500
Lakeshore Area (served)	7,000	7,500
Pefferlaw/Port Bolster	2,700	3,000
Unserviced Lakeshore Hamlets & Rural/Agricultural Areas	6,800	6,900
TOTAL	47,000	71,600
Note: Figures are approximate		

In consideration of the above, there is no valid reason to maintain a Sutton phosphorous cap that can only service a population of 11,000. The regulation should be amended to permit the existing planned population of 13,500. Policy 4.26-SA indicates that the MOE will consult on extending the regulation and "the MOE will consider what amendments, if any, should be made to the regulation to accommodate the extension of the regulation". In this regard, staff recommend that the MOE be requested to meet with Town and Region staff to discuss the long term total phosphorous loading caps for Georgina and, in particular to address the Sutton situation. These discussions should also ensure that adequate servicing capacity will be made available to service the planned employment/industrial growth as well as the commercial/institutional uses that have overnight accommodation (i.e. hotels, motels, nursing homes), which also require a specific assignment of servicing allocation.

Finally, as the Town Engineer points out in his comments, constructing a sewage plant expansion for 11,000 persons may not be feasible from a financial standpoint. Recent data supplied by the Region's consultants, which is attached as Schedule '6', shows the capital cost benefit of constructing a Plant at 13,500 and 16,500 persons in comparison to a plant servicing 11,000 persons.

Recommendations:

THAT the MOE be requested to increase the interim phosphorous cap for the Sutton Sewage Treatment plant to an amount necessary to service the existing approved Official Plan population for Sutton of 13,500 which is required to achieve conformity with the Growth Plan for the Greater Golden Horseshoe and, further, that MOE staff be requested to meet with Town and Region staff on this issue and related matters dealing with the proposed long term phosphorus discharge limits for the Keswick and Sutton sewage

treatment plants so as to ensure that Georgina can continue to develop into a complete and balanced community.

Chapter Six: Shorelines and Natural Heritage:

Lake Simcoe Shoreline: (Policy 6.1-DP to 6.7-DP on pp.43 and 44)

The policies in this Section aim to prohibit development and site alteration within Lake Simcoe and within a vegetation protection zone from the shoreline. There are certain exceptions, such as existing uses, where certain types of development may be permitted within the vegetation protection zone, subject to certain conditions. Also, the construction of a building on existing lots of record is permitted, provided it was zoned for such as of the date the Plan comes into effect.

Policy 6.2-DP:

In respect to this policy "shoreline built up area" is defined, but it is not mapped. Given the rather broad definition, the Province needs to consult with the affected shoreline municipalities to determine the boundaries for these areas and then a map should be included in the final LSPP to ensure there is clarity as to where the shoreline built up areas are located.

The other significant issue with the proposed shoreline policies is the potential effect these will have on the Town owned shoreline. The Town Engineer provides more detailed comments on this matter.

Recommendations:

THAT the MOE consult with municipalities in defining and mapping the boundaries of shoreline built up areas for inclusion into the LSPP.

7. CONCLUSIONS:

The draft LSPP is a very ambitious policy document containing many strategic actions. The issues and concerns presented in this report are the ones staff believe will have the greatest implications for the Town. The role and requirements placed on municipalities in terms of implementing the stormwater management policies in particular, is significant.

The draft Plan also imposes a great deal of work on the Provincial ministries and other agencies (i.e. LSRCA) to be completed in a relatively short period of time.

Funding is not in place to do all of the things required and it is imperative that both the Provincial and Federal levels of government invest the necessary staff and

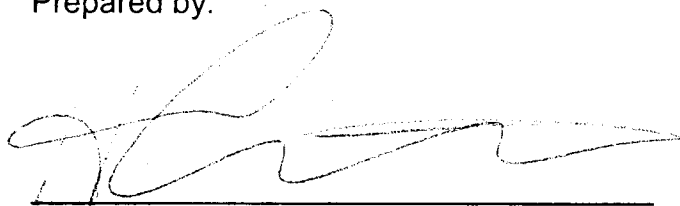
financial resources over the short and long terms, otherwise the objectives of the Plan will not be realized. Municipalities will also be expected or required to commit increased levels of funding in areas that they have jurisdiction. While municipalities may not like this, it is part of the price that has to be paid to restore and protect this most significant natural resource for generations to come.

Finally, due to the interim phosphorous loading caps placed on our sewage treatment plants, along with the fact that York Region has not yet finalized its Growth Plan conformity exercise, it will not be possible to conduct and complete the Town's Growth Plan conformity exercise by the deadline date of June 16, 2009. At a meeting late last year with MMAH staff, we were advised that only one upper tier municipality had completed its conformity exercise and no area municipalities in the Greater Golden Horseshoe had done so. Provincial staff recognize that lower tier conformity exercises cannot be completed in advance of the upper tier work and thus they indicated that extensions to the conformity deadline may be requested in writing to the Province. Staff are recommending that Council request such an extension.

In closing, the recommendations as set out in Section 1 of this report are respectfully submitted to Council.

Prepared by:

Recommended by:



Harold W. Lenters, M.Sc.Pl., M.C.I.P., R.P.P.
Director of Planning & Building

Susan Plamondon, B.A., LL.B.
Chief Administrative Officer

HWL/nc
attach.

14. PUBLIC MEETINGS cont'd:

back to Council. Council could also defer the application. An evening site plan meeting could possibly be arranged. He noted that the site plan would include details such as setbacks, screening, buffering, fencing and fence height.

Mr. Lenters noted that the Town would receive no bonding or security against the failure of the business venture in order to rehabilitate the land.

Mr. McNally indicated that he is the agent acting on behalf of the owners of the property, the Subzwari brothers, and he speaks with them very day. He can confirm that they are against the applications.

Mr. Rob Gilchrist, 23761 Hwy 48, stated that the applicant's agent indicates that the paintball facility is operating as it was over the past few years, but more land has been cleared. It is in operation and it has not yet been approved to operate. This seems to indicate that anyone within the Town can start up an illegal business without prior approval.

Mr. Lenters noted that if this application is deferred and is back before Council for further consideration, another circulation is not legally necessary.

Moved by Councillor Jordan

Seconded by Councillor Szollosy

RESOLUTION NO. C-2008-0188

Harold L.

THAT THE APPLICATION SUBMITTED BY DEEP PATEL TO AMEND THE GEORGINA OFFICIAL PLAN TO PERMIT A GO-KART TRACK AND INDOOR AND OUTDOOR PAINTBALL USES ON LAND DESCRIBED AS PART OF LOT 1, CONCESSION 2 (G) BE DEFERRED PENDING CLARIFICATION FROM THE OWNERS AS TO THEIR INTENTIONS FOR THE PROPERTY, WITH STAFF TO REPORT BACK TO COUNCIL ON EITHER MAY 12 OR 26, 2008.

Carried.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.2 Report from the Planning and Building Department:

17.2.1 Protecting Lake Simcoe: Creating Ontario's Strategy for Action Discussion Paper, March 2008

Report No. PB-2008-0045

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Moved by Councillor Smockum

Seconded by Councillor Jordan

RESOLUTION NO. C-2008-0189

Harold L.

- A. THAT REPORT NO. PB-2008-0045 BE ENDORSED AND RECEIVED AS INFORMATION.
- B. THAT COUNCIL ADVISE THE PROVINCE OF ITS SUPPORT FOR A LONG TERM STRATEGY TO IMPROVE AND PROTECT THE HEALTH OF THE LAKE SIMCOE WATERSHED.
- C. THAT COUNCIL REQUEST THE PROVINCE TO ENSURE THAT THE PROTECTION STRATEGY INCLUDING ANY LONG-TERM PHOSPHORUS DISCHARGE LIMITS FOR THE KESWICK AND SUTTON SEWAGE TREATMENT PLANTS, RESPECTS, RECOGNIZES AND PROVIDES FOR THE LEVELS OF GROWTH AS PLANNED IN THE TOWN OF GEORGINA OFFICIAL PLAN/SECONDARY PLANS SO THAT THE MUNICIPALITY MAY CONTINUE TO DEVELOP INTO A COMPLETE AND BALANCED COMMUNITY WHILE PROTECTING THE ENVIRONMENT AS INTENDED UNDER THE PROVINCIAL GREENBELT PLAN AND GROWTH PLAN
- D. THAT COUNCIL ADVISE THE PROVINCE OF ITS SUPPORT FOR LEGISLATION THAT PROVIDES THE RESOURCES (FINANCIAL AND OTHERWISE) THAT ARE NECESSARY ON AN ONGOING BASIS TO DEVELOP AND IMPLEMENT A PROTECTION PLAN THAT IS INITIALLY FOCUSED ON CARRYING OUT ALREADY IDENTIFIED PROJECTS AND PROGRAMS.
- E. THAT COUNCIL ADVISE THE PROVINCE OF ITS SUPPORT OF THE REGIONAL MUNICIPALITY OF YORK'S POSITION RESPECTING THE GOVERNANCE STRUCTURE TO IMPLEMENT THE PROTECTION STRATEGY AND PLAN AS GENERALLY SET OUT BELOW:
 - I) THAT THE LAKE SIMCOE REGION CONSERVATION AUTHORITY SERVE AS THE LEAD AND COORDINATING BODY WITHIN A STRENGTHENED LSEMS PARTNERSHIP THAT INCLUDES:
 - i) ADDITIONAL REPRESENTATION FROM THE PUBLIC AND OTHER STAKEHOLDER GROUPS OR WITHIN THE VARIOUS LSEMS COMMITTEES.
 - ii) INCREASED STABLE LONG TERM FUNDING FROM MULTIPLE SOURCES.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- iii) THE PROVISION OF DEDICATED ADMINISTRATIVE AND TECHNICAL SUPPORT STAFF WITHIN THE CONSERVATION AUTHORITY.

F. THAT COUNCIL REQUEST THE MINISTRY OF THE ENVIRONMENT TO ARRANGE A WORKSHOP OR WORKSHOPS SPECIFICALLY FOR MUNICIPAL AND MINISTRY STAFF TO MEET TO DISCUSS MUNICIPAL CONCERNS AND ISSUES IN GREATER DETAIL.

Roland C.

G. THAT THE TOWN CLERK FORWARD A COPY OF THIS REPORT TO THE PROVINCE OF ONTARIO, SPECIFICALLY THE MINISTRY OF THE ENVIRONMENT AND THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING, THE REGIONAL MUNICIPALITY OF YORK AND THE LAKE SIMCOE REGION CONSERVATION AUTHORITY.

Carried.....

Mayor Grossi left the chair at this time; Councillor Jamieson assumed the chair as Acting Mayor.

15. COMMUNICATIONS:15.2 Matters for Disposition:

- 15.2.1 Leslie Drynan, Clerk, Tay Valley Township, requesting support of its position concerning availability of Provincial infrastructure funding to all municipalities.

Moved by Councillor Jordan

Seconded by Councillor Szollosy

RESOLUTION NO. C-2008-0190

Roland C.

THAT CORRESPONDENCE FROM LESLIE DRYNAN, CLERK, TAY VALLEY TOWNSHIP, REQUESTING SUPPORT OF ITS POSITION CONCERNING AVAILABILITY OF PROVINCIAL INFRASTRUCTURE FUNDING TO ALL MUNICIPALITIES BE RECEIVED.

Carried.....



Environmental Services

August 16, 2008

Mr. Stephen Maude
Senior Policy Advisor
Ministry of the Environment
Integrated Environmental Planning Division
Land and Water Policy Branch
135 St. Clair Avenue West, Floor 6
Toronto ON, M4V 1P5

Dear Mr. Maude:

Subject: Bill 99 - *The Proposed Lake Simcoe Protection Act, 2008*.
EBR Registry number 010-3753
Comment deadline August 16, 2008

Thank you for the opportunity to comment on Bill 99 - *The Proposed Lake Simcoe Protection Act, 2008*, under EBR posting number 010-3753.

York Region Context:

York Region is one of Canada's fastest growing municipalities with a current population of approximately 984,000. The provincial population forecast contained in the Growth Plan for the Greater Golden Horseshoe (A Plan under the *Places to Grow Act, 2005*) identifies York Region as having a population of 1.5 million persons by the year 2031. At least part of this population will be located in the Lake Simcoe Basin in existing urban areas, Towns and Villages and White-belt lands in Georgina, King, Whitchurch-Stouffville and East Gwillimbury.

Approximately 69% of York Region is also within the Provincial Greenbelt (GB) and the Oak Ridges Moraine Conservation Plan (ORMCP). These areas are therefore effectively excluded from accommodating additional growth.

Lake Simcoe has been the subject of concern and remedial efforts since the 1970's. Through the Lake Simcoe Environmental Management Strategy (LSEMS) partnership and the Region's support of the Lake Simcoe Region Conservation Authority, York Region has been a leader in efforts to improve water quality in the Lake. Regional staff have participated on the LSEMS Steering and Technical Committees and more recently on the Lake Simcoe Working Group to advise on the future of the Lake Simcoe initiatives.

In addition, York Region currently owns and operates 5 of the 15 sewage treatment facilities in the Lake Simcoe Basin listed in Ontario Regulation 60/08. York Region is committed to the use of enhanced technologies and practices in sewage treatment technology that serve to protect the

SCHEDULE '2', pg. 1

environment, as can be seen in the current Environmental Assessments for both the Keswick and Sutton Water Pollution Control Plant expansions.

Involvement in the Current Provincial Initiative on Lake Simcoe

We have previously commented on the Interim Regulation (Ontario Regulation 60/08): EBR Registry Number **010-2246**; and the Policy Proposal Discussion Paper - Protecting Lake Simcoe: Creating Ontario's Strategy for Action- EBR Registry Number **010-2974**.

We recognize that Bill 99 is enabling legislation for the more detailed Lake Simcoe Protection Plan. Meaningful consideration of the two can really only be made when both are available, and it is our understanding that the government plans to release a draft of the Lake Simcoe Protection Plan before final passage of Bill 99. However there are sections of the proposed Bill that raise issues for the Region and its area municipalities at this time. We therefore reserve the right to comment on subsequent versions of Bill 99 - *the Proposed Lake Simcoe Protection Act, 2008* when the draft Lake Simcoe Protection Plan is available for review.

The Region's comments on Bill 99 are divided into two main areas, General Observations, and Specific Comments and recommendations for changes to wording or direction.

General Observations

Need to Clarify Roles and Responsibilities specifically in the Act

The Region recognizes that there is a need to better integrate objectives to improve the Lake with land use and infrastructure planning and development, but these efforts must avoid duplicative administration and implementation.

As currently proposed we are of the opinion that Bill 99 and the envisioned Plan will duplicate the roles and responsibility of the LSRCA and the Georgian Bay Lake Simcoe Source Protection Committee to a very large extent. If this is in fact the intent of the drafters, then this is unnecessary.

The LSRCA has effectively served as the lead agency for Lake Simcoe based programs for the past 17 years through the LSEMS work and other Authority activities. The Region of York supports the Conservation Authority as the most appropriate agency to lead implementation, research, stewardship, education and community involvement in this revitalised effort to improve Lake quality. The Region requests that the Act and subsequent Plan and regulations clarify that it is the LSRCA that leads this effort. Such clarification would require changes to Section 3 and subsequent sections of Bill 99 which currently identify the Lieutenant Governor in Council as the authority responsible for establishing the Lake Simcoe Protection Plan with changes that would permit the Plan to be developed by the LSRCA in consultation with others

Further, sections of the Act identify significant responsibilities and requirements for both monitoring and for enforcement. However, there is no indication whether this is intended to be a Provincial, a LSRCA or a Regional/municipal responsibility. If the intention is that these

responsibilities be downloaded to the Conservation Authority or municipal governments (both Regional and lower tier), then there are likely to be financial and resourcing issues that must be addressed through the Plan's financial arrangements.

Finally, portions of the Lake Simcoe Protection Act appear to duplicate deliverables required for the Technical Assessment Report under the Clean Water Act, currently undertaken by the South Georgian Bay Lake Simcoe Source Protection Committee. In particular, requirements in the Act related to water quantity and budget, groundwater recharge/discharge areas, and threats assessment seem to overlap with significant work already completed or underway by the Source Protection Committee. The Region stresses that it is important to leverage areas where significant progress has already been made in an effort to avoid costly duplication of resources and effort.

Process and Timing of the preparation and approval of the Act and Plan:

For initiatives to be effective and accepted there must be comprehensive consultation and rational discussion prior to approval. The Region is concerned that the timelines apparently established by the Province for this initiative do not allow the opportunity for meaningful discussion with stakeholders and may result in plans and targets that are difficult, if not impossible, to implement. We recognize that until there is an opportunity to review the proposed Lake Simcoe Protection Plan, the implications cannot be adequately assessed, but the apparent timelines being followed (second reading of the Bill and draft of the Protection Plan by October, and finalization of both by year-end) poses some difficulty for all stakeholders.

If the Province is interested in meaningful discussion and an implementable Plan, we recommend that further consultation on the Bill and Plan takes place throughout the fall of 2008 and the winter of 2009 with approval of the Plan in the spring of 2009 at the earliest.

Comments on Specific Sections

Section 6:

Need to define range and scope of “designated policies” and change “have regard to” to “shall be consistent with”

Under proposed Section 6, decisions under the *Planning Act* and the *Condominium Act* must conform to “designated policies” and “have regard to” other policies set out in the Plan. Further, this section:

- Prohibits municipal public works and improvements that conflict with “designated policies”
- Requires comments, submissions or advice provided by a public body in relation to specified decisions or matters conform to “designated policies” in the Plan and “have regard” to others
- Requires that ongoing “prescribed instruments” such as an approval for sewage works issued under the Ontario Water Resources Act (in place or applied for before the Plan took effect), conform to the “designated policy”.

There is no indication in the Bill at present what the range and scope of “designated policies” might be. This should be further articulated in the Bill. Further, Section 6 introduces the “have regard to” standard for compliance with other policies in the Plan. The use of the “have regard to” standard proved problematic in matters of compliance in the *Planning Act* and was removed through Bill 51 in favour of the “shall be consistent with (policy statements)” standard. We recommend that the Province consider this same change to Bill 99.

Lake Simcoe Plan (and the Act) should recognize growth already approved and future growth required by the Places to Grow Plan

Section 6 also establishes that in the case of a conflict over the provisions of the Greenbelt Plan, Oak Ridges Moraine Conservation Plan and Growth Plan for the Greater Golden Horseshoe 2006, the provision that provides the greatest protection to the ecological health of the watershed prevails.

In previous comments on the Discussion paper, we recommended that the Lake Simcoe Plan (and the Act) should recognize the Places to Grow Plan and acknowledge both the requirements of Places to Grow and the need to provide adequate waste water servicing for the approved population and employment forecasts in the Lake Simcoe Basin.

We reiterate that the Lake Simcoe Protection Act and Plan must acknowledge already approved and future growth in the watershed, consistent with existing Official Plans and the Places to Grow Plan. All municipalities in York Region are bound by the requirements of Places to Grow Plan, including the population and employment forecasts. Growth management studies, leading to official plans and amendments at the upper and local level (in accordance with the Provincial forecasts and Plans) are well advanced in order to accommodate the forecasted growth. In York Region, some of this population and employment growth will occur in the Lake Simcoe watershed in the white-belt in East Gwillimbury and in existing approved settlement areas in Georgina, East Gwillimbury, King, Newmarket, Aurora and Whitchurch-Stouffville.

Adequate wastewater treatment for the development of complete communities in northern York Region (Oak Ridges, East Gwillimbury, Newmarket, Aurora, and potentially Whitchurch-Stouffville) will require the development of the Upper York Servicing System. The Individual Environmental Assessment (IEA) for this servicing scheme is already underway and the Lake Simcoe Protection Act and Plan should acknowledge this work so that the Lake Simcoe Protection Plan is not used as a means of frustrating the intent of the IEA or the Growth Plan.

Potential directions of the Lake Simcoe Protection Plan have already impacted York Region. In Georgina, for example, the Phosphorus limit for the Sutton and Keswick Water Pollution Control Plants (WPCP)'s in the Interim Regulation (O.Reg. 60/08), while sufficient to accommodate growth to the to the end of March 2009, are not sufficient to allow the build-out of these communities as set out in existing approved Secondary Plans and as required under Places to Grow (i.e. complete/balanced communities).

In addition, recent discussions with the MOE, on the Sutton WPCP Environmental Assessment, indicate that the interim limits themselves may ultimately be lowered for the long term in

accordance with the Lake Simcoe Protection Plan. To lower the limits permanently would have very serious social, financial, and environmental consequences to the Region and our residents by:

- preventing the connection of approximately 300 existing homes in Sutton on private septic systems to municipal services
- not acknowledging the significant financial resources already invested in plant expansions and associated infrastructure
- affecting the Region's and area municipalities' ability to comply with provisions in the Places to Grow Act and Plan

In this regard, the importance of the final decision of WPCP phosphorus loadings cannot be understated, and the Province (MOE, MMAH and MPIR) must enter immediately into meaningful dialogue with the Region and affected area municipalities to ensure the final WPCP phosphorus effluent targets are appropriate.

Section 7 -

Timing of Official Plan Conformity

Section 7 anticipates that that official plan conformity would be achieved no later than the first 5-year Official Plan review following proclamation. While this provision is similar to the Greenbelt conformity methodology, it fails to recognize the number and extent of growth management exercises and new official plans currently underway to meet the Growth Plan provisions.

York Region and its area municipalities are well advanced in terms of this work, but this clause, when coupled with Section 6, requiring compliance with "designated policies", may require municipal work to be held in abeyance until completion of a Lake Simcoe Protection Plan conformity exercise or changed substantially once a compliance exercise is finished. These actions could have significant financial and timing implications to Regional and local municipalities in terms of Growth Plan requirements.

This issue, as well as applicability of the new Act and Plan to ongoing Planning and Condominium applications could be addressed by adequate transition provisions in the Act, not just through Regulation as is currently contemplated. We recommend the Province recognize the Growth Plan and ongoing growth management work and include comprehensive transition provisions in the Act to acknowledge growth management exercises currently underway.

Official Plan may not be more restrictive than "specified" matters in the Lake Simcoe Plan:

Section 7 (2) prohibits official plans from being more restrictive than "specified" matters in the Lake Simcoe Plan. Without the ability to review the "specified" portions of the Lake Simcoe Plan, it is difficult to understand why this clause would be included, particularly when the identified objectives of the entire exercise is improvement in Lake Simcoe watershed. We recommend that unless the Province is willing to give specific examples of how this clause would work, that it be deleted from this version of Bill 99.

Sections 9 and 10

Minister of the Environment can require amendments to existing prescribed instruments, including sewage works under the Ontario Water Resources Act.

York Region currently owns and operates 5 of the 15 sewage treatment facilities in the Lake Simcoe Basin recognized in Ontario Regulation 60/08. The total phosphorus loading from all facilities in the Lake Simcoe Basin was approximately 5.93 tonnes in 2006. Of this loading, York Region's contribution amounted to approximately 0.66 tonnes or 11% of the total contribution from sewage treatment facilities.

In so far as York Region is concerned, we are working diligently to provide the highest practicable level of sewage treatment in our plants discharging into the Lake Simcoe basin, and will support Ministry efforts to establish a high standard of treatment for all facilities within the Lake Simcoe basin.

However, the Region is approaching a level of diminishing returns on investment in the area of sewage treatment and further Ministry requirements placed on our existing approvals may be impractical and difficult to achieve, if not impossible. We hope that prior to the application of this clause, significant dialogue would take place with the bodies responsible for the approvals.

We feel very strongly that the Act and/or Plan must recognize achievable targets and require a broader variety of solutions rather than just controlling phosphorus inputs from wastewater treatment facilities, which account for a low percentage of the total phosphorus input to the Lake. High impact, lower cost solutions could include managing and or treating the Polder Wetlands discharge, investing in agricultural and rural land improvements and dealing with atmospheric deposition, where possible, with the use of phosphorous locking agents (such as the one undergoing testing by LSRCA in the Newmarket area), assisting municipal urban storm water retrofits in all jurisdictions and proceeding with water quality trading programs. In this last regard we note Section 30 of the proposed Act proposes amendments to Section 75 of the Ontario Water Resources Act to permit this by Regulation. This should be implemented as soon as possible and York Region would be pleased to discuss opportunities for pilot projects in our municipalities.

Section 27

Regulations may be passed to deal with a range of issues including Transition Provisions.

Section 27 indicates the range of Regulations that the Lieutenant Governor may pass, including requiring municipal council to pass by-laws governing trees or site alterations. Also included in this list are Regulations relating to transition matters.

We recommend that the Act, not just Regulations, contain comprehensive transition provisions that deal not only with *Planning Act* and *Condominium Act* applications, but also applications under the Ontario Water Resources Act and Environmental Assessment Act and requirements under the Places to Grow Act.

Thank you for the opportunity to comment on Bill 99 - *The Proposed Lake Simcoe Protection Act, 2008*. We look forward to reviewing subsequent versions of the Proposed Act when the draft Lake Simcoe Protection Plan can also be reviewed. We reserve the right to make further comments at that time on both the Proposed Act and the Draft Plan.

Due the timing of Committee and Council meetings at the Region, staff will take a report requesting Council endorsement of these comments in October and will advise you of the outcome following the Council meeting on October 23, 2008.

Should you have any questions, please contact:

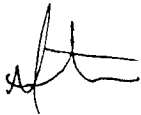
Michele Maitre, M.Eng. P.Eng.
Manager, Regulatory Compliance and Policy
Department of Environmental Services

(905) 830-4444 ext. 5097
Michele.maitre@york.ca

Barbara Jeffrey, M.C.I.P., R.P.P.
Manager, Land Use Policy and Environment
Department of Planning and Development Services

(905) 830-4444 ext. 1526
Barbara.jeffrey@york.ca

Sincerely,



for Erin Mahoney,
Commissioner of Environmental Services

MM/BJ/bj

Copy to: B. Tuckey, Commissioner of Planning and Development Services
Area municipalities in York Region
Region of Durham

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. EPW-2008-0027

FOR THE CONSIDERATION OF
COUNCIL

JUNE 23, 2008

SUBJECT: SUTTON WATER POLLUTION CONTROL PLANT (WPCP)
EXPANSION

RECOMMENDATION:

1. THAT REPORT NO. EPW-2008-0027 BE RECEIVED FOR INFORMATION.
2. THAT THE MINISTER OF THE ENVIRONMENT IS REQUESTED TO REVISE THE ALLOWABLE AVERAGE ANNUAL AMOUNT OF TOTAL PHOSPHORUS DISCHARGED FROM THE SUTTON SEWAGE TREATMENT PLANT, TO TAKE EFFECT IN APRIL 2009, TO AN AMOUNT SUFFICIENT TO SERVICE A PLANNED POPULATION OF 13,500 AND PREFERABLY 16,500, ON THE CONDITION OF ALL SEWAGE RECEIVES A RELIABLE, HIGH DEGREE OF TREATMENT.

REPORT:

The current Sutton Secondary Plan, adopted in 1994, planned for an ultimate service population of 13,500 persons based on reducing the phosphorous concentration from the Water Pollution Control Plant (also referred to as sewage treatment plant) by two-thirds (2/3) when the plant had a capacity of 4,500 persons. This ultimate population consists of servicing existing development, existing unserviced development within the service area boundary and new development within the service area boundary. A first phase expansion occurred in 2003 to bring the serviced population to 7,500 persons and the cost of the expansion was funded in the most part by benefitting developers. The Region of York, being the owner of the plant, started a class environmental assessment earlier this year to bring the capacity of the plant up to the ultimate capacity of 13,500 persons and preferably to a capacity of 16,500 persons. This additional capacity beyond 13,500 persons is necessary because, as of last year, York Region requires a specific assignment of servicing allocation for all institutional and commercial uses that provide overnight accommodation (i.e., nursing homes, hotels, motels, etc.). Prior to 2007 this had not been the case.

Until earlier this year the phosphorous discharge limit from the plant was 224Kg/yr however the Region operates the plant much more efficiently such that the actual loading is much less than that. The loading is approximately 50Kg/yr from the existing plant with a capacity of 7,500 persons with it now operating at 50% capacity. Therefore it was thought that there would be no difficulty in building the next plant expansion with an up-to-date treatment process that would permit a service population of 16,500 persons without exceeding the phosphorous limit of 224 Kg/yr.

In April of this year the Province passed a new regulation under the *Ontario Water Resources Act* that placed interim phosphorous limits on the 15 existing municipal sewage treatment plants discharging directly or indirectly to Lake Simcoe. The interim limit for the Sutton plant has been set at only 148 Kg/yr and is only 66% of the previous limit. This limit is in place until April, 2009 and there has been no indication from the Province what will happen after that date.

The engineering consultants preparing the class environmental assessment for the Region have now had an opportunity to assess the performance of the existing plant, looked at the best reliable treatment process and has concluded that the plant with a capacity of only 11,000 persons can be constructed without exceeding the interim limit of 148 Kg/yr. This is equal to an increase of only 3,500 persons over the current plant capacity of 7,500 persons. This is not a sufficient amount of capacity to service the existing un-served areas such as Sunnidale Boulevard, Hedge Road, Eastbourne Heights and the Christian Subdivision as well as the vacant lands that have been designated for development by the approved Sutton Secondary Plan.

The Town supports efforts to protect and improve water quality in Lake Simcoe however the Town and landowners have relied on the approved Secondary Plan to plan the future of the community. The options available at this point are:

1. Accept the phosphorous limits and the reduced population. This begs the question as to whether a small plant expansion of 3,500 persons is financially viable. Furthermore, the development of Sutton as a "complete community" as directed under the Provincial Growth Plan is severely jeopardized.
2. Look for ways to offset phosphorous loading from the plant with other initiatives such as urban stormwater retrofits.
3. Put forward the case to the Province that upon expiry of the interim limits in April 2009, that a new limit be established by the Province that would allow the Secondary Plan area to be fully and properly developed with a reliable high level of sewage treatment.

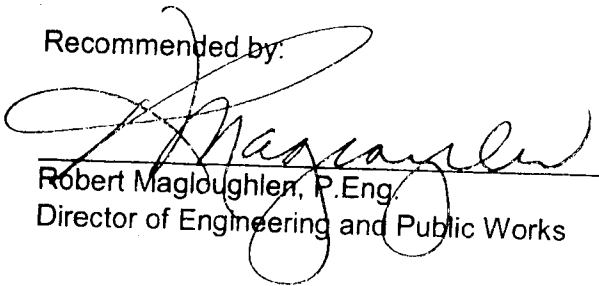
It is recommended that Option 3 be pursued.

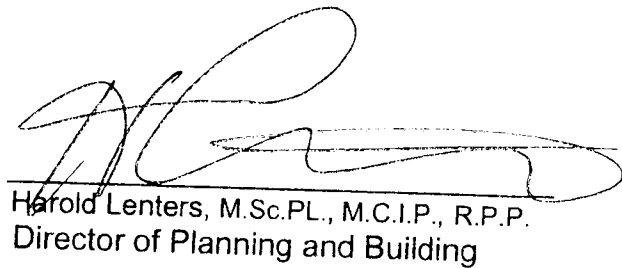
With regard to the Keswick Water Pollution Control Plant (WPCP), the Region has prepared a class environmental assessment for the next expansion. In that case the interim limit is 939 Kg/yr as compared to a Region recommendation of 853 Kg/yr. Therefore the Town is not facing the same problem in Keswick as it is for Sutton. That may warrant diverting some flow from Sutton to Keswick.

It is difficult to argue against reduced phosphorous loading to the lake, however it must be recognized that the overall contribution of phosphorus to the lake by sewage treatments plants (and particularly the Sutton plant that is operating very efficiently) is very low in comparison to other contributory sources. As such, this new loading limit is unreasonable in that it may prevent existing un-served areas located very close to the lake from being provided with sanitary sewers and removing old septic tanks and tile bed systems. Removing such systems is a major reason the Province granted funding for the Willow Beach Water and Sewage Project. Furthermore, new development will provide funding to allow the Region to construct the next expansion to service existing residential development.

For those reasons it is recommended that the Province provide a more reasonable and appropriate reduction in phosphorous loadings for the Sutton Water Pollution Control Plant.

Recommended by:


Robert Magloughlen, P.Eng.
Director of Engineering and Public Works


Harold Lenters, M.Sc.P.L., M.C.I.P., R.P.P.
Director of Planning and Building

Approved by:

Stan Armstrong, C.A.O.
Director of Administrative Services/Treasurer

RM/hay

12. PRESENTATIONS cont'd:

Mr. Bob Magloughlen, Director of Engineering and Public Works, indicated that he has not been in direct contact with Canada Post with regard to this issue but he has not heard from his staff with regard to any problems to date.

Mr. Michael Baskerville, Engineering Manager, stated that he has had no feedback from affected residents yet. He stated that he had a number of questions and requested clarification about the safety program and as a result, staff went out with Canada Post to look at the sites.

Mr. Lewis indicated that Canada Post is willing to share in the cost of signage at the sites where there are garbage problems, up to 50%.

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2008-0298

Roland C. THAT THE DEPUTATION MADE BY SCOTT LEWIS AND HAROLD CAMILLERI OF CANADA POST REGARDING ITS RURAL MAIL SAFETY REVIEW, BE RECEIVED WITH THANKS.

Carried.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:17.2 Reports from the Engineering and Public Works Department:17.2.4 Sutton Water Pollution Control Plant (WPCP)
Expansion

Report No. EPW-2008-0027

Moved by Regional Councillor Wheeler

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0299

1. THAT REPORT NO. EPW-2008-0027 BE RECEIVED FOR INFORMATION.

Report Book
Bob M.
S. 2.4
IM.
↓

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

2. THAT THE MINISTER OF THE ENVIRONMENT IS REQUESTED TO REVISE THE ALLOWABLE AVERAGE ANNUAL AMOUNT OF TOTAL PHOSPHORUS DISCHARGED FROM THE SUTTON SEWAGE TREATMENT PLANT, TO TAKE EFFECT IN APRIL 2009, TO AN AMOUNT SUFFICIENT TO SERVICE A PLANNED POPULATION OF 16,500 ON THE CONDITION OF ALL SEWAGE RECEIVES A RELIABLE, HIGH DEGREE OF TREATMENT.

Carried.....

17.3 Reports from the Planning Department:

- 17.3.3 Approval of Draft Plan Conditions
1646182 Ontario Inc. (c/o Zane Sexsmith)
Part of Lots 6 & 7, Concession 3 (NG), east of Lowndes Ave.
AGENT: Michael Smith Planning Consultants

Report No. PB-2008-0071

Mr. Harold Lenters, Director of Planning and Building, advised that condition Nos. 26 and 55 of the conditions of approval for the draft plan of subdivision on Lowndes Avenue are no longer required. All other conditions remain the same.

Moved by Councillor Jordan

Seconded by Councillor Jamieson

RESOLUTION NO. C-2008-0300

Harold L.

- A. THAT REPORT PB-2008-0071 BE RECEIVED AS INFORMATION.
- B. THAT PURSUANT TO COUNCIL RESOLUTION NO. C-2008-0267 THE CONDITIONS OF DRAFT PLAN APPROVAL FOR DRAFT PLAN OF SUBDIVISION 19T-04G03 AND ATTACHED AS SCHEDULE '4' TO REPORT PB-2008-0071 BE APPROVED AS AMENDED BY DELETING CONDITION NOS. 26 AND 55.

Carried.....

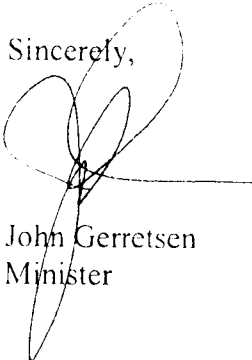
14. PUBLIC MEETINGS:

None.

Ms. Carolyn Lance
Page 2.

Thank you, again, for forwarding this information to me.

Sincerely,



John Gerretsen
Minister

Phosphorous Reduction Strategy will set out a loading cap and minimum standards for phosphorous removal. The Plan does state that there will be loading targets for various areas of the lake that will "accommodate the implementation of the Growth Plan for the Greater Golden Horseshoe".

This would appear to indicate that the phosphorus caps to be assigned to the Keswick and Sutton sewage treatment plants should be sufficient to accommodate the planned growth, provided that the required standard of sewage treatment is met. Based on past actions it appears that the Region of York is quite willing to build plants that will meet the minimum treatment standards. Until the new caps are determined the existing caps set out in the MOE Regulation passed in 2008 will remain in effect which means that planning for the expansion of the Sutton Sewage Treatment Plant cannot be finalized.

The Plan also states that new sewage treatment plants discharging effluent to the lake cannot be constructed unless the plant will provide services to:

- development that is on partial services or,
- development where subsurface sewage systems are failing.

This in our opinion would leave the door open for a new plant or an expanded plant to be constructed to service the remainder of the shoreline and perhaps the community of Pefferlaw at some time in the future, especially if it results in a reduced phosphorous loading.

3. Stormwater Management

The Plan will require municipalities to prepare and implement comprehensive Stormwater Management Master Plans within 5 years for each settlement area i.e., Keswick, Sutton and Pefferlaw. The Master Plan must follow the Master Plan process set out in the Municipal Class Environmental Assessment document and must include:

- a. a characterization of existing environmental conditions on a subwatershed basis, consistent with any relevant subwatershed evaluations, if available;
- b. an evaluation of the cumulative impact of stormwater from existing and planned *development*;
- c. a determination of the effectiveness of existing stormwater management works, including consideration of the potential impacts of climate change on the effectiveness of the works;
- d. an examination of any stormwater retrofit opportunities that have already been identified by the municipality or the LSRCA for areas where stormwater is uncontrolled or inadequately controlled;
- e. the identification of additional stormwater management retrofit opportunities or improvements to existing stormwater management works that could improve the level of treatment within a particular *settlement area*;
- f. a description of existing or planned programs for regular maintenance of stormwater management works;

- g. an identification of the recommended approaches for stormwater management in each *settlement area*; and
- h. an implementation plan for the recommended approaches.

These Stormwater Management Master Plans are the same as are required by the Province as a condition of the Keswick Business Park. The cost of the Keswick Study has been included in the 2009 capital budget and includes a \$33,000 grant from the Lake Simcoe Clean Up Fund. It appears now that this level of spending must remain in the budget for a few years to fund the required work in Sutton and Pefferlaw.

The Plan only requires that the Master Plans be prepared at this point and that municipalities will be encouraged to implement a stormwater retrofit prior to completion of a Stormwater Management Master Plan if a retrofit has been identified as a priority and is determined to be economically feasible. There is nothing specific in the Plan to require implementation of the Master Plan but we saw in the case of the Keswick Business Park that the Province is prepared to withhold approvals to achieve what it wants.

Furthermore the Plan states that the MOE will review the approvals of existing stormwater management works (ponds primarily) and require the Town to require inspection, maintenance and monitoring of the existing ponds and presumably require the alteration of existing facilities.

It would appear that the day is not far off when stormwater management works will be treated much like sewage treatment plants and require significant monitoring and sampling at a substantial new cost to the municipalities. Constructing new facilities to control stormwater from existing developed areas will be a very expensive and onerous task. There will be very few cases where there is public land available to construct new stormwater ponds in built up areas and the relatively flat topography along the shoreline does not allow for underground solutions. The alternative is to purchase land for stormwater facilities. We find it interesting that the Province puts a great deal of importance on uncontrolled storm runoff but the Federal Lake Simcoe Clean Up Fund specifically excludes funding the construction of stormwater management facilities.

The proposed policies regarding stormwater management will require significant, new and ongoing spending programs by the Town.

The Plan states that the estimated cost of stormwater management retrofits around the lake is \$120 million. That figure seems low but even if it is accurate the capital and maintenance costs of Georgina's portion will be significant.

4. Water Quantity

Chapter 5 of the Plan deals with water quantity in terms of:

- drinking water supplies
- flooding
- groundwater levels
- irrigation

- flow in creeks and river streams

These matters are not handled by this Department but it is worthwhile to note that a minimum stream flow is being sought for the Maskinonge River. Also, the Town will become involved to some degree in groundwater recharge requirements through the development approval process.

5. Shorelines and Natural Heritage (Woodlands, Wetlands and Streams)

This is not an area where the Department of Engineering and Public works would normally become involved however the Plan deals extensively with the shorelines and the Town owns approximately 20 kilometres of shoreline along Lake Drive.

With regard to the shoreline, the Plan intends to:

1. establish a vegetation protection zone of 30 metres along the shoreline in built up areas and 100 metres outside of existing settlement areas;
2. achieve natural shorelines;
3. structures may be permitted in the vegetation protection zone provided there is no alternative and the area is minimized;
4. previous materials and designs must be used to the extend feasible;
5. significant alteration of the shoreline will not be permitted;
6. no structures, including boathouses shall be permitted in Lake Simcoe if it impedes the natural flow of water, if it is a dwelling or harmfully alters fish habitat;
7. changes to the shoreline for stabilization erosion control or protection will only be permitted if natural treatments are used, i.e. no concrete, steel or timber walls;
8. a shoreline management strategy is to be prepared by a number of agencies within 3 years to improve the shoreline;
9. an enforcement regulation is to be passed, that among other things, will restrict the use of fertilizers for non-agricultural lands and restrict the removal of vegetation and coarse woody debris in shoreline areas;
10. a model bylaw is to be drafted for municipalities to pass regarding site alteration and tree cutting.

The Town has allowed the shoreline of Lake Drive to be used and altered by the landowners on the east and south sides of the road allowance for decades. In many cases the landowners have cleared the shoreline of trees, levelled or terraced the land and built seawalls to make the land more useable for recreation purposes. Last year staff drafted a new policy for discussion regarding the use of the land that was referred back for another report this spring. The Plan will alter the previous recommendation in the staff report. It is clear from the Plan that a naturalized shoreline is the goal. The Tow will have no option but to protect all existing natural shorelines and vegetation along

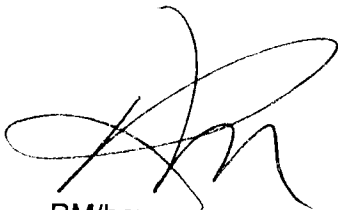
the shoreline but there will no doubt be those residents that expect to be allowed have their concrete jungle along the shore. Hopefully over time public attitudes will change and that the Town and the abutting landowners can work together to re-naturalize the shoreline. Obviously, the scenic value of the road will be diminished if the area is re-vegetated but an improved lake will be the offset.

6. Conclusion

The Draft Lake Simcoe Protection Plan is a very ambitious document. The issues mentioned above are the ones we feel have the most direct impact on the Engineering and Public Works operations and the ones that Council will be dealing with on an ongoing basis. These constitute only a small percentage of the steps that are proposed in the Plan dealing with other environmental matters affecting Lake Simcoe. It imposes a great deal of work on the provincial ministries to be completed in a relatively short period of time.

As onerous as many items are, there are no other cheaper, easier fixes. Funding is not in place to do all the things required and it remains to be seen if all levels of government and the public are willing to pay the price to implement the draft Plan.

We gained the clear impression from the input sessions we attended a few weeks ago that the Province is committed to pass this Plan with little changes. Although we could object to the items in the Plan that will require work on our behalf or expenditures of municipal funds in areas where it has jurisdiction, it is the price that has to be paid to reverse what has occurred to the lake since the watershed became developed decades ago.



RM/hay
Att.

January 2009

Draft Lake Simcoe Protection Plan

Municipal Roles And Activities

Lake Simcoe is under stress and facing increasing pressure from urban and rural development, population growth, pollutants, invasive species and climate change. New legislation, the Lake Simcoe Protection Act, calls for the province to develop a comprehensive plan to protect and restore the lake's watershed. The draft Lake Simcoe Protection Plan has been released for public consultation.

The draft protection plan proposes a framework that is comprehensive in scope and targets key priorities. These range from improving water quality in Lake Simcoe, to protecting natural heritage and resources in the watershed, to managing impacts from human activities, and emerging threats such as climate change and invasive species.

Proposed policies target reducing impacts from land-based activities to:

- Improve water quality by reducing phosphorus loadings to the lake from sewage treatment plants, stormwater management facilities, septic systems, watershed runoff and other potential sources such as construction and aggregate operations
- Sustain surface and groundwater resources
- Improve the health of the ecosystem by protecting and rehabilitating important areas, such as vegetated buffers along shorelines and tributaries, and wetlands.

Proposed policies would affect municipal activities related to sewage servicing, stormwater management and land use planning. Municipalities would also implement plan policies when approving development and site alteration proposals in the Lake Simcoe watershed.

Sewage treatment

If an existing sewage treatment plant needs to be expanded or a new plant is required to expand a settlement area, an environmental assessment for the sewage servicing would have to be completed or approved before the settlement area boundaries are amended in the official plan. The same requirement would also apply to developments outside of

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settlement areas that require either expanding the existing sewage treatment plant or a new plant.

New requirements would be put on the existing approvals for all sewage treatment plants in the Lake Simcoe watershed to:

- Establish a new annual loading limit for total phosphorus
- Require municipalities to conduct an initial characterization of effluent.

No new municipal sewage treatment plants would be permitted in the Lake Simcoe watershed unless the new plant is to replace an existing municipal plant or failing sub-surface sewage works.

A new regulation proposed under the Building Code Act would require municipalities to inspect subsurface sewage works located within 100 metres of the Lake Simcoe shoreline or any tributary flowing to the lake. New subsurface sewage works would not be permitted within the 100 metre area.

Stormwater management

Municipalities would be required to prepare and implement stormwater master plans for each settlement area in the Lake Simcoe watershed.

Municipalities would be required to incorporate policies into their official plans that reduce stormwater runoff volumes and pollutant loadings from major development and existing settlement areas. The policies would encourage source control and innovative solutions to manage stormwater.

Applications for major developments (for example, major recreational uses, buildings larger than 500 square metres) would have to be accompanied by a stormwater management plan that:

- Is consistent with stormwater management master plans, watershed plans, subwatershed plans, and water budgets, if available
- Minimizes flows and reliance on end-of-pipe solutions, changes in the water balance and phosphorus loadings.

Construction Activities

Municipalities would be required to include minimum erosion and sediment control measures as conditions of subdivision and site plan agreements across the watershed, including:

- Minimizing vegetation removal, grading and soil compaction
- Putting structures in place to control and convey runoff
- Keeping on site all sediment that is eroded during construction
- Seeding or sodding exposed soils once construction is complete
- Ensuring erosion and sediment controls are effectively implemented.

Phosphorus Reduction Strategy

The Ministry of the Environment in collaboration with provincial ministries, municipalities, First Nation and Métis communities, and the Lake Simcoe Region Conservation Authority would be required to develop a Phosphorus Reduction Strategy to help achieve the dissolved oxygen target for the lake that would include:

- Developing phosphorus targets for the subwatersheds and specific portions of the lake
- Assessing sources or sectors contributing phosphorus and identify additional actions to be taken
- Establishing caps on phosphorus loading for sewage treatment plants.

In addition to the strategy, a feasibility study on water quality trading in the watershed would be conducted and a plan to promote the use of phosphate-free products developed and implemented.

Water Conservation

Barrie, Orillia, New Tecumseth, Bradford West Gwillimbury, Innisfil, Oro Medonte, and Rama would prepare and implement water conservation and efficiency plans. The plans are intended to identify and evaluate measures and incentives (including full cost pricing) to conserve water.

Municipalities would be required to ensure that applications for new or expanded major recreational uses such as ski hills or golf courses include plans demonstrating how water use for maintenance, snowmaking and irrigation and in clubhouses and restaurants will be minimized and conserved.

Shoreline and natural heritage

Significant woodlands, significant valley lands, wetlands, permanent and intermittent streams, natural areas adjacent to Lake Simcoe, and lakes, excluding Lake Simcoe, are key natural heritage features or key hydrologic features. The draft plan would promote a consistent approach to protecting natural heritage and hydrological features across the watershed, focusing on those features that are most critical to the overall health of the watershed. The draft plan also includes policies directed at protecting Lake Simcoe shores.

The policies protecting key natural heritage features and key hydrologic features are similar to those in the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan. All three of these plans, together, provide for a consistent approach to natural features protection throughout the watershed. Generally, the draft plan would:

- Prohibit development and site alteration within key natural heritage and hydrologic features, and would require a minimum vegetation protection zone of 30 metres around key natural and hydrologic features.
- Require a natural heritage evaluation to determine the need for a vegetation protection zone greater than 30 metres, and up to 120 metres where development or site alteration would also be prohibited.
- Require the definition or delineation of various natural features in support of these policies.

The policies of the Provincial Policy Statement would continue to apply. Applicants would ensure that buffers and setbacks that are required under the Provincial Policy Statement are natural and self-sustaining.

Policies are also included in the draft plan that would generally prohibit development and site alteration along the shoreline and prohibit significant shoreline alteration. The draft plan also requires minimum vegetated protection zones for the Lake Simcoe shoreline. These zones range from 100 metres for undeveloped shoreline areas to 30 metres in settlement areas and from 30 to 120 metres for the remaining shoreline areas.

Recharge Areas

Municipalities would be required to incorporate significant groundwater recharge areas into their official plans. Urban settlement area expansions should avoid these recharge areas.

Applications for development or site alteration in significant recharge areas would have to be accompanied by an environmental impact study demonstrating that the quality and quantity of groundwater in significant recharge areas will be protected, improved or restored.

Municipal official plans would be required to restrict uses such as the generation, storage, disposal and management of wastes and other potentially harmful materials in significant recharge areas.

Natural Area Improvement and Enhancement

Priority areas for restoring riparian and other natural areas would be clearly delineated by mapping to focus efforts to improve, restore and enhance natural heritage systems. A shoreline management strategy would be developed to identify priority areas for restoring, securing and acquiring shoreline on Lake Simcoe.

Implementing the Lake Simcoe Protection Plan

The Lake Simcoe Protection Act requires that decisions made by municipalities under the Planning Act or the Condominium Act conform to the applicable designated policies in the Lake Simcoe Protection Plan. The act also requires municipalities to amend their official plan at their five-year review to ensure they conform to designated policies.

A transition regulation would address development proposals that are currently in the approvals process. Generally, the plan would not apply to development proposals that have already obtained their significant development approvals, but in some cases, policies in the plan may be applied to applications, matters or proceedings started before the plan comes into effect. The regulation would set the criteria for identifying affected

proposals. Factors would include the location, scope or scale, type of development and the timing of the proposal.

Financing the plan

The financing strategy recognizes not everything can be done right away and phases in implementation based on priorities. The financing strategy is based on partnerships and collaboration, so no one organization will have to bear the burden of all costs. It recognizes that funding has already been committed to support actions; including the Ontario government's commitment of \$20 million over four years.

The strategy recognizes the important role that municipalities will play as they are responsible for water and wastewater infrastructure upgrades and investments. The province will work with municipalities towards full cost recovery, and the user-pays principle. The Ministry of Energy and Infrastructure is developing a water investment and affordability strategy to help municipalities achieve full cost recovery, build financial and organizational capacities, and address affordability issues.

The province is also working with the federal government to finalize funding programs under the Building Canada Fund Communities Component. There may be an opportunity to encourage projects focused on protecting Lake Simcoe.

Learn more about the draft Lake Simcoe Protection Plan

The draft plan is posted on the Environmental Registry at www.ontario.ca/environmentalregistry. The posting number is 010-4636. The closing date for commenting is March 16, 2009.

More information about [protecting Lake Simcoe](http://www.ontario.ca/lakesimcoe) is available at www.ontario.ca/lakesimcoe.

Protecting our environment.



Capital Cost Breakdown of MBR Technology for Sutton WPCP under Different Service Population Scenarios

Items	Existing / Service Population 4200 / 7,500	Service Population 11,050	Service Population 13,500	Service Population 16,500
General Requirement		\$837,000	\$944,000	\$1,065,000
Structural Works		\$3,166,237	\$3,570,477	\$4,027,322
Mechanical Works		\$7,041,738	\$7,940,773	\$8,956,800
Architectural Works		\$744,375	\$839,411	\$946,814
Electrical Works		\$1,179,284	\$1,329,845	\$1,500,000
Subtotal Upgrade		\$12,968,634	\$14,624,506	\$16,495,937
Engineering and contingency fee (35%)		\$4,539,022	\$5,118,577	\$5,773,578
TOTAL CAPITAL COST (excl tax)		\$17,500,000	\$20,000,000	\$22,000,000
Average design flow, m ³ /d	3,480	5,075	6,197	7,578
Average increment design flow, m ³ /d		1,595	2,717	4,098
Cost per unit increment flow, \$/ m ³		\$10,971.00	\$7,361.00	\$5,368.00
Cost per residential unit		\$14,793.00	\$10,000.00	\$7,333.00
Total serviced population	7,500	11,050	13,500	16,500
Total increment serviced population		3,550	6,000	9,000
Total cost per increment person		\$4,930.00	\$3,333.00	\$2,444.00
Annual Total Phosphorus Loading, kg/year -- C of A limit	224	148	181	221



Office of the Commissioner of Environmental Services

March 13, 2009

Ms. Liz Unikel
Senior Policy Coordinator
Ministry of the Environment
Environmental Programs Division
Lake Simcoe Project Team
7th floor - 55 St. Clair Avenue West
Toronto Ontario
M4V 2Y7

Subject: **Comments on EBR Posting 010-4636 – the Draft Lake Simcoe Protection Plan**

Regional staff and staff of the area municipalities in the Lake Simcoe Watershed in York Region have reviewed the draft Lake Simcoe Protection Plan and wish to commend the Province on an aggressive and comprehensive plan to restore the quality of Lake Simcoe.

Background:

York Region has a long history of supporting initiatives to improve the quality of Lake Simcoe. Since 1991, York Region has been a member of the Lake Simcoe Environmental Management Strategy (LSEMS). The Region has been involved in multiple endeavours to improve and protect the Lake; including watershed improvement projects through our Greening Program and the Natural Partnership Program with the Lake Simcoe Region Conservation Authority (LSRCA) to provide enhanced technologies and practices in sewage treatment technology. These activities are carried out as part of our normal practices.

York Region has also been actively involved over the past 18 months in commenting on key components of this Provincial regulatory initiatives focusing on Lake Simcoe, including:

- Providing comments on the Lake Simcoe Discussion paper, the Interim Regulation, Bill 99, and the Lake Simcoe Protection Act
- Presenting to the Standing Committee on Bill 99
- Participating in discussions on the extension of Ontario Regulation 60/08, the draft Lake Simcoe Protection Plan and the Transition Regulation for the Act.

Through our involvement in these initiatives, the Region has delivered a consistent message to the Province as follows.

Comments on Bill 99 - An Act to protect and restore the ecological health of Lake Simcoe watershed and to amend the Ontario Water Resources Act in respect of Water Quality Trading - September 2008

Regional Council at its meeting of September 18, 2008 endorsed Clause 10 of Report 8 of the Regional Planning and Economic Development Committee, which identified changes required to the proposed Bill 99. The key messages to the Province from this Report included:

- **On-going Regional support for the Lake Simcoe Conservation Authority as the lead agency for this initiative**
The Region continues to support the Lake Simcoe Conservation Authority as the lead agency for this initiative. This approach will build on their 17 years of LSEMS work and avoid unnecessary duplication with the Authority mandate under the *Conservation Authorities Act* and the *Clean Water Act* as well as deliverables required for the *Clean Water Act* under the Georgian Bay Lake Simcoe Source Protection Committee.
- **Proposed Lake Simcoe Act and the Plan must recognize that approved growth and future growth required by Places to Grow Plan will occur within the watershed**
Places to Grow – the Growth Plan for the Greater Golden Horseshoe, identifies a York Region 2031 population of 1.5 million people and employment of 800,000 jobs. All municipalities within York Region are bound by requirements of the Places to Grow Plan, including population and employment forecasts. Approximately 69% of York Region is located within the Provincial Greenbelt (GB) and Oak Ridges Moraine Conservation Plan (ORMCP), an area effectively excluded from accommodating additional growth.

In York Region, some of this population and employment growth will occur in the Lake Simcoe watershed in the white-belt in East Gwillimbury and in existing approved settlement areas in Georgina, East Gwillimbury, King, Newmarket, Aurora and Whitchurch-Stouffville. The Lake Simcoe Act and the proposed Plan must recognize this growth.
- **Recognition and support for achievable wastewater effluent targets and wider, high impact solutions, and water quality trading**

The Act and the proposed Plan must recognize achievable targets for wastewater effluent quality of sewage treatment plants in the Lake Simcoe watershed and require a broader variety of solutions rather than just controlling phosphorus inputs from wastewater treatment facilities, which account for a very low percentage of the total phosphorus input to the Lake.

York Region is working diligently to provide the highest practicable level of sewage treatment in our plants discharging into the Lake Simcoe watershed, and will support the Ministry of the Environment's (MOE) efforts to establish a high standard of treatment for all facilities within the Lake Simcoe basin.

However, in light of the existing technologies in place at the Region's sewage treatment plants in the watershed, the Region is approaching a level of diminishing returns on investment in the area of sewage treatment technology. Further Ministry requirements placed on our existing approvals may be impractical and difficult to achieve, if not impossible. Prior to lowering Phosphorus limits, Regional staff is of the opinion that significant dialogue is required with the bodies responsible for the approvals.

High impact, lower cost solutions to reduce phosphorus inputs to the Lake could include managing and/or treating the Polder Wetlands discharge, investing in agricultural and rural land improvements to deal with atmospheric deposition, where possible, with the use of phosphorus locking agents (such as the one undergoing testing by LSRCA in the Newmarket area), assisting municipal urban storm water retrofits in all jurisdictions, and proceeding with water quality trading programs.

Standing Committee on General Government November 2008

Regional staff also made representation to Standing Committee of the Legislature at its public hearing on November 19, 2008 with the same key messages.

- **Continued support for the Lake Simcoe Region Conservation Authority as the lead agency for this initiative to recognize and build on the work and expertise developed by the Authority over the past 18 years and reduce duplication.**
- **Broadening representation on a governing body for the watershed to include, business sectors, First Nations, members of the public and bona-fide environmental groups, but accommodate this through a modified Authority structure.**
- **Provision of long term stable funding for the initiative**
- ***Collaboration to deliver Phosphorus reductions by addressing and funding reductions by the largest contributors.***
- **Use of jurisdiction based permitting for effluent phosphorus loadings be considered.**
- **Provisions for a viable water quality offsetting program without delay to start capturing opportunities now.**

In preparing this response to the EBR posting of the Draft Lake Simcoe Protection Plan, Regional staff has benefited from comments from the Town of Georgina, the Lake Simcoe Region Conservation Authority, Durham Region and the Building Industry and

Land Development Association - York Chapter. Their submissions raise valid points that must be considered by the Province as it develops this proposal.

Key Issues for York Region in the Draft Lake Simcoe Protection Plan:

York Region would like to highlight key issues integral to Regional operations and planning, where we believe the Draft Protection Plan must be improved prior to approval.

These Key Issues are:

- **Impact of the Plan on the Region's ability to service north York Region, achieve Growth Plan requirements and provide for development of complete communities**
- **Funding to support Plan implementation**
- **Capacity of the Province to deliver on the work plan**
- **Clarification of applicable policy**
- **Municipal Requirements will add largely unfunded costs**

Impact of the Plan on the Region's ability to service north York Region, achieve the Growth Plan requirements and provide for the development of complete communities.

As previously indicated, the Growth Plan requires that York Region provide for a population of 1.5 million persons and between 780,000 and 800,000 jobs by 2031. Approximately 69% of York Region is within the Provincial Greenbelt (GB) and Oak Ridges Moraine Conservation Plan (ORMCP) and effectively excluded from additional growth.

In York Region, some of this population and employment growth will occur in the Lake Simcoe watershed in the white-belt in East Gwillimbury and in existing approved settlement areas in Georgina, East Gwillimbury, King, Newmarket, Aurora and Whitchurch-Stouffville.

Population and employment forecasts for local municipalities in the Lake Simcoe watershed are highlighted in Table 1 below. The ability to service this growth – particularly in Georgina with an additional 26,000 persons and nearly 14,000 jobs by 2031, on Lake Simcoe based sewage treatment plants and the ability to service population and employment growth in East Gwillimbury of 66,000 persons and 26,000 jobs by 2031 are central issues of the Region's comments on this plan. Communities in Georgina are intended to remain on Lake Simcoe based services and the Region is currently pursuing expansions of both the Keswick and Sutton sewage treatment plants. Growth in East Gwillimbury is dependent on the Upper York Servicing System and the Individual Environment Assessment that is currently underway to identify and develop that solution. However, storm water management from this growth is still intended to flow towards Lake Simcoe.

Table 1
York Region Population and Employment Forecast by Local Municipality in the Lake Simcoe Watershed

Municipality	2006	2031	Growth 2006 to 2031
Aurora			
Population	49,600	70,400	20,800
Employment	20,300	34,700	14,400
East Gwillimbury			
Population	21,900	88,000	66,100
Employment	5,900	31,800	25,900
Georgina			
Population	44,500	70,700	26,200
Employment	8,000	21,700	13,700
King			
Population	20,300	35,100	14,800
Employment	7,100	12,100	5,000
Newmarket			
Population	77,400	97,300	19,900
Employment	42,100	49,700	7,600
Whitchurch-Stouffville			
Population	25,400	60,800	35,400
Employment	10,900	23,700	12,800
York Region Totals			
Population	929,900	1,507,400	577,500
Employment	462,400	798,700	336,300
Households	69,500	135,700	66,200

Source: 2006 households based on Statistics Canada, 2006 Census. 2006 population based on Statistics Canada, 2006 Census using an estimated undercount adjustment of 4.1%. 2006 employment based on York Region Planning Department Survey Data. 2011 to 2031 forecasts provided by York Region Planning and Development Services Department, 2008.

Note: Figures have been rounded to the nearest hundred.

Chapter 4 of the draft Lake Simcoe Plan proposes Targets, Indicators and Policies governing water quality from sources including sewage treatment plants, storm water management, agricultural, rural and urban runoff, subsurface sewage treatment, construction, and aggregate resources. Policies for water quality monitoring and a Phosphorus Reduction Strategy are also considered in this chapter.

The majority of the Policies proposed present no issues for the Region as they are a matter of normal practice, except for the phosphorus limits, which are discussed below.

Stronger Controls required for Unregulated Phosphorus contributors

There are various contributors of phosphorus to the Lake Simcoe basin and that sewage treatment plants represent 7% of total phosphorus contributions. However, much of the control and limits for phosphorus are still being placed on sewage treatment plants. The Region recommends that similar regulatory controls are placed on the larger phosphorus

contributors in the basin. We believe that by characterizing the magnitude of the contributions and addressing them equally or on a scale, there would be consistent application of the right instruments for the most gain. By reducing some of the larger contributions of phosphorus from the onset, the Province would see the largest returns towards achieving the goal of 44 metric tonnes of phosphorus per year.

The draft Lake Simcoe Protection Plan recognizes Growth Plan requirements

The Region is pleased to see recognition in the Phosphorus Reduction Strategy section of the Draft LSPP (Policies 4.25 through 4.28) that phosphorus loading targets will accommodate implementation of the Growth Plan for the Greater Golden Horseshoe and long term phosphorus loading caps for all sewage treatment plants will likewise accommodate population and employment growth allocated to areas pursuant to the Growth Plan.

The link between this Protection Plan and the Growth Plan is a key message delivered to the Province in previous Regional comments. To further reinforce links between the two Plans, the Province may wish to consider inclusion of the Growth Plan municipal population and employment forecasts within the Protection Plan once approved as part of our growth management exercises.

While acknowledgement of the Growth Plan and phosphorus limits is a step forward for municipal operators and owners of treatment facilities such as York Region, these caps and flow capacities are tied to development of the larger Phosphorus Reduction Strategy for the Lake or specific Lake areas such as Cooks Bay. This Reduction Strategy is proposed to be undertaken within 1 year of the draft LSPP approval. If this does not occur, or is delayed there are serious implications to the Region and its local municipalities in their ability to achieve the Growth Plan requirements. This issue must be resolved as part of the approval of the Lake Simcoe Plan and the potential extension of Ontario Regulation 60/08.

Current total of individual phosphorus loading limits in the Interim Regulation would facilitate approved growth in York Region and foster an overall phosphorus reduction provided that a jurisdictional limit is implemented'

Policy 4.26 identifies that MOE is to consult on extending the Interim Regulation and implies that amendments to the caps may be considered, but are not guaranteed. The limits that were imposed under the Interim Regulation (that are currently being revisited) should continue to provide for the growth that has already been approved within an existing area. The Region has undertaken significant initiatives and would like to be recognized for those past successes. We continue to support the notion of a jurisdictional phosphorus limit, based on York Region's Master Plan, that allows for operational flexibility. This approach would also satisfy ultimate servicing needs to 2031 by permitting the Region to maximize specific site efficiencies, while facilitating operational flexibility and manage the systems on a watershed basis.

York Region strongly encourages the Province to combine the existing total phosphorus loading limit of York Region STPs outlined in Interim Regulation into a jurisdictional limit. The current limits set out in Interim Regulation already demonstrate a significant drop in phosphorus limits over the existing certificate of approval limits. A jurisdictional limit format combined with the existing total loading limits in the Interim Regulation will also allow for approved development in the Region to take place to 2031. If a jurisdictional limit is not considered, increased effluent phosphorus limits will be required for the Mount Albert and Sutton Sewage Treatment Plants.

Water Quality Trading Program Imperative

In upgrading the Region's sewage treatment plants, the Region is approaching a point of diminishing returns. It takes several million dollars of capital expenditure to remove and/or limit small quantities of phosphorus (e.g., in the order of kilograms per year) from discharging into the Lake. An effective water quality trading program could be used to achieve a greater improvement to the Lake for the money spent in sewage treatment plant improvements. The Plan currently contemplates that research will be undertaken within the year following Plan approval. The Region is of the opinion that not only should research be undertaken, but a pilot project must be established within the year. York Region would be pleased to work with the Province to identify and establish a suitable pilot project.

Recommendations dealing with Chapter 4 - Water Quality:

- 1. The Plan be amended to apply stronger controls and limitations on unregulated Phosphorus contributors**
- 2. Province to consider inclusion of the municipal Places to Grow population and employment forecasts in the Protection Plan once forecasts are approved as part of our growth management exercises.**
- 3. Permitted phosphorus loadings in O. Reg. 60/08, if extended, provide sufficient flexibility to recognize the ultimate projected loadings required to service growth in York Region to 2031.**
- 4. Province move to allocation of Phosphorus caps on a jurisdictional basis as opposed to a plant by plants caps to permit the Region to maximize specific site efficiencies, while facilitating operational flexibility and manage the systems on a watershed basis. Jurisdictional permits should also be considered in conjunction with the extension of O.Reg. 60/08.**

Funding to Support Plan Implementation

The draft Lake Simcoe Protection Plan acknowledges that funding issues have been an issue for all stakeholders. The estimates for Plan implementation in the first 10 years range between \$100 million and \$135 million, exclusive of municipal infrastructure costs of \$120 million for storm water management and \$105 million for sewage treatment plant upgrades, with requirements for higher treatment levels to accommodate expected population growth. These figures bring the projected total cost of implementation to over \$360 million.

The Province's \$20 million contribution (over four years) is to focus primarily on providing assistance to farmers to encourage agricultural best management practices, scientific research and monitoring and administrative support for the two additional committees established. There is no indication whether this is a one time Provincial commitment or ongoing funding support. There is no mention of the \$30 million Federal contribution through PROPEL funding and its place in future implementation.

The Plan speaks to innovative funding, partnerships, full cost and user pay principles. However, a comprehensive breakdown of anticipated costs or revenue sources is still unclear as this is not explicitly detailed in the Plan.

Regional Finance staff has reviewed the document and have indicated issues with the sustainability of the Plan given the lack of specifics. In the absence of detailed information and given current and anticipated fiscal shortfalls and projected Provincial deficits, we emphasize that unfunded mandates are unlikely to succeed. A long-term stable financial commitment is vital to the success of this Plan.

York Region recommends that the Province and Federal governments establish a Lake Simcoe Endowment Fund in the order of \$500 million in order to generate revenues of approximately \$36 million per year for each of 10 years. This type of financial arrangement would provide finances for Plan implementation in a sustainable manner regardless of potentially changing governments and/or mandates.

Capacity to deliver on the Work Plan

The anticipated outcomes of the Lake Simcoe Protection Plan represent one of the most labour intensive Provincial initiatives in recent memory. While the Plan itself represents a monumental undertaking, the work plan contemplated over the next 3 years represents is extremely aggressive.

Based on a review of commitments, the Province is promising delivery of approximately 32 studies within a 3 year timeframe. In contrast LSRCA is committed to undertaking only 2 studies within 1 year, and 1 each, within the next 3 years. Municipalities are committed to undertaking 3 studies within 5 years.

Any deviations from this timetable or inability to provide adequate resources will delay delivery of other elements of Plan. Given current fiscal limitations and projections of deficits in Provincial funding, there is a very real possibility that this timetable will be impacted. Notwithstanding statements in the Implementation section that implementation will be based on funding priority actions critical to achieving the targets and objectives set out in the Plan, many of the studies are imperative in the short term

Moreover, based on experiences with other Provincial Plans, including the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Growth Plan for the Greater Golden Horseshoe, we are concerned that the Province needs additional resources to fully deliver on details to ensure successful implementation.

The Region suggests that the Lake Simcoe Region Conservation Authority (LSRCA), if provided with stable long-term funding, is in an ideal position to deliver many of these studies. The Authority has been internationally recognized for its work in watershed planning, its staff has the benefit of years of research and project management in this field and they have the jurisdictional contacts to make these programs successful. We suggest that the Province look to the LSRCA and its capabilities, prioritize the necessary tasks and leverage expertise and funding to ensure the studies are completed on-time and on budget.

Clarification of applicable policy

There are a number of Provincial Plans competing for dominance in the Lake Simcoe watershed. As a result, there are a number of instances throughout this plan where it is not entirely clear which policies apply and what the Province was actually intending by the policy.

As examples, Policy 4.4DP in Chapter 4 (Water Quality), permits the Director to approve a non-municipal sewage treatment plant in the watershed unless section 6 of O.Reg. 60/08 has been revoked and the applicant demonstrates that there will be a net reduction in phosphorus loadings to the watershed. It is not clear whether this policy is applied throughout the watershed, even in the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan area or what new non-municipal sewage treatments plants can be contemplated or whether this could limit a municipal decision not to permit non-municipal plants.

Similarly it is not entirely clear in Chapter 6 (Shorelines and Natural Heritage) whether all or some policies exclude Greenbelt and ORMCP lands.

A critical evaluation and clarification of all policies and potentially a chart of applicability will help in Plan interpretation.

Municipal Requirements relating to Storm Water Management and Septic Re-inspections will add largely unfunded costs

Storm Water Management

As identified in comments from the Town of Georgina, Policy 4.5 requires municipalities, in collaboration with the Lake Simcoe Region Conservation Authority (LSRCA), to prepare and implement comprehensive stormwater management master plans (SWMP) for each settlement area in the Lake Simcoe watershed. The policy sets out a number of criteria directing how the SWMP's are to be prepared and what they must include. Most notably, the last two criteria require "an identification of the recommended approaches for stormwater management in each settlement area and an implementation plan for the recommended approaches"

The main issues relate to the costs and implementation challenges associated with SWMP's, the maintenance and retrofitting of existing stormwater facilities to meet new standards and the costs associated with the provisions of storm water management in existing developed areas with uncontrolled run-off.

The Town of Aurora has undertaken a Storm Water Management Master Plan at a cost of approximately \$86,000. In the Aurora case, the study identified a need for 2 additional wet ponds over 10 years with a capital cost of \$7.9 million exclusive of land costs or availability. The costs of implementation of the recommendations however are in the order of \$25.3 million over the next 20 years.

In Georgina's case, the estimate for undertaking a Master Plan for Keswick (one of three settlement areas that will be subject to the master plan policy and be required to undertake Master Plans within 5 years) is approximately \$160,000. Implementation costs are unknown.

In 2007, LSRCA undertook to quantify the costs and opportunities for Stormwater retrofits in the watershed. The report, entitled "*Lake Simcoe Basin Stormwater Management and Retrofit Opportunities 2007*" identifies 150 opportunities in communities in York Region at a total estimated retrofit cost of \$53.3 million, saving 3,161 kg/yr of Phosphorus. On a total watershed basis there were 279 opportunities identified, totalling \$116.7 million in costs and saving 7,260 kg/yr.

Even with growth associated with Growth Plan forecasts, municipal costs for this work in existing development areas are largely unfunded. A funding source will be required to assist smaller municipalities in achieving conformity with the Lake Simcoe Protection Plan as currently drafted.

Septic Re-inspections

Policy 4.14 requires the Ministry of the Environment and the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of the Environment (MOE) to develop a proposal for a regulation under the Ontario Building Code Act, 1992 to designate the

lands within 100 metres of the Lake Simcoe Shoreline and any permanent stream of Lake Simcoe as a prescribed area for required on-site sewage maintenance re-inspections.

The Town of Georgina has three main issues relating to this proposal. Town staff recommend that the focus of the program should be on older systems (10 to 15 years), as these are more likely to have problems and that municipal staff should be consulted in writing the regulation. Further, it is not clear from the wording whether the proposal deals with re-inspections of private residential Class 4 septic systems. If so wording changes are required in Policy 4.14 to acknowledge this approach.

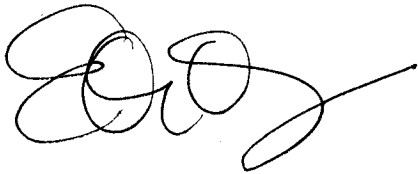
Lastly Georgina staff has issues with the various costs associated with a re-inspection program. In the Town's view, the cost of re-inspections and any remedial actions or works should be borne by the individual landowners, potentially with provincial incentive funding. Further details of the Town's issues and comments can be found within the Town's report PB-2009- 0022, dated March 2, 2009, and endorsed by the Town's Committee of the Whole on that date.

Recommendations dealing with Chapter 8 Implementation and General Plan

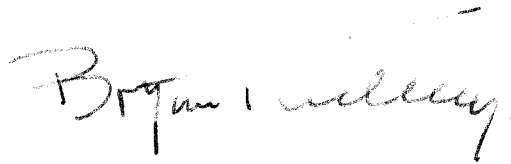
- 5. The Province focus on tangible outcomes and determine the manner in which the anticipated 10-year Plan costs can be made financially sustainable, such as a Lake Simcoe Endowment Fund in the order of \$500 million in order to generate revenues of approximately \$36 million per year for each of 10 years.**
- 6. The Province leverage the experience of the LSRCA and develop additional partnerships with the LSRCA from a financial and research perspective to deliver many of these studies on time and on budget.**
- 7. Province should clarify policy applicability given competing Provincial Plan coverage in the watershed.**
- 8. Costs associated with undertaking and implementing Municipal Storm Water Master Plans and costs and resources required to re-inspect septic systems within 100 metres of permanent streams and the Lake Simcoe Shoreline are an issue. Provincial funding may be required to assist municipalities satisfy these aspects of Lake Simcoe Protection Plan implementation.**

We trust these comments are of assistance to the Province. Region of York staff look forward to working with the Province and its partners in implementing the Lake Simcoe Protection Plan and would be pleased to discuss any issues that arise from these comments. Please contact Michele Maitre, Manager of Regulatory Compliance at 905-830-4444, ext. 5097, michele.maitre@york.ca or Barbara Jeffrey, MCIP, RPP, Manager of Land Use Policy and Environment 905-830-4444, ext. 1526, barbara.jeffrey@york.ca should you require clarification.

Sincerely,

A stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Erin Mahoney, M. Eng.
Commissioner of Environmental Service

A handwritten signature in black ink, appearing to read 'Bryan W. Tuckey' with a long, sweeping horizontal stroke at the end.

Bryan W. Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and
Development Services

BJ/CD/bj