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PROPOSED WATER OPPORTUNITIES AND WATER CONSERVATION ACT, 2010

The Environmental Services Committee recommends the adoption of the recommendations contained in the following report dated September 1, 2010, from the Commissioner of Environmental Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council endorse the attached staff comments on Environmental Bill of Rights (EBR) Registry Posting Number 010-9940 as submitted on July 16, 2010.
2. The Regional Clerk circulate this report to the local municipalities.

2. PURPOSE

The purpose of this report is to advise Council of the contents of the proposed *Water Opportunities and Water Conservation Act, 2010*; discuss impacts and benefits to York Region and its local municipalities; and obtain Council endorsement of the submitted comments from York Region staff (*Attachment 1*).

3. BACKGROUND

Province of Ontario introduces proposed *Water Opportunities and Water Conservation Act, 2010*

On May 18, 2010, the Ministry of the Environment introduced proposed *Water Opportunities and Water Conservation Act, 2010* to Ontario Legislature, which passed first reading. If passed, the Act emphasizes developing and implementing innovative water technology and will reinforce the Province's commitment to a sustainable environment.

Proposed *Water Opportunities and Water Conservation Act, 2010* supports York Region's initiatives

The Proposed *Water Opportunities and Water Conservation Act, 2010* supports and builds upon the water conservation requirements of existing Provincial legislative regimes in a meaningful and measurable way. The proposed Act will support York Region's current and planned future efforts in developing innovative water conservation and management policies and programs, and pursuing leading-edge water and wastewater

technology practices. More specifically, the proposed Act supports York Region's Official Plan, which has developed a number of comprehensive and innovative water conservation, low impact development and innovative water treatment and re-use policies.

York Region's Official Plan was adopted by Council in December 2009. At writing of this report the Minister's approval has not yet been received but is expected shortly. Policies within the Regional Official Plan support the proposed Act by expressing York Region's commitment to:

- Protecting and conserving water resources for both ecological and human functions;
- Developing a long term, innovative strategy for water conservation and efficiency;
- Investigating innovative new wastewater treatment technologies and approaches;
- and,
- Working with local municipalities to engage the public on water conservation.

4. ANALYSIS AND OPTIONS

Proposed Water Opportunities and Water Conservation Act, 2010 seeks to make Ontario a North American leader in water conservation

This Act defines municipal services as including water, wastewater, and stormwater management. Each municipal service provider must prepare a "Municipal Water Sustainability Plan" covering all municipal services that must be approved by the municipality prior to submission to the Minister of the Environment. Two or more entities may prepare joint plans (or parts of the plan) and may be directed to do so by the Minister. The plan must include:

- Asset Management Plan
- Financial Plan
- Water Conservation Plan
- Risk Assessment (including risks to future service delivery and considerations for climate change)
- Strategies for maintaining and improving municipal services (including ensuring ability to satisfy future demands; use and consideration of technologies that promote efficient use of water and reduce negative impacts to water resources; increase cooperation with other municipal service providers)

The Minister may also set targets and/or performance indicators related to financing, operations, or maintenance of the municipal services. These targets/performance indicators may vary for different municipalities.

The proposed Act will also require preparation of Water Conservation Plans which relate particularly to a public agency's consumption of water (in this case, a plan for the Corporation of The Regional Municipality of York). This plan must include:

- Summary of annual water use for each of the public agency's operations
- Description and forecast of expected results from current and proposed activities to be taken by the public agency to conserve water
- Summary of progress and achievements already accomplished

In this case, the Lieutenant Governor may set targets for each municipality that may differ between municipalities. The plan will require coordination with preparation and implementation of the Demand Management Plan under the *Green Energy Act, 2009*.

The plan will also ensure that municipalities have a duty to consider water in the acquisition of goods and services and when making capital investments. Future regulations will outline timelines for completion of these proposed plans as well as the specific requirements for the contents of each plan.

York Region is in good position with proactive initiatives in water conservation and investment in innovative water technologies

Through close partnerships with the Province, conservation authorities and local municipalities, York Region has consistently demonstrated its leadership role in water conservation and utilizing innovative technologies and expects the proposed Act will bolster these initiatives and ensure further success, including:

- Embracing water efficiency as a very effective component of the long-term drinking water supply strategy and furthering the program with the Long Term Water Conservation Plan
- Designing and building Regional facilities to LEED® standards which include water conservation measures such as drought resistant landscaping, low-flow toilets and faucets, and rainwater capture and re-use
- Commitment to consider development and use of innovative wastewater treatment technologies such as a water purification system and water recycling facilities in the Upper York Sewage Solutions Individual Environmental Assessment
- A proactive approach to developing and implementing water and wastewater service levels required of infrastructure assets to meet customer expectations as well as monitor asset performance to support infrastructure planning through the Infrastructure Management Program
- Auditing and retrofitting existing Regional facilities on an ongoing basis to improve energy and water efficiency

Staff advocate for variety of support tools to sustain requirements under the proposed Act

The foundational elements of enacting legislation and associated regulations, strategies and programs need to include support tools. Proper support tools are required to address some of the barriers municipalities will ultimately face in meeting requirements of the proposed *Water Opportunities and Water Conservation Act, 2010*. Suggestions for

support tools include best practice guidelines for municipal programs, benchmarking, incentives for municipalities to adopt innovative water technologies and specific Provincial direction on water conservation program requirements.

Coordination of requirements under proposed Act with other Provincial initiatives to avoid duplication of efforts is most efficient use of tax dollars

When the Province prescribes requirements of the proposed Municipal Water Sustainability Plans, it would be most efficient to leverage and streamline with existing Provincial legislation and requirements:

- York Region has been developing a focused approach to asset management since 2007 to strategically manage water and wastewater infrastructure.
- To satisfy requirements of the *Safe Drinking Water Act, 2002*, York Region has prepared a financial plan for its drinking water systems which incorporates the nine Principles of Financially Sustainable Water and Wastewater Services developed by the Province.
- To meet Ontario's Drinking Water Quality Management Standard, York Region has developed and implemented a risk assessment procedure that describes the processes for ranking and identifying potential hazards and emergencies, and for identifying critical control points in the its drinking water systems.

Each of these requirements falls under different programs, strategies, or regulations. Reporting requirements for the proposed *Water Opportunities and Water Conservation Act, 2010* will only add to the existing list. Staff have requested efforts be consolidated into a single process, especially in terms of reporting, where practical.

Staff request in-depth consultation with Municipalities on regulatory requirements under proposed Act

The proposed Act presents a number of changes that may have significant impacts on municipalities, including preparation and implementation of Municipal Water Sustainability Plans for municipal services at Regional and local levels, Water Conservation Plans for operations, and changes to local municipal water bills.

Staff have requested that the Province engage in comprehensive consultation with municipalities on the development of regulations and associated supporting materials under the proposed Act to ensure successful implementation of all aspects.

5. FINANCIAL IMPLICATIONS

Potential water conservation targets and performance indicators will invariably present a variety of challenges to municipalities unless appropriate support tools, guidance and funding assistance are included within foundational elements of the proposed Act.

York Region will need to move forward with assessing water conservation rate structures for water pricing. These types of rate structures incorporate a price signal sufficient to affect individual decisions on consumption and encourage conservation and efficiency. A review of best practices and experience across Canada will provide the required rationale for moving forward with water conservation rates in York Region. Conservation rate structures and mandatory multi-unit metering will be addressed further in the Region's Long Term Water Conservation Plan currently underway.

6. LOCAL MUNICIPAL IMPACT

Detailed water usages rates will be required to report on progress in Municipal Water Sustainability Plans. Additional resources and infrastructure investments may be required to report on detailed water usage rates. Resources will also be needed to meet requirements of Water Conservation Plans.

The Province may prescribe specific information to be included on municipal water bills. This change may require significant resources, especially if an update to municipal billing systems is required.

7. CONCLUSION

With support tools and a carefully planned implementation strategy, York Region staff are confident the proposed *Water Opportunities and Water Conservation Act, 2010* will make great strides in water conservation and advancement of innovative water technologies and practices.

In-depth consultation on regulatory requirements under the proposed Act is needed to ensure successful implementation. Staff look forward to a partnership approach with the Province to implement initiatives of the proposed Act.

York Region is well positioned with its many years of practical experience to provide valuable input on elements of this initiative and may be useful to provide support on committees or working groups. Through close partnerships with the Province, conservation authorities and local municipalities, York Region has consistently demonstrated its leadership role in water conservation and utilizing innovative technologies and expects the proposed *Water Opportunities and Water Conservation Act, 2010* will bolster these initiatives and ensure further success.

For more information on this report, please contact Laura McDowell, Director,
Environmental Promotion and Protection at (905) 830-4444 Ext. 5077.

The Senior Management Group has reviewed this report.

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



Environmental Services

July 16, 2010

VIA FACSIMILE (416) 314-7200

Ms. Carol Salisbury
Senior Policy Analyst
Integrated Environmental Policy Division
Land and Water Policy Branch
Ministry of the Environment
135 St. Clair Avenue West, 6th Floor
Toronto, ON M4V 1P5

Dear Ms. Salisbury:

**Re: EBR Registry Number 010-9940
Water Opportunities and Water Conservation Act, 2010**

The Regional Municipality of York ("York Region") has reviewed the proposed *Water Opportunities and Water Conservation Act, 2010* as posted on the Environmental Bill of Rights Registry (No. 010-9940) and appreciates the opportunity to provide feedback to the Province on this important initiative. Comments provided by York Region are representative of a number of departments including Environmental Services, Planning and Development Services and Corporate Services.

1. York Region supports the proposed *Water Opportunities and Water Conservation Act, 2010*

York Region commends the Province for its proactive approach to water conservation and innovative water technologies. The Province has taken a leading-edge approach to conservation and protection of water resources with this and other legislation, including the *Oak Ridges Moraine Act, 2001*, the *Greenbelt Act, 2005*, the *Clean Water Act, 2006*, the *Lake Simcoe Protection Act, 2008*, and associated plans and regulations. The proposed *Water Opportunities and Water Conservation Act, 2010* supports and builds upon water conservation requirements of existing Provincial legislative regimes in a meaningful and measurable way.

York Region believes it is the right time to introduce this legislation; it supports York Region's current and planned future efforts in developing innovative water conservation and management policies and programs, and pursuing leading-edge water and wastewater technology practices.

York Region's Official Plan, as adopted by Council in December 2009, has developed a number of comprehensive and innovative water conservation, low impact development, and innovative water treatment and re-use policies. These policies support the proposed *Water Opportunities and Water Conservation Act, 2010* by expressing York Region's commitment to:

- Investing in new technologies and innovative sustainable practices;
- Ensuring that both key natural heritage features and key hydrologic features and functions are protected and enhanced where possible;
- Protecting and conserving water resources for both ecological and human functions;
- Supporting full life cycle infrastructure planning and costing;
- Developing a long term, innovative strategy for water conservation and efficiency;
- Investigating innovative new wastewater treatment technologies and approaches;
- Reducing inflow and infiltration in wastewater systems;
- Incorporating energy-recovery systems into water and wastewater facilities to reduce health and environmental impacts of greenhouse gases and other air quality issues;
- Designing and operating water and wastewater facilities to reduce energy use, and where possible, energy recovery;
- Working with local municipalities to engage the public on water conservation; and,
- Requiring comprehensive master environmental servicing plans to minimize stormwater volume and contaminant loads and maximize infiltration through an integrated treatment approach, which includes using innovative techniques.

Likewise, the proposed *Water Opportunities and Water Conservation Act, 2010* will support implementation of York Region's Official Plan and will ultimately help York Region achieve its goals by:

- Encouraging water resource technology innovation in private and public sectors;
- Requiring a water sustainability plan for all municipal services; and,
- Requiring public agencies to show leadership in the area of water technology.

Similar to the approach undertaken through York Region's policies and programs, the proposed legislation and any future regulations should place emphasis on water resources as part of a complex system to be protected and conserved for both ecological and human functions. In addition, the Province may want to consider the impacts of climate change and how water conservation technologies may be impacted, or how they can help municipalities mitigate and adapt to climate change. Furthermore, approvability and implementation of innovative technologies and practices should be considered and incorporated into the Province's action plan for implementing new legislation.

The proposed *Water Opportunities and Water Conservation Act, 2010* demonstrates great leadership on part of the Province. However, potential targets and performance indicators will invariably present a variety of challenges to municipalities unless appropriate support tools and funding assistance are included within foundational elements of the proposed Act. Additionally, a comprehensive implementation strategy will ensure ongoing success of subsequent initiatives.

2. A variety of support tools are required to sustain initiatives of the proposed *Water Opportunities and Water Conservation Act, 2010*

The foundational elements of enacting legislation and associated regulations, strategies and programs need to include support tools which will address some of the barriers municipalities will ultimately face in meeting requirements of the proposed *Water Opportunities and Water Conservation Act, 2010*. Some suggestions for support tools include best practice guidelines for municipal programs, benchmarking, and incentives for municipalities to adopt innovative water technologies and strong Provincial direction on water conservation.

Best practice guidelines will allow municipalities to encourage residents to conserve water

Since inception in 1998, *Water for Tomorrow* (York Region's award-winning water conservation and efficiency program) has utilized various initiatives, such as rebates for water efficient fixtures in homes and businesses and capacity buy back for businesses, to encourage municipal water users to reduce water consumption. There are a number of other jurisdictions throughout the province, like York Region, that have implemented and piloted various water conservation initiatives.

A collection of "Best Management Practices" guidelines to encourage water efficiency and conservation, based on successes and experiences of Ontario and other municipalities throughout North America, would be an extremely beneficial companion piece to the legislation. In this respect, York Region is currently preparing a "Best in Class" report to meet Southeast Collector approval conditions for water conservation which may be useful to the Ministry and other municipalities.

Benchmarking and consistent performance indicators will help municipalities compare their success and achieve targets

Water usage rates and water conservation program results must be consistently reported to the Province by various sectors, including municipalities. It has been very difficult to compare municipal water conservation and efficiency program results effectively as municipalities define metrics differently, collect data differently and often have varying levels of data quality.

York Region recommends the Province undertake a benchmarking study or fund a study through a professional organization such as the Canadian Water and Wastewater Association (CWWA). This study should build upon research already conducted by CWWA for the MOE, "Water conservation and efficiency performance measures and benchmarks within the municipal sector January 2009," which compares data collected on water use and conservation programs by various municipalities in Ontario. Without consistent benchmarks and performance indicators, it will be difficult for the Province to set and achieve meaningful targets.

Performance indicators should be structured so that all parts of the system and reduction programs will be taken into account and all efforts toward water conservation are recognized. For example, water and wastewater systems operations should be considered under the Municipal Water Sustainability Plans under Part III of the proposed Act as opposed to Water

Conservation Plans under Part IV. This will ensure efforts to make a municipal service more efficient, such as leak detection and inflow and infiltration reduction, will be properly captured.

A variety of comprehensive water efficiency programs have proven to be achievable and maintainable over time and truly reduce water demand. Metrics to be considered include, but not limited to, infrastructure leakage index, water use rates, participation rates, and estimated water savings per program element. Metrics should also allow municipalities to compare success and targets to other municipal programs across North America.

Funding will help municipalities successfully implement water conservation programs

Additional infrastructure investments may be required to report on detailed water usage rates. Funds may be required to help public agencies implement necessary infrastructure to prevent an excessive burden to taxpayers.

Similar to the Waste Diversion Ontario datacall, significant resources will be needed to gather data on water usage. Additional costs will be associated with preparing a water datacall annually, which will be too burdensome for some municipalities. In particular, many municipalities may have difficulty collecting water consumption data for multiple use facilities such as leisure and recreation facilities. The responsibility for funding of this initiative will need to be determined and planned for appropriately. Additionally, the Province should offer support and best practices to determine how to measure water consumption.

A well-structured provincial program will encourage the adoption of innovative water technologies

From York Region's experience with solid waste management, a performance-based funding/incentive scheme targeted toward specific activities may, in effect, cause disincentives for other activities. For example, funding for the Blue Box program is based on the volume of Blue Box recycling material reported in the Waste Diversion Ontario datacall. Incentive/funding based on performance in recycling volume inadvertently deters municipalities from reduction and reuse efforts that can be taken prior to recycling because these efforts would lower the volume of Blue Box recycling material which would in turn reduce funding received.

Aggressive performance indicators and target levels could result in a disincentive if meeting these objectives supersedes those of adopting new and innovative technology. Competing priorities will significantly reduce the risk tolerance of municipalities to try untested, but potentially more effective, technologies. A separate process stream may be an option for organizations willing to adopt new technologies, which would take into account that new technologies require additional time to test, implement and troubleshoot and may give variable results during this time.

The Province's approval process will need to be supportive of new technologies; support for innovative technologies and quicker approval times will support proponents that intend to pilot innovative technologies. Furthermore, funding incentives for municipalities to conduct pilot projects for new innovative technologies will allow innovative technologies for treatment and

management of water and wastewater to be properly developed, extensively tested and demonstrated and ultimately, successfully commercialized.

Further coordination of Provincial and Federal policies will form a strong foundation for water conservation and efficiency

While the addition of the expanded mandate of the Ontario Building Code Committee and accelerated technology program are steps in the right direction, the Province needs to consider tools that municipalities will require to successfully implement water conservation programs such as the introduction of a national plumbing code for water efficiency. An update to the *Ontario Building Code Act, 1992* is required as it has fallen significantly behind current thinking on building efficiency both for water and energy use. More frequent reviews may be required to ensure it remains up-to-date and reflects best management practices.

Significant challenges lay ahead for all municipalities to achieve water conservation targets comparable to European daily per capital usage without Provincial support. Achieving water conservation targets for municipal services will require public and private sector participation and programs to achieve significant results. Provincially coordinated promotion, marketing, and education are required to support the Province's long-term water conservation policy objectives.

York Region is developing a water efficiency and conservation education strategy that will focus on behavioural change and community-based social marketing principles. While this program will be designed to foster behaviour change into program recommendations and define and tackle barriers and benefits, strong Provincial campaigns on this front will bolster this initiative.

3. Implementation strategy will be critical to the ongoing success of initiatives of the proposed *Water Opportunities and Water Conservation Act, 2010*

In addition to support tools, which will give municipalities mechanisms needed to proactively support water conservation initiatives and innovative technologies, a carefully planned implementation strategy will be required to ensure success of the proposed *Water Opportunities and Water Conservation Act, 2010*. The Province's implementation strategy should consider setting targets that are reasonable requirements and not punitive in nature. The implementation strategy should also include a comprehensive communication plan and coordination with other Provincial initiatives such as implementation of the *Safe Drinking Water Act, 2002*.

Water conservation targets need to make sense, recognize past efforts and be reflective of municipal populations

York Region's commitment to water conservation and efficiency has formed the foundation for York Region's Water and Wastewater Master Plans since 1997. The most recent Water and Wastewater Master Plan Update, completed in 2009, contains more than 50 policy and program recommendations supporting sustainable water and wastewater servicing. York Region has taken a strategic approach to integrating and implementing master plans through a comprehensive growth management process.

Recognizing past efforts in conservation and efficiency is particularly important in the development of targets. The Province must ensure targets do not have a punitive effect on public agencies that have already made documented progress towards water conservation and efficiency. Likewise, targets should not reward those public agencies that have not invested in efforts towards water conservation and efficiency. York Region has delivered significant water conservation results through its *Water for Tomorrow* branded program. Any water conservation targets set for public agencies must recognize past efforts that have been undertaken to achieve water conservation and water use efficiency.

If the Province was to set overall percentage targets, such as “overall reduction in water use by 15%”, this may be unrealistic given that York Region’s conservation programs have already accomplished comparable savings since inception. It may then become an inefficient case of diminishing returns resulting in excessive program costs. Furthermore, “overall reduction” targets cannot be realized in a growing province such as Ontario.

The Province should be aware of and take care to ensure that data used to report on target achievements are not influenced by artificial results, which may be produced in municipalities due to variation in population levels. For example, large industrial water users can reflect dramatic changes in water consumption measurements when they leave one municipality and establish operations in another. When reporting water consumption volumes, this phenomenon can have an obvious impact on whether a target is failed, met, or exceeded.

There are two important issues for the Province to address when developing targets for regulated entities: (a) ensure that any targets put forward are capable of being fairly applied amongst various stakeholders; and (b) targets are flexible enough to recognize the wide diversity that exists in the variables within and among municipalities, including whether the population is growing or shrinking, size, geographic location, residency characteristics (rural, suburb, etc.) and level and types of industry.

York Region suggests an efficiency target is better suited to avoid issues mentioned above. An efficiency target such as, “by 2020, water use in British Columbia will be 33% more efficient,” is recommended, provided there are qualifiers for this statement such as:

- by reducing wasted water in industry and golf courses by “●”;
- new development will have a per capita water rate no higher than “●” litres per capita per day; or
- municipalities will work towards existing housing consumption rate no higher than “●” litres per capita per day, etc.

York Region generally welcomes the concept of establishing inspirational targets for water conservation and looks forward to further discussing with Ministry staff how this will be measured and reported in a standardized manner. There may be some benefit to having a suite of consistent water conservation targets across the Province for measurement and comparison purposes. However, York Region acknowledges there may be a need to have varying targets depending on individual watershed characteristics and pressures.

A comprehensive plan is needed to ensure success in Ontario's water conservation and advancement in innovative water technologies

For water conservation plans within Municipal Water Sustainability Plans to achieve water reduction targets, sectors which use municipal water will need to be addressed at the Provincial level. Municipalities will need strong Provincial corroboration in obtaining support from the public and private sectors using municipal water for water conservation initiatives.

Measures need to be taken to ensure broad representation is considered when selecting a board of directors for the Water Technology Acceleration Project, which will characterize issues and concerns for all stakeholders.

Implementation of the proposed *Water Opportunities and Water Conservation Act, 2010* is contingent upon the Province ensuring adequate resources are in place to fully implement initiatives. York Region recommends suitable and sufficient staff are funded by the Province to review water conservation and sustainability plans, review targets, review progress reports, collaborate with municipalities and stakeholders.

A clear delineation of responsibilities will help safeguard against potential challenges in a two-tier municipal system

With a two-tier municipal system, there is potential for duplication of efforts; therefore, the implementation strategy needs to provide defined roles for each level of government. Provincial direction on quality of data and sharing data in a timely manner will enable proper reporting on performance indicators. All flow and meter billing data must be made available between different tiers of municipal government to track and properly report on water consumption. Data should be made available regularly and in a format useful to analyze and report on water use consumption in various sectors.

Clarification on responsibilities will also be required to avoid conflict between efforts in a two-tier municipal system. For example, in York Region, local municipalities will be responsible for Municipal Water Sustainability Plans and opportunities not covered by York Region's jurisdiction. Initiatives identified in a local municipality's plan may include, but not limited to, conservation pricing, leak detection, inflow and infiltration reduction, operational efficiencies, and stormwater planning. Areas within York Region's jurisdiction may include, but not limited to, alternative supplies or water re-use, incentive programs and education initiatives.

Further to the clear delineation of responsibilities is separation of municipal services. York Region recommends that wastewater and stormwater be considered separately throughout the proposed Act and implementation thereof.

Coordination of requirements under the proposed Act with other Provincial initiatives to avoid duplication of efforts is most efficient use of tax dollars

When prescribing requirements of the proposed Municipal Water Sustainability Plans, it would be most efficient to leverage and streamline with existing Provincial legislation and requirements:

- York Region has been developing a focused approach to asset management since 2007 to strategically manage water and wastewater infrastructure.
- To satisfy requirements of the *Safe Drinking Water Act, 2002*, York Region has prepared a financial plan for its drinking water systems which incorporates the nine Principles of Financially Sustainable Water and Wastewater Services developed by the Province.
- To meet Ontario's Drinking Water Quality Management Standard, York Region has developed and implemented a risk assessment procedure that describes the processes for ranking and identifying potential hazards and emergencies, and for identifying critical control points in the its drinking water systems.

Each of these requirements fall under different programs, strategies, or regulations. Reporting requirements for the proposed *Water Opportunities and Water Conservation Act, 2010* will only add to the existing list. Efforts should be consolidated into a single process, especially in terms of reporting, where practical.

Careful consideration of requirements for Water Conservation Plans and Municipal Water Sustainability Plans will ensure proper implementation

York Region supports the concept of corporate Water Conservation Plans and believes it is suitably in harmony with energy-related requirements under the *Green Energy Act, 2009*. Municipally-owned and/or operated social housing and long-term care facilities should fall under Water Conservation Plans under Part IV of the proposed Act. While York Region is in good position to implement and report on water conservation initiatives at its facilities, other municipalities may lack resources necessary to meet requirements of Water Conservation Plans. York Region recommends the Province consult and collaborate with local municipalities regarding Water Conservation Plans and targets.

York Region supports the concept of prescribing information a municipal water bill. The Province should offer support and direction on what is expected to be shown and this should be consistent across the Province. Since this change may require significant resources, especially if an update to municipal billing systems is required, the Province should consult with municipalities in the development of this regulation and the timing required to implement changes.

York Region has recognized the importance of public consultation as project teams make great efforts to communicate and engage the public and stakeholders at different stages. These efforts include workshops, newsletters, emails, and public consultation centres. Flexibility in public consultation requirements in relation to preparation of Municipal Water Sustainability Plans is needed. While additional public consultation may be required in some areas, this flexibility will help municipalities to leverage public consultation efforts already completed to satisfy other

Provincial requirements and realize the full value of financial and human resources that have been invested.

4. In-depth consultation on regulatory requirements under the proposed Act is needed to ensure successful implementation

York Region requests that the Province engage in comprehensive consultation with municipalities on the development of regulations and associated supporting materials under the proposed Act to ensure successful implementation of all aspects.

The following is a summary of recommendations the Province should consider to ensure successful implementation of the proposed Act:

- Support tools and funding that will help municipalities overcome a wide variety of challenges from achieving targets and performance indicators
- Elements of a comprehensive implementation strategy that will ensure ongoing success of subsequent initiatives
- Ensure that targets do not have a punitive effect on public agencies that have already made documented progress towards conservation and efficiency and that targets recognize past efforts such as significant water conservation results York Region has delivered through its *Water for Tomorrow* program
- Aggressive performance indicators and targets could be disincentives to adopting new and innovative technologies
- A provincial approval process that will be supportive of new technologies with quicker approval times and funding incentives
- Coordination of Provincial and Federal policies that municipalities will require to successfully implement water conservation programs such as a national plumbing code for water efficiency
- Review and update of the *Ontario Building Code Act, 1992* to bring it up to current thinking on building efficiency both for water and energy use
- Consider resources required in the development and implementation of water billing information requirements

5. York Region looks forward to a partnership approach to implementing initiatives of the proposed *Water Opportunities and Water Conservation Act, 2010*

With support tools and a carefully planned implementation strategy, York Region is confident the proposed *Water Opportunities and Water Conservation Act, 2010* will make great strides in water conservation and advancement of innovative water technologies and practices.

York Region is well positioned with its many years of practical experience to provide valuable input on elements of this initiative and may be useful to provide support on committees or working groups. Through close partnerships with the Province, conservation authorities and local municipalities, York Region has consistently demonstrated its leadership role in water conservation and utilizing innovative technologies and expects the proposed *Water Opportunities and Water Conservation Act, 2010* will bolster these initiatives and ensure further success, specifically with:

- Embracing water use efficiency as a very effective component of the long-term drinking water supply strategy and furthering the program with the Long Term Water Conservation Plan.
- A commitment to utilizing “drinking water quality” membrane technology at York Region’s Keswick Water Pollution Control Plant (WPCP) in addition to the use of best available technology at the most recent expansions of the remaining York Region WPCPs in the Lake Simcoe watershed.
- A commitment to consider development and use of innovative wastewater treatment technologies such as a water purification system and water recycling facilities in the Upper York Sewage Solutions Individual Environmental Assessment. The ultimate goal of this alternative is 100 per cent beneficial use of reclaimed water.
- Utilizing a sustainable strategic approach in the most recent update of York Region’s Water and Wastewater Master Plan, which involved integration of economic, environmental, and community issues to facilitate decisions that are responsive, rational, and timely.
- Supporting the Toronto and Region and Lake Simcoe Region Conservation Authorities in a number of initiatives including the Lake Simcoe Environmental Management Strategy, Lake Simcoe Assimilative Capacity Study and Watershed Management Plans.
- Providing developers with incentives through the Sustainable Development Through LEED® and Sustainable Home Incentive Programs to build sustainable, healthy and comfortable living environments, which lower use of key resources and long-term operating costs.
- A proactive approach to developing and implementing water and wastewater service levels required of infrastructure assets to meet customer expectations as well as monitor asset performance to support infrastructure planning through the Infrastructure Management Program.

York Region congratulates the Province on its commitment to a sustainable environment through the proposed *Water Opportunities and Water Conservation Act, 2010* and looks forward to a mutually supportive working relationship with the Province on this important initiative, which will:

- Allow Ontario water technologies to become a high industry priority;
- Enable practical and effective measures to reduce water use;
- Help businesses to capitalize on innovation opportunities;
- Assist municipalities to better manage water systems and lower costs; and,
- Support York Region’s strong civil engineering sector and green technology sectors in the areas of water technology and innovation.

We trust these comments are of assistance to the Province. York Region staff would be pleased to discuss any ideas or concerns that arise from these comments. Please contact Michele Maitre, Manager of Regulatory Compliance and Policy at (905) 830-4444, ext. 5097 should you require clarification.

Sincerely,



for

Erin Mahoney, M.Eng
Commissioner, Environmental Services

MM/ll/sc

Attachment

Copy to: Mr. Ilmar Simanovskis, Director, Public Works Town of Aurora
Mr. Wayne, General Manager, Community Programs & Infrastructure Hunt
Mr. Bob Magloughlen, Director, Engineering & Public Works, Town of Georgina
Mr. Robert Flindall, Director, Engineering & Public Works, Township of King
Mr. Alan Brown, Director, Engineering, Town of Markham
Mr. Brian Jones, Director, Public Works Services, Town of Newmarket
Mr. Italo Brutto, Commissioner, Engineering & Public Works, Town of Richmond Hill
Mr. Bill Robinson, Commissioner, Engineering & Public Works, City of Vaughan
Mr. Paul Whitehouse, Director, Public Works, Town of Whitchurch-Stouffville

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