

Chief Executive Officer



December 9, 2022

BY E-MAIL ONLY (Blair.rohaly@ontario.ca)

Environmental Assessment and Permissions Division
135 St Clair Avenue West 14th Floor
Toronto, ON, M4V 1P5
Canada

**Re: TRCA Response to Request for Comments
Supporting Growth and Housing in York and Durham Regions Act, 2022
(ERO #019-6192)**

Thank you for the opportunity to comment on this posting on the Environmental Registry of Ontario (ERO) by the Ministry of the Environment, Conservation and Parks (MECP) which proposed new legislation that would require the expansion of wastewater treatment services for York Region and the construction of a phosphorus reduction facility to remove phosphorus from drainage water that flows into Lake Simcoe. The ERO posting states that these changes intend to provide a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

Toronto and Region Conservation Authority (TRCA) has an ongoing interest in the proposed changes given our roles as:

- A regulator under Section 28 of the *Conservation Authorities Act (CA Act)*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment (EA) Act*;
- A delegated commenting body to represent the Provincial interest in natural hazards;
- A service provider to our municipal, provincial, and federal agency partners;
- A resource management agency operating on a local watershed basis; and
- One of the largest landowners in the Greater Toronto region.

In these roles, and as stated in the "Made-in-Ontario Environment Plan," CAs work in collaboration with municipalities and stakeholders to protect people and property from flooding and other natural hazards, and to conserve natural resources.

COMMENTS

TRCA shares the Province's important goal of addressing the housing crisis through expediting development approvals and has taken actions to support this objective, however, we do not believe that resolving the housing crisis needs to come at the expense of the environment. To this end, we submit the following comments with a view to well-planned sustainable infrastructure that can happen safely while maintaining nature's beauty and diversity.

As a watershed-based resource management agency, source protection authority, and in TRCA's commenting and regulatory roles, we assist municipalities and development proponents in facilitating sustainable infrastructure planning, design and construction of municipal sewage works affecting TRCA watersheds and regulated areas.

Further, TRCA supports our partner municipalities, including York and Durham regions, in their responsibilities for growth management (development) and water and wastewater servicing, planning and design (infrastructure), based on our multi-disciplinary expertise in watershed planning and water resources management. This work also contributes to meeting provincial policies for preparing for the impacts of a changing climate, for watershed planning to inform infrastructure planning, and through application of the mitigation hierarchy, natural hazard management, and the siting, planning and design of resilient infrastructure.

The proposed Act (now approved legislation through Bill 23) requires York and Durham Regions to expand and improve the existing York Durham Sewage System to convey sewage from communities in upper York Region to the Duffin Creek Water Pollution Control Plant in Durham Region for treatment and discharge into Lake Ontario. The ERO posting states that implementing this proposal would accommodate growth and housing development in the upper part of York Region to 2051. **TRCA notes that current related ERO postings, (e.g., proposed Greenbelt Plan amendments), contemplate urban expansion and new developments that would require a re-examination of servicing capacity beyond the capacity of what had been envisioned previously for these areas.**

In addition, we note that there are no detailed maps or schedules provided so that we can understand the potential impacts associated with transmission routes and associated infrastructure such as pumping stations, appurtenances, and access shafts, staging and construction areas that would likely be required as part of this undertaking. There are many sensitive environmental features and functions including natural hazards in the Rouge, Duffins and Petticoat systems where this undertaking is proposed. TRCA owned and managed lands could also likely be affected and potentially required for this undertaking but without mapping it is unclear what these would be.

We recommend that additional details on transmission routes and associated infrastructure including detailed mapping should be provided to inform public and agency responses.

Further, the current proposal exempts identified projects from the *Environmental Assessment Act*, and instead requires the development of Environmental Reports. The posting states that the Reports must contain details about the sewage works and any approvals required to implement the projects, the anticipated cost, the potential impacts to the environment and mitigation of those impacts. We note, however, that there is no direction provided in the legislation on the minimum environmental study requirements of these reports. TRCA as a property owner and reviewer would have to be provided adequate information so that we could review the proposed works within our allowable scope recognizing recent legislative changes.

The provision of this information would provide clarity for those responsible for developing and reviewing the reports while ensuring that all critical environmental and hazard considerations are made in lieu of the formal environmental assessment (EA) process. TRCA would likely have to convey lands or easements due to our extensive holdings within the affected watersheds of the YDSS. Legislative compliance is an important matter in any real property disposition. There are a number of issues related to compliance with other federal Acts (e.g., *Fisheries Act*, *Species at Risk Act*) that must be satisfied or understood related to this proposal and these matters are typically addressed through the

EA process. Provincial legislative and regulatory requirements including the *Endangered Species Act* and *Source Water Protection Act* and others must also be understood. Reasonable alternatives to the undertaking and alternative methods should also be explored as this is a significant part of an EA. It is unclear whether this information would be present in the contemplated Environmental Reports.

Moreover, minimum requirements are needed for Environmental Reports with direction to avoid, minimize, mitigate, and compensate for environmental impacts including impacts in areas regulated or owned by TRCA. TRCA's Guideline for Determining Ecosystem Compensation may be a useful tool for the Province to examine in this regard. The Environmental Reports should explore opportunities to minimize environmental impacts on natural systems, including dewatering management plans that consider the environment and source water protection. Additionally, we note the proposal makes no mention of monitoring requirements during and after the proposed works, or for environmental restoration and compensation of affected areas. A requirement for monitoring should be built into expanded direction on environmental reporting related to the proposed works.

TRCA recommends the Province conduct an appropriate level of environmental assessment for this undertaking, and, if it chooses not to, to provide the same information requirements as an environmental assessment within the contemplated Environmental Reports. This information is vital so as to avoid or mitigate environmental impacts, and to inform reasonable siting and design alternatives that could avoid, minimize, or mitigate impacts to the environment, and ensure source water protection. Where impacts are unavoidable, provincial requirements should provide clarification on mitigation, requisite restoration, and compensation for affected areas.

Lastly, from our review of the information provided we are also unclear about the public and agency review process associated with the proposed Environmental Reports and components of the undertaking and even proponentcy on this undertaking recognizing that it is being directed by the Province involving two Regions.

TRCA recommends the Province and or the proponents of the undertaking if this is not the Province include an appropriate period of public and agency consultation on the terms of reference for the Environmental Reports and an appropriate period of time for review of draft versions of the Environmental Reports once they are prepared to ensure all relevant considerations that would normally be present in an Environmental Assessment Act process are addressed.

Thank you for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please reach out at 416.667.6290 or at john.mackenzie@trca.ca at your earliest convenience.

Sincerely,

<Original signed by>

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Chief Executive Officer

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