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PROPOSED GREAT LAKES PROTECTION ACT, 2012 AND ONTARIO'S DRAFT GREAT LAKES STRATEGY

The Environmental Services Committee recommends the adoption of the recommendations contained in the following report dated August 22, 2012, from the Commissioner of Environmental Services.

1. RECOMMENDATIONS

It is recommended that:

1. Council endorse staff comments on the proposed Great Lakes Protection Act, 2012 and Ontario's Draft Great Lakes Strategy appended to this report as *Attachment 1* submitted to the Ministry of the Environment on August 7, 2012.
2. The Regional Clerk circulate this report to the Clerks of the local municipalities, Regional Municipalities of Durham and Peel, City of Toronto and Credit Valley-Toronto and Region-Central Lake Ontario (CTC) Source Protection Committee.

2. PURPOSE

This report informs Council of the Ministry of the Environment's (MOE) proposed Great Lakes Protection Act, 2012, and Ontario's Draft Great Lakes Strategy. This report also seeks Council endorsement on the comments from York Region staff submitted to the Ministry of the Environment to meet the comment deadline of August 7, 2012.

3. BACKGROUND

The Province has introduced legislation with the overall intent of helping to attain Great Lakes that are drinkable, swimmable, and fishable

On June 6, 2012, the Minister of the Environment (Minister) introduced Bill 100 which, if enacted, will be known as the Great Lakes Protection Act, 2012 (Proposed Act). The Bill, as well as Ontario's Draft Great Lakes Strategy (Draft Strategy) which is an integral part of the overall legislative strategy for the Great Lakes - St. Lawrence River Basin, were posted on the Environmental Bill of Rights Registry (EBR) on June 6, 2012 with a comment deadline of August 7, 2012.

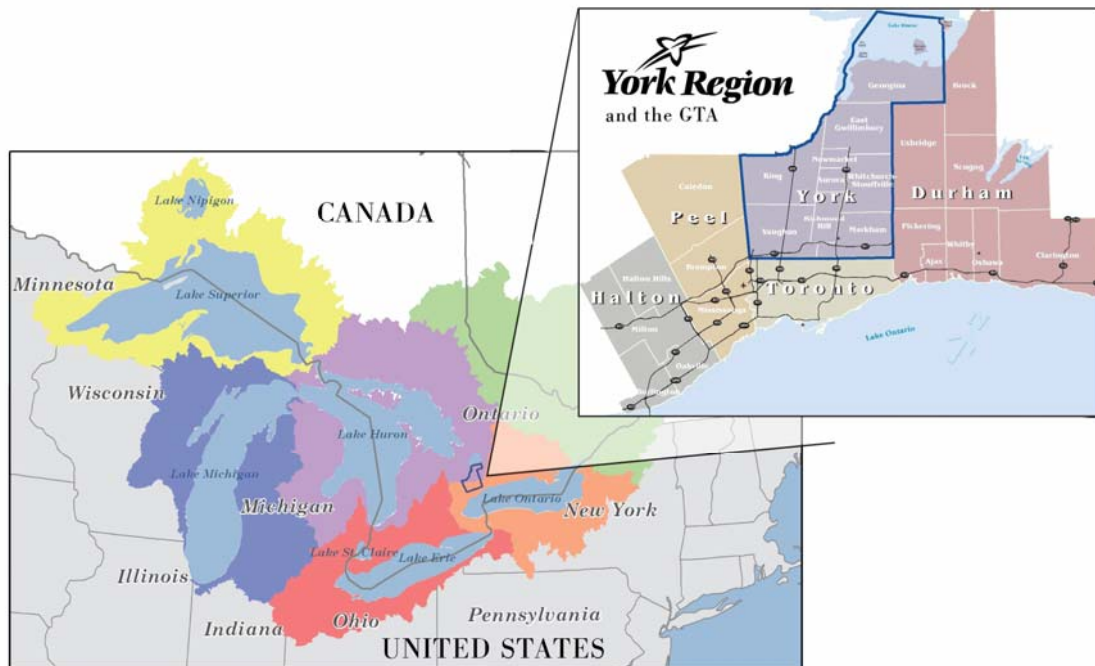
Regional staff from Environmental Services, Long Range and Strategic Planning and Legal Services worked together to submit comments on the Proposed Act and Draft Strategy. These comments are appended as *Attachment 1*.

The Great Lakes are important to York Region currently and for the future

Through close partnerships with the Province, conservation authorities and local municipalities, York Region demonstrates leadership in water resource protection, using innovative wastewater treatment technologies, implementing successful water conservation programs, and supporting operational implementation of the Lake Simcoe Protection Plan.

While York Region does not have direct access to the Great Lakes, it nonetheless relies on them, particularly Lake Ontario, as sources of drinking water and receiving bodies for wastewater treated to regulatory discharge standards (Figure 1).

Figure 1
York Region in the Great Lakes-St. Lawrence River Basin



4. ANALYSIS AND OPTIONS

Elements of the Proposed Act include establishing of a Great Lakes Guardians' Council, developing of a strategy, authority to set Great Lakes targets and developing geographically-focused initiatives

If enacted, the Proposed Act would establish the Great Lakes Guardians' Council (the Council), comprised of representatives from Provincial Ministries and representatives of the interests of other entities located in or connected to the Great Lakes-St. Lawrence River Basin, such as municipalities, Aboriginal communities, environmental organizations, scientists and commercial and industrial interests. Powers of the Council are similar to those of the Committees under the *Lake Simcoe Protection Act, 2008*. The Council will provide a forum to identify priority projects to achieve the purposes of the Proposed Act, funding sources for project implementation and to advise the Minister on the development of targets and proposals, and on the implementation of initiatives and partnerships. The Proposed Act indicates that the Minister would invite "representatives of the interests of municipalities" to be members as opposed to representatives from each municipality in the Basin. Staff have requested more information on the formation of the Great Lakes Guardians' Council and asked that the process ensure comprehensive representation and expertise.

The Proposed Act would also enable the Minister to set Great Lakes targets that are qualitative or quantitative goals that would apply to the Great Lakes-St. Lawrence River basin and guide actions under the Proposed Act.

Defined initiatives may also be required to address environmental concerns within specific areas of the Great Lakes

The Proposed Act further authorizes the Minister to direct public bodies, including municipalities and conservation authorities, to develop and implement "Initiatives" for specified geographic areas. These Initiatives are to address environmental concerns identified by the Minister. Official Plans and other decisions under the *Planning Act* and *Condominium Act, 1998* must conform to the Initiative and have regard to the policies in the Initiative. Policies in the Initiative may have legal effect or may recommend the development of regulations and may address such things as protection of key natural heritage features, land use restrictions, and requirements for infrastructure and development. For more details on the proposed framework, see *Attachment 2*.

Ontario's draft Great Lakes Strategy proposes six goals and outlines priorities to address each goal

The Proposed Act directs the Minister to establish, in consultation with the other Great Lakes Ministers, Ontario's Great Lakes Strategy to provide a road map for future action containing more detail on goals to be achieved. The scope of the Draft Strategy includes water quality and quantity, aquatic ecosystem health, climate change adaptation, and

environmentally sustainable economic development opportunities. The proposed Great Lakes goals are:

- **Empowering communities** - create opportunities for individuals and communities to become involved in protection and restoration of ecological health of the basin
- **Protecting water** - protect human health and well-being through protection and restoration of ecological health of the basin
- **Improving wetlands, beaches and coastal areas** - protect and restore wetlands and beaches and other coastal areas of the basin
- **Protecting habitats and species** - protect and restore natural habitats and biodiversity in the basin
- **Enhancing understanding and adaptation** - advance science relating to existing and emerging stressors, such as climate change, that improves understanding and management of the basin
- **Ensuring environmentally sustainable economic opportunities and innovation** - enrich the quality of life in communities in the basin through support of environmentally sustainable economic opportunities and innovation and through environmentally sustainable use of natural resources

Staff continue to advocate for a coordinated and comprehensive approach to address growth management, widen conservation and source protection

Some of the principles put forward in the Draft Strategy are similar to policies and programs that have been implemented under the *Lake Simcoe Protection Act, 2008*. The Lake Simcoe Protection Plan and the Lake Simcoe Phosphorus Reduction Strategy aimed to restore the lake's ecological health. Initially, sewage treatment plants were disproportionately targeted compared to other, much larger and less regulated sources of phosphorus. With staff closely following developments and insisting on a coordinated approach, staff were able to develop a collaborative relationship with the Province on this initiative and move toward an achievable action plan to protect this vital water body.

As outlined in the Draft Strategy, significant work is already underway related to Great Lakes protection. Specifically, work is progressing in areas of growth management, water conservation and source protection. Any proposed actions under the Proposed Act and Draft Strategy will need to consider and align with these existing initiatives to ensure efforts to protect the Great Lakes are bolstered and work is not duplicated or negated.

York Region's comments focused on ensuring successful implementation of the Proposed Act and Draft Strategy

York Region's key recommendations on the Proposed Act and Draft Strategy are:

- Continue to support water conservation and efficiency efforts to reduce water use
- Engage public bodies, including municipalities, through a series of consultations to develop a robust framework for geographically-focused initiatives

- Work with municipalities to develop a practical approach to implement the Proposed Act and Draft Strategy
- Consider other activities, such as growth management and source protection in the Great Lakes basin to ensure a coordinated approach
- Provide more information on the formation of the Great Lakes Guardian Council and consider an application process to ensure comprehensive representation and expertise as well as leverage completed and ongoing work
- Secure long-term funding for the planning as well as implementation of the Proposed Act and Draft Strategy including geographically-focused initiatives

The Proposed Act and Draft Strategy provide support to initiatives currently underway, such as water conservation and efficiency programs. Moreover, the Draft Strategy supports development and promotion of innovative technologies, which could provide an opportunity for the Region to profile demonstration projects. Further provincial support for water conservation and efficiency efforts to reduce water use is encouraged.

Actual implications of the proposed powers under the Proposed Act are unclear. It is unknown how an Initiative will be developed, what resources will be required and where those resources will come from. Staff request that the Province engage municipalities in setting-out development and implementation processes for this and other activities to implement the Proposed Act and Draft Strategy.

While a wealth of completed work and expertise related to Great Lakes protection already exists that can be drawn upon, the Province needs to secure funding for planning, implementation and enforcement activities. Public bodies required to monitor a target and/or develop, implement and/or enforce an Initiative must have a variety of support tools and sufficient financial resources available to sustain requirements and achievements. York Region requests the Province work with municipalities to develop a practical approach to implementation and secure long-term funding.

York Region will continue to monitor developments with GTA servicing partners and request municipal engagement

Staff met with representatives from Durham and Peel Regions to discuss and share draft responses to the Proposed Act and Draft Strategy. Staff also provided these comments for consideration by the Regional Public Works Commissioners of Ontario and the City of Toronto in their responses to the EBR postings. York Region staff submitted a response to the EBR postings on August 7, 2012 (*Attachment 1*) and recommend Council endorsement of these comments.

The Proposed Act is a framework of high level principles without sufficient detail to enable a fulsome determination of the implications to York Region. Staff will continue to work internally and with servicing partners to monitor developments and advocate the

municipal perspective to the Province. A summary of the Proposed Act, including York Region's key messages has been developed (*Attachment 2*).

Link to Key Council-approved Plans

The Proposed Act, if enacted and Draft Strategy can potentially impact initiatives under the Regional Official Plan and Vision 2051. Development and implementation of the Proposed Act and Draft Strategy need to be coordinated with the review of the Growth Plan and its growth management goals to ensure that they can co-exist and avoid conflicting mandates from different Provincial Ministries.

The Proposed Act, if enacted, would require conformity amendments to the Official Plan and it would be more efficient if this requirement aligned with the five-year review process for Official Plans.

5. FINANCIAL IMPLICATIONS

Long-term costs and financial arrangements are unknown

The Strategy states that the Proposed Act would be accompanied by a new Great Lakes Community Action Fund. The Ministry launched the \$1.5 million fund on July 24th with an initial maximum amount of \$25,000 per community project. Although municipalities are not eligible to lead specific projects, community groups can apply to the fund to resource watershed improvement projects and partner with municipalities.

Funding of other components of the Proposed Act and Draft Strategy remains unclear with no commitment to a stable or recurring funding program to address required research, consideration of emerging technologies/innovation as well as implementation costs of Initiatives. Municipalities cannot be expected to fund implementation and will require support in developing, implementing, monitoring, and/or enforcing an Initiative. All required action should be based on developing a sound environmental benefits business case approach where science defines the environmental benefits and fiscal considerations are balanced to ensure sufficient environmental benefit for the required financial investment.

6. LOCAL MUNICIPAL IMPACT

There are no immediate local municipal impacts. However, geographically focussed Initiatives developed under the Proposed Act may have subsequent impacts to Regional and local programs, regulatory compliance and capital and operating budgets. Regional and local programs may have to increase rates and capital operation budgets to accommodate implementation of Initiatives.

7. CONCLUSION

Proposed Act and Draft Strategy are positive in principle but actual implications to York Region remain unknown

The proposed Great Lakes Protection Act, 2012 and Ontario's Draft Great Lakes Strategy supports many of the ongoing environmental initiatives in York Region, such as innovation and research, climate change adaptation and water and energy conservation. However, the Proposed Act is a framework of high level principles without sufficient detail to determine actual implications for York Region or other municipalities. It is expected that these details will come in future regulations and in the proposals and Initiatives developed under the Proposed Act. While an Initiative under the Proposed Act provides a method to address such things as the protection of key natural heritage features, land use restrictions, and requirements for infrastructure and development within a geographic area, the development and implementation processes remain unclear, especially in terms of responsibility and funding.

Proper resources and coordination required to successfully implement Proposed Act and Draft Strategy

Sources for long-term funding to fulfill potential requirements of the Proposed Act and to achieve goals in the Draft Strategy need to be secured as municipalities cannot be expected to fund implementation. For example, municipalities may be required to develop and implement "Geographically Focused Initiatives" which could range from site alterations to storm water and wastewater management requirements. Depending on the scope of these requirements, municipalities may be subject to significant capital and operating cost increases. More formalized processes in the Proposed Act and Draft Strategy are required to ensure full coordination between future Initiatives and existing programs and work being done by York Region and its servicing partners to avoid duplication. Proper support tools are also required to address some of the barriers municipalities will ultimately face in implementing Initiatives or helping achieve Great Lakes targets set by the Minister. Furthermore, the Province needs to proactively regulate all point sources to implement front-end waste reduction solutions rather than reactive and costly end-of-pipe treatments.

Staff will continue to remain engaged in development of the Proposed Act and Draft Strategy to ensure the Region's perspective is considered.

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 two attachments referred to in this clause are attached to this report.)



Environmental Services Department

August 7, 2012

VIA FACSIMILE and E-MAIL

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Dear Ms. Ren and Ms. O'Neill:

Re: EBR Registry Number 011-6461 – Great Lakes Protection Act
EBR Registry Number 011-6418 – Ontario's Great Lakes Strategy

Staff from The Regional Municipality of York (York Region) have reviewed the proposed Great Lakes Protection Act, 2012 ("Act") and Ontario's Draft Great Lakes Strategy ("Strategy") and appreciate the opportunity to provide feedback to the Province on this important initiative.

York Region remains committed to protecting the Great Lakes

Through close partnerships with the Province, conservation authorities and local municipalities, York Region has consistently demonstrated a leadership role in water resource protection. Examples include utilizing innovative wastewater treatment technologies, implementing successful water conservation programs, and supporting operational implementation of the Lake Simcoe Protection Plan.

Water conservation aspects of the proposed Great Lakes Protection Act, 2012 and Ontario's Draft Great Lakes Strategy are supported

The goal of "empowering communities" with a focus on reconnecting people with the Great Lakes and providing opportunities to enjoy, benefit from and protect the Great Lakes will help communities appreciate the value of water. Locally based projects to promote restoration, recreation and stewardship of the watersheds will allow municipalities to partner with local non-governmental organizations to promote water efficiency programs and share messaging around the value of water with the community.

The draft Strategy strongly supports use of innovative stormwater practices, such as low impact development measures and green infrastructure. The proposal for developing a standardized approvals process to facilitate uptake by municipalities will be welcomed. However, the process may need to be factored into sustainability programs for new developments in the future.

The proposed action to consider the process for setting water taking permits and review the cost structure for bulk water users in the industrial and commercial sectors carries promise to encourage water efficiency. For example, if the cost of water increases, it may increase interest in water efficiency initiatives in the industrial, commercial and institutional sector, such as innovative water reuse or rainwater harvesting technology.

Tying in with the *Water Opportunities Act, 2010* – the draft Strategy supports development and promotion of innovative technologies for stormwater management, water conservation, water and wastewater treatment. We look forward to the possible opportunity to profile or partner on demonstration projects, especially in the industrial, commercial and institutional sector.

Recommendation: Continue to support water conservation and efficiency efforts to reduce water use

Municipalities must be engaged in setting out development and implementation processes for Geographically-Focused Initiatives

Detailed framework for developing and evaluating proposals and resulting geographically-focused initiatives is required

The proposed Act does not provide enough detail to help municipalities understand the full implications of the geographically-focused initiatives. Further clarification as to what kinds of 'initiatives' can be expected from these provisions is needed. The type of regulations that may be made under section 26 and the policies that may be included in an initiative are both described broadly in the proposed Act and may have wide-reaching implications once approved under an initiative. It is important that the Ministry of the Environment ("Ministry") consult with potentially affected parties at the proposal-development stage before making a decision on approval of a proposal.

At this point a number of questions relating to the process remain, for example: What is the process for suggesting proposals? What is the framework for considering proposals? On what basis are the proposals and initiatives going to be evaluated?

Geographically-focused initiatives appear to have potential for far-reaching implications

Further clarification is needed on who will be responsible for developing and implementing the proposals and initiatives, and what support will be available to them. Municipalities cannot be

required to implement policies and conform to policies detailed in geographically-focused initiatives that are operationally unattainable.

In theory, a proposal for a geographically-focused initiative can be developed with ease. However, the commitment required by a public body when developing a proposal and initiatives is unclear. Specifically, the resources required and the cost of developing proposals and initiatives needs to be carefully considered. The outlined content of these documents raise questions with potential cost implications for the public body tasked with development, including what sort of expertise may be needed and how costs related to consultation may be addressed. For example, York Region has experienced cost increases in recent environmental assessments. While the costs for class environmental assessments have increased overall, two recent individual environmental assessments have cost \$24 million and \$25 million.

Furthermore, because a geographically-focused initiative contains a Schedule 1 policy, which may have legal effect, the public body developing and the approving body must understand the impacts of the initiative. Municipalities must also understand the long-term implications before they can support such an initiative.

Recommendation: Engage public bodies, including municipalities, through a series of consultations to develop a robust framework for geographically-focused initiatives

The Province should implement proactive measures

Municipalities cannot be the focal point for mandated reductions of identifiable point sources

The Province needs to proactively regulate identified point sources for pollutants and implement front-end waste reduction solutions rather than reactive and costly end-of-pipe treatments. For example, with recent upgrades to York Region's sewage treatment plants, a point of diminishing returns is approaching. An offset or water quality trading program whereby contaminant reductions anywhere in the watershed can be counted by a municipality would allow for greater benefit at lower costs. Furthermore, it is recommended that regulatory controls similar to those for sewage treatment plants should be placed on other sectors.

Variety of support tools will help sustain requirements and achievements

Proper support tools are required to address some of the barriers municipalities will ultimately face in implementing geographically-focused initiatives or helping achieve Great Lakes targets set by the Minister. For example, while York Region supports promotion of WaterSense labelling to consumers, we recommend the Province go further and incorporate changes into the Building Code to require WaterSense.

Recommendation: Work with municipalities to develop a practical approach to implementation of the proposed Act and draft Strategy

The Province needs to ensure a coordinated approach that aligns with various ongoing initiatives

Stronger language or formalized processes in the proposed Act and draft Strategy are required to ensure coordination between future 'proposed initiatives', existing programs and work being done by York Region and its partners, to avoid duplication. Furthermore, an initial inventory of current work being done should be included in the draft Strategy to help ensure goals are furthered and work is not duplicated or negated.

Great Lakes Initiatives cannot contradict Provincial planning directives

Anticipated changes to forecasted population and employment growth figures as a result of the current review of Ontario's Growth Plan will have impacts on the Great Lakes (e.g., phosphorus, pollution, etc.). Contents of the proposed Act and draft Strategy need to be coordinated with the Growth Plan and its growth management goals to ensure that they can co-exist. Municipalities will require that mandates from different Provincial Ministries do not conflict.

The proposed Act and draft Strategy require Official Plan conformity. Official Plan amendments can take upward of two years to complete and conformity exercises should align with other provincial initiatives, such as source protection planning work, for efficiency. It would be appropriate to require conformity during the five-year review process currently in place for Official Plans.

Municipalities have long-standing water conservation programs that need to be considered

Municipalities are experienced in water conservation. For example, York Region considers its Long-Term Water Conservation Strategy to be an excellent example of best practices for water conservation. The draft Strategy notes setting aspirational targets for conservation and developing water conservation plans with public agencies. Any targets set must be consistent with and consider any work already completed.

The Province needs to balance activities to remain competitive while achieving Great Lakes protection

The Province needs to continue to work with its U.S. partners to ensure all governmental agencies in the Great Lakes basin fulfill their duties for Great Lakes protection. The Province will need to temper activities accordingly to allow Ontario to remain competitive.

Recently, the federal government revised the *Fisheries Act* under Bill C-38 which, when all revisions come into effect, may greatly reduce fisheries and fish habitat protection and result in incremental losses in the quality of the Great Lakes environment. Specifically, changes to Section 35 of the *Fisheries Act* remove protection from habitats of species that are not part of a commercial, recreational or Aboriginal fishery or do not support such a fishery. This new policy regime may not provide the majority of Great Lakes tributaries the protection afforded to them historically since the majority of stream reaches do not provide habitat for applicable species. The Province will need to consider what options are available within both jurisdictional and

resource limitations to allow it to address this significant gap in Great Lakes protection to ensure that the goals of the draft Strategy, and other Provincial commitments like those within Ontario's Biodiversity Strategy, can be achieved.

Recommendation: Consider leveraging work being done through other ongoing activities in the Great Lakes basin to ensure a coordinated approach

There is a wealth of completed work and expertise related to Great Lakes protection within Ontario that can be drawn upon

Proposed actions should be science-based

Many programs are already in place for research on the health of lake water in addition to ongoing academic work. This vast amount of research needs to be collated, consolidated and updated on an ongoing basis which will provide a single body of research that will help identify suitable best practices and policies moving forward for Great Lakes protection. The Province must ensure that targets developed under the proposed Act are based on sound science and align with other provincial mandates.

The draft Strategy acknowledges that the best approach to managing some chemicals, such as flame retardants and pharmaceuticals, is to keep such materials out of sewers. The suggested departure from end-of-pipe treatments will be beneficial. However, a contributing factor to the discharge of some chemicals into the sewers is human excretion. Further research, public education, and outreach on the impact of these chemicals on water quality will be required at the provincial and federal levels. Moreover, the Province should develop a current position with respect to regulating these chemicals in drinking water, or in the treated effluent from sewage treatment plants.

Additional details on formation of the Great Lakes Guardians' Council are needed

The proposed Act does not specify the type of representation that is recommended for the Great Lakes Guardian's Council ("Council"). For example, will there be adequate representation of elected officials, staff, engineers, and ecologists among others? Furthermore, the proposed Act directs the Minister to "extend written invitations to individuals to attend and participate". We suggest this approach needs to be carefully considered to ensure it is conducive to the formation of a Council with comprehensive expertise.

The proposed Act notes that "representatives of the interests of municipalities located in whole or in part in the Great Lakes-St. Lawrence River Basin" would be invited to participate in the Council. While selected municipalities may be able to represent the interests of municipalities in general, different types of municipalities will bring varying perspectives, i.e. two-tiered, rural, and urban.

Staff from York Region have previous experience working on Great Lakes initiatives, including development of Fisheries Management Plans, Source Water Protection Plans, Watershed

Management Plans, environmental monitoring and research networks and would be able to play a valuable role in this regard, as well as represent the municipal perspective of the Council.

Recommendation: Provide more information on formation of the Great Lakes Guardian Council and consider an application process to ensure comprehensive representation and expertise, as well as leverage on completed and ongoing work

The Province needs to secure funding for successful implementation of the proposed Act and draft Strategy

Resource needs at the Provincial level need to be considered

The proposed Act and draft Strategy are a welcome step towards environmental protection of our most precious resources. This initiative presents greater responsibility for a Ministry which already receives significant criticism on its ability to achieve its existing mandate, as reported in the Environmental Commissioner of Ontario Annual Report 2010/2011. The Province of Ontario should invest more resources into the Ministry of the Environment and the Ministry of Natural Resources (MNR) to administer and implement environmental protection, given that the proposed Act speaks to various parts of MNR's mandate, such as the protection of natural heritage.

Public bodies cannot be expected to fund implementation

It is important that there be an adequate level of funding allocated to provide support for this Strategy. While the planning efforts under the *Clean Water Act, 2006*, such as conducting technical studies, writing assessment reports and writing source protection plans were funded by the Province, municipalities have been left with the burden of implementation costs. Similarly, the Lake Simcoe Protection Plan also lacks sufficient provincial funding to be fully implemented. Public bodies required to monitor a target, draft proposals and initiatives, carry out consultation with Aboriginal communities and the public, and/or implement a geographically-focused initiative must be supported for successful implementation of the proposed Act and draft Strategy.

Funding of other components of the Proposed Act and Draft Strategy remains unclear with no commitment to a stable or recurring funding program to address required research, consideration of emerging technologies/innovation, as well as implementation costs of the Draft Strategy. Municipalities cannot be expected to fund implementation and require support in monitoring and/or implementing an Initiative. All required action should be based on developing a sound environmental benefits business case approach where science defines the environmental benefits and fiscal considerations are balanced to ensure sufficient environmental benefit for the required financial investment.

Recommendation: Secure long-term funding for planning, as well as implementation of the proposed Act and draft Strategy, including geographically-focused initiatives

In-depth consultation and collaboration with municipalities are required to ensure successful implementation of the proposed Act and draft Strategy

It is essential that the Province work directly with municipalities to protect the Great Lakes. Municipalities have considerable interdisciplinary experience related to policy development and operational implementation of programs. The lessons from initiatives related to Lake Simcoe, Oak Ridges Moraine, Greenbelt, and Source Water Protection tell us that as water protection initiatives move toward land based threats, municipal authority and resources become increasingly relevant.

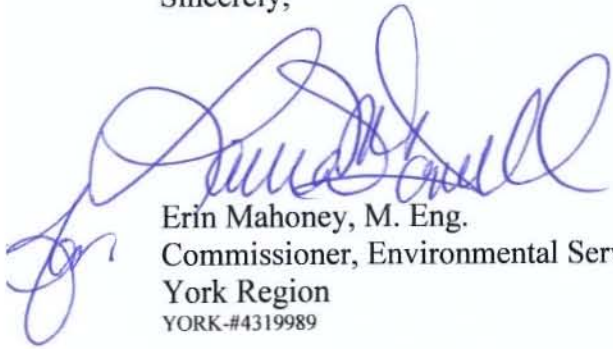
In summary, York Region requests the following:

1. Continue to support water conservation and efficiency efforts to reduce water use
2. Engage public bodies, including municipalities, through a series of consultations to develop a robust framework for geographically-focused initiatives
3. Work with municipalities to develop a practical approach to implementation of the proposed Act and draft Strategy
4. Consider other activities in the Great Lakes basin to ensure a coordinated approach
5. Provide more information on formation of the Great Lakes Guardian Council and consider an application process to ensure comprehensive representation and expertise, as well as leverage on completed and ongoing work
6. Secure long-term funding for planning, as well as implementation of the proposed Act and draft Strategy, including geographically-focused initiatives

We trust these comments are of assistance to the Province. Staff from York Region look forward to working with the Province and its partners in further developing and implementing the Great Lakes Protection Act, 2012 and Ontario's Draft Great Lakes Strategy and would be pleased to discuss any concerns that arise from these comments.

Should you require clarification, please contact Michele Samuels, Manager, Regulatory Compliance and Policy, at 905-830-4444 Ext. 5097 or michele.samuels@york.ca.

Sincerely,



Erin Mahoney, M. Eng.
Commissioner, Environmental Services
York Region
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Environmental Services Advocacy Brief



Great Lakes Protection

This briefing document provides a high-level summary of Provincial policies to protect the Great Lakes as well as York Region's key messages.

Background

- In November 2011, through its Throne Speech, the Ontario government affirmed it would "follow through on its election goal to become the continent's water innovation leader by 2015 and work with environmental experts and community groups to develop and introduce a Great Lakes Protection Act"

Current Provincial Policies and Legislation

Various agreements and legislation are currently in place to aid in Great Lakes protection.

Cross-Jurisdictional Agreements

- *Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem*: between federal and provincial governments that sets goals and objectives to restore and protect the Great Lakes basin ecosystem
- *Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement (2005)*: signed by eight states and two provinces in Great Lakes-St. Lawrence River Basin, committing all parties to adopt and implement terms into domestic laws
- *Great Lakes Water Quality Agreement*: a bi-national agreement between Canada and the United States to restore and maintain the integrity of the Great Lakes basin ecosystem, currently amendments are being negotiated by the parties

Provincial Legislation

- *Clean Water Act, 2006*: Helps protect drinking water from source to tap with a multi-barrier approach
- *Nutrient Management Act, 2002*: Reduces potential contamination of water and other natural resources by some agricultural practices
- *Ontario Water Resources Act*: Designed to conserve, protect and manage Ontario's water resources for efficient and sustainable use; focuses on both groundwater and surface water in the province
- *Environmental Protection Act*: Grants the Ministry of the Environment broad powers to deal with discharge of contaminants
- *Water Opportunities Act, 2010*: Encourages creation and export of innovative clean water technology, promotes water conservation

Proposed Great Lakes Protection Act

- Bill 100 - *Great Lakes Protection Act, 2012* was introduced on June 6, 2012 and was carried on first reading
- A Great Lakes Guardians' Council will be established to provide a forum to identify priorities for actions, potential funding measures and partnerships and to facilitate information sharing
 - To be comprised of representatives from provincial ministries, municipalities, aboriginal communities, environmental organizations, scientists and commercial and industrial interests
- The Minister of the Environment, in consultation with other Ministries, may set Great Lakes targets that would guide actions under the Proposed Act and achieve one or more purposes
- The Minister of the Environment will have power to direct municipalities and other public bodies to develop and implement "Initiatives" for specified geographic areas
 - Before directing a public body to develop a proposal for an Initiative, the Minister will consult with Great Lakes Ministers, Great Lakes Guardians' Council and local communities and organizations; proposals for an Initiative developed by a public body to address issues identified by the Minister will be posted on the Environmental Registry for consultation and is subject to approval or amendment by the Minister
 - If a proposal for an Initiative is approved, public bodies identified in the proposal are responsible for developing the Initiative, which will include policies, some with legal effect, to address such things as protection of key natural heritage features, land use restrictions, and requirements for site alteration, development and

infrastructure; Initiatives will be posted on the Environmental Registry for consultation and is subject to approval or amendment by the Minister

- If an Initiative is approved, public bodies will implement the Initiative which includes requiring Official Plans and other decisions under the *Planning Act* and *Condominium Act, 1998* to conform to the Initiative and have regard to the policies in the Initiative
- Development of Ontario's Great Lakes Strategy, including a review every nine years

Ontario's Draft Great Lakes Strategy

- Six Great Lakes goals are proposed and priorities to address each goal are outlined:
 1. Empowering communities
 2. Protecting water
 3. Improving wetlands, beaches and coastal areas
 4. Protecting habitat and species
 5. Enhancing understanding and adaptation
 6. Ensuring environmentally sustainable economic opportunities and innovation
- Great Lakes Guardian Community Fund will provide up to \$25,000 per project for local actions
 - Open to not-for-profit organizations or First Nations and Métis communities and organizations, including community-based organizations, agricultural and land-owner focused organizations, environmental and conservation organizations, academic institutions, conservation authorities, and municipalities

Key Messages

- Principles put forward are similar to policies and programs that have been implemented under the *Lake Simcoe Protection Act, 2008* and are under development under the *Clean Water Act, 2006*, which provides an opportunity to apply a lessons learned approach
- While York Region does not have direct access to the Lake Ontario shoreline, it relies on the Lake as a major source of drinking water for approximately one million residents and the Lake is a receiving waterbody for the majority of the Region's treated wastewater
 - Regional staff have relevant expertise and perspective to represent interests of municipalities on Great Lakes Guardians' Council
- Current regulatory administration in place allows municipal wastewater sector to be an easy focal point for mandated reductions of identifiable point sources
 - Province needs to proactively regulate all industries to implement front-end waste reduction solutions rather than reactive and costly end-of-pipe treatments
 - Striving to reduce bacterial contamination of beaches to have them open more often should not result in further operating restrictions on the municipal wastewater sector
- Draft Strategy acknowledges non-point pollution from urban and agricultural watersheds as key sources of excessive phosphorus loadings into nearshore waters but proposed actions to alleviate these sources are not strong
- Supportive of water quality trading that may be applicable in high priority watersheds proposed by Draft Strategy
 - An offset or water quality trading program whereby contaminant reductions anywhere in the watershed can be counted by a municipality; this would allow for greater benefit at lower costs
- Future actions in the Draft Strategy include fulfilling Ontario's commitments under the Great Lakes and St. Lawrence River Basin Sustainable Water Resources Agreement
 - Province should take advantage of the opportunity to re-examine the issue of intra-basin transfers and approach to cumulative impact assessments
- Co-ordinated approach necessary to align any proposed actions with various ongoing initiatives; more specifically with respect to growth management directives and water conservation and efficiency programs
- Municipalities need to be engaged with in-depth consultations to ensure processes and proposed actions are practical and can be successfully implemented

For More Information

Contact Lisa Lin, Policy and Advocacy Co-ordinator at Ext. 5104.