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“PROTECTING LAKE SIMCOE: CREATING ONTARIO'S STRATEGY FOR ACTION” DISCUSSION PAPER EBR POSTING 010-2974

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, May 22, 2008, from the Commissioner of Environmental Services, with the following additional recommendation:

- 5. Environmental Services staff contact the Ministry of Environment to request a status report of the ten other sewage treatment facilities in the Lake Simcoe Basin.**

1. RECOMMENDATIONS

It is recommended that:

1. The attached report and comments be endorsed as the Region of York response to EBR posting 010-2974.
2. Staff of the Environmental Services Department be directed to report back to Council on future Ministry of the Environment decisions pertaining to phosphorus discharges in the Lake Simcoe Basin and its implications for the Region.
3. Regional staff continue to monitor evolution of the proposed Lake Simcoe Act, Regulations and Plan and report back to Committee and Council on an as-needed basis.
4. The Regional Clerk circulate this report to the Clerks of the nine local municipalities for information.

2. PURPOSE

“Protecting Lake Simcoe: Creating Ontario's Strategy for Action” discussion paper posted on the Environmental Registry (EBR) - comments due by May 2, 2008

The purpose of this report is to advise Committee and Council of the contents of the Discussion Paper - “Protecting Lake Simcoe: Creating Ontario's Strategy for Action” and advise Committee and Council of the staff comments provided to the Ministry of Environment staff to meet the EBR deadline of May 2, 2008.

3. BACKGROUND

As part of the Provincial election campaign in 2006, the Liberal party announced that they would introduce legislation to protect Lake Simcoe. On December 6, 2007, intent to proceed with an Interim Regulation was posted on the EBR for comment until February 4, 2008. At that time the Province announced the following:

- 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.
- Release a discussion paper to help frame the discussion on Lake Simcoe watershed protection.

The Province has started to deliver on these intended actions as discussed in the following sections of this report.

4. ANALYSIS AND OPTIONS

Provincial Plans direct growth to Lake Simcoe watershed in York Region but challenge wastewater servicing abilities

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.

York Region currently owns and operates 5 of the 15 sewage treatment facilities in the Lake Simcoe Basin recognized in Ontario Regulation 60/08. In the near term, expansions are planned for the Keswick and Schomberg Water Pollution Control Plants, which may be affected by future regulation surrounding the Lake Simcoe basin. In addition, the upcoming Upper York Sewage Servicing Individual Class Environmental Assessment project may also be impacted by future Lake Simcoe regulation.

Lake Simcoe has been studied for the past 17 years

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, the Region of York has been an active participant in efforts to improve water quality in the Lake.

During its 17 years of operation, the LSEMS program has made steady progress:

- The amount of phosphorus emptying into the Lake each year has been reduced.
- Levels of dissolved oxygen in the Lake's deep water zones have increased.
- There is evidence that a small number of naturally produced wild lake trout are able to survive.

Phase III of LSEMS is just being completed with release of the Comprehensive Basin Report. During the last few years of Phase III, there has also been increasing calls for a redesign of the LSEMS partnership to lead the way forward.

Province Takes Action

Of the Provincial announcements made in December, 2007 the Province has acted swiftly in the following areas:

Science Advisory Committee has been established

The names of the 10-member Science Advisory Committee were released on March 27, 2008. Advisory Committee members are included as *Attachment 1* to this report.

Final Interim Regulation for Lake Simcoe released with Phosphorus limits for Regional Wastewater Treatment Plants

As well as the Discussion Paper on March 27, 2008, the Province released the final interim regulation (O.Reg. 60/08) governing, among other things, Phosphorus inputs to the Lake for the next year from wastewater treatment plants.

Council, at its meeting of April 24, 2008, adopted Clause 2 of Report No 4 of the Transportation and Works Committee which identified the issues with the proposed Regulation and the minimum Phosphorus limits regional staff recommended to the Province. In all cases, the interim Phosphorus loading limits of the approved Interim Regulation meet or exceed the Regional staff recommendation to the Province (Table 1).

Table 1
Lake Simcoe Interim P Loading - O.Reg. 60/08
Comparison of Regional recommendation and Provincial Regulation limits

Facility	Regional Recommendation for Phosphorus loading limit (kg/y)	Interim Regulation Phosphorus loading limit (kg/y)
Keswick WPCP	853	939
Sutton WPCP	135	148
Schomberg Lagoons ¹	75	75
Schomberg WPCP ¹	-	-
Holland Landing Lagoons	69	149
Mt. Albert WPCP	51	56

1. Schomberg WPCP currently under construction with commissioning scheduled for Q1, 2009. Schomberg Lagoons will be decommissioned with operation of the new plant. Since lagoon has higher concentrations than WPCP, controlling limit will be based on existing lagoon.

Discussion Paper Released

On March 27, 2008, a Discussion Paper on creating Ontario's Lake Simcoe Strategy was released for a 36 day comment period (ending May 2, 2008). The Discussion Paper presented 13 questions for stakeholders to answer on the five key areas and invited stakeholders to one of three consultation sessions in early April. A copy of the Discussion Paper is appended as *Attachment 2* to this report.

Regional staff submitted comments appended as *Attachment 3* to this report, to meet the Province's stringent deadline with notice that the Council position would be sent to the Ministry following the Council meeting of June 11, 2008.

Summary of Staff Comments on Province's Discussion Paper

The Province, in the Discussion Paper provided a detailed view of their thinking regarding the proposed *Lake Simcoe Act* and the Plan. A number of the areas of Provincial consideration have been commented on before by Regional Council (relating to governance and funding) and other areas have the potential to directly impact our ability to provide adequate servicing for existing and future residents and businesses (direction relating to Phosphorus limits and Phosphorus trading).

Regional comments sent to the Province recommend the following:

- Maintain the existing LSEMS Goal but widen to acknowledge growth and settlement requirements of Places to Grow;
- Identify and acknowledge requirements of Places to Grow and need to provide adequate wastewater servicing for approved population and employment forecasts;
- Extend control and regulation of P inputs beyond municipal wastewater treatment and urban storm water;

- Require Phosphorus Reductions from Agricultural lands and Atmospheric contributions as part of a comprehensive Phosphorus offset or trading program;
- Require protection, enhancement and restoration of Natural Heritage Systems;
- Ensure provision of the majority of the funds for long-term, stable funding from Provincial and federal funding sources;
- Provide credit for municipalities where Phosphorus Reductions have been achieved and proceed with a Phosphorus Trading or Offset program;
- Maintain Conservation Authority leadership of a revitalized, adequately funded and staffed program with wider stakeholder representation;
- Ongoing representation on Committees for York Region and it's area municipalities;
- Recommendation that legislation:
 - Require the same high standards for growth management and for servicing in all watershed municipalities.
 - Provide for information/data sharing among all municipalities directly affected by the Regulations and the Plan.
 - Require improvements to wastewater treatment facilities demonstrating poorer phosphorus removal prior to further regulation and mandated improvement of facilities that have demonstrated enhanced phosphorus performance.

5. FINANCIAL IMPLICATIONS

Financial Impacts difficult to predict

While there is no immediate financial impact from the Discussion Paper, the long term strategy for Lake Simcoe and the proposed Lake Simcoe Act may have financial implications if the Region is required to upgrade wastewater treatment facilities to meet more stringent phosphorus effluent requirements on a permanent basis, or if Phosphorus offsetting programs are developed.

Similarly, establishment of a revitalized LSEMS partnership program with long-term stable funding which is not solely dependent on yearly budget discussions with municipal partners, is one of the components necessary to ensure that gains made through the past 17 years are not lost and further improvements are realized.

Other impacts associated with either the Federal government initiative (Federal Department of Environment funding under PROPEL) and Provincial initiative relating to the *Lake Simcoe Act* cannot be determined at this time.

Further reports on implications will be prepared as these initiatives evolve.

6. LOCAL MUNICIPAL IMPACT

The proposed Lake Simcoe Act and Plan has the ability to impact area municipalities in the Lake Simcoe watershed, however, the full extent of that impact is as yet, unknown. The Interim Regulation imposed stringent performance standards on storm water facilities that service new developments located in the Lake Simcoe Basin, but alluded to the potential future requirements for maintenance and upkeep as well as retrofitting of existing ponds. Regional staff will work with our municipal counterparts to ensure that municipal issues are brought to the table and appropriate funding arrangements in place. A copy of this report will be sent to the York Region municipalities in the Lake Simcoe watershed.

7. CONCLUSION

The Discussion Paper on Lake Simcoe entitled "Protecting Lake Simcoe: Creating Ontario's Strategy for Action" was posted on the Environmental Registry (EBR) on March 27, 2008. Regional staff submitted comments appended as *Attachment 3* to this report, to meet the province's stringent deadline with notice that the Council position would be sent to the Ministry following the Council meeting of June 11, 2008.

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For more information on this report, please contact Michele Maitre, P. Eng., Manager, Regulatory Compliance and Policy, Water and Wastewater, Environmental Services, 905-830-4444, ext 5097.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)