

Minister Steve Clark

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario M7A 2J3

Dear Minister Clark,

January 27, 2021

Re: Options for Disposing of Sewage from Upper York Region (“Upper York Sewage Solution”)

This is the joint submission of **Environmental Defence**, the **Rescue Lake Simcoe Coalition**, **Save the Maskinonge**, **Pickering Ajax Citizens together Protecting Our Water**, and the **Simcoe County Greenbelt Coalition** regarding what we understand to be an impending decision regarding the creation of new facilities to deal with wastewater originating in Upper York Region.

In our submission, any approach adopted for the treatment and disposal of additional sewage and wastewater from Upper York Region must meet the following minimum criteria:

- it must not result in the creation of new sewage plants or outflows on Lake Simcoe, (this including new large-scale facilities which “replace” existing small-scale sewage lagoons);
- it must not result in the running of new sewage pipe or similar infrastructure through the Oak Ridges Moraine or other environmentally sensitive areas;
- it must not increase nutrient loading in Lake Simcoe,
- it must not increase nutrient loading or increase temperature in Duffins Creek or any tributary to Lake Ontario or Lake Simcoe.

As Ontario and the affected municipalities are plainly unable to demonstrate that either of the two main present options for directing the sewage “pipe” satisfy these criteria, we submit that neither of them should be pursued. Until an alternative is developed which does satisfy these criteria, your efforts be redirected preventing any further growth of wastewater output from upper York Region. Such efforts should include a moratorium on development outside the existing built-up area in upper York Region, and aggressive measures to drive down household wastewater volume.

Ontario and the relevant municipalities have already put years of study and negotiation into protecting and restoring Lake Simcoe and safeguarding Oak Ridges Moraine in perpetuity. These protections should be treated as the abstract and permanent “bounds” for growth in the region: only such development should take place as can be undertaken without infringing them.

Directing Sewage to Lake Ontario Would Undermine Protection of the Oak Ridges Moraine

Neither Ontario nor any other party has demonstrated - or offered any reason to hope that sewage from upper York Region can be directed to Lake Ontario without gravely compromising the Oak Ridges Moraine. The dominant purpose articulated in the Oak Ridges Conservation Act is to protect the Moraine’s ecological and hydrological integrity, preserving and restoring its continuity, permitting only land and resource uses that maintain, improve or restore its ecological and hydrological functions and maintaining, improving or restoring all the elements that contribute to those functions.

Directing sewage from upper York Region into Lake Ontario (whether directly or through one of its tributaries) poses an obvious threat to the continuity and ecological and hydrological functions of the Oak Ridges Moraine because it would necessarily entail running a major sewage pipe across the Moraine. Leaving aside any risks of leakage or contamination, the potential for hydrological impacts from the associated excavation is evident. There are examples of people's wells going dry 10 km away from the work on the big pipe going north was done, through the Moraine.

Given the importance of the Oak Ridges Moraine, and the scale of infrastructure and excavation required to convey sewage from upper York Region, the onus must be on proponents to demonstrate that there will be no damage to ecological and hydrological functions. Neither the government nor any of the affected municipalities has done anything approaching the work required to accomplish this.

Separate from impacts on the moraine itself, neither Ontario nor the relevant municipalities have demonstrated that conveying upper York Region sewage through the Moraine to the Duffins Creek Pollution Control Plant will not have significant adverse effects on the shoreline ecology of Lake Ontario. Durham has had major algae issues related to excess phosphorus from sewage, and it appears that Duffins Creek does not have the advanced wastewater treatment required to avoid aggravating this problem. In addition to nutrient loading, there are good reasons for concern that treated sewage outflows would transform its ecology and erode its value as habitat for key species by raising water temperatures.

The UYSS Would Protect Undermine the Protection of Lake Simcoe

In our submission, any option which increases nutrient loading or adds new sewage plants or outflows at Lake Simcoe is contrary to the letter and spirit of the 2010 Lake Simcoe Phosphorus Reduction Strategy, the Lake Simcoe Protection Plan and the Lake Simcoe Protection Act.

- The 2010 Lake Simcoe Phosphorus Reduction Strategy details how reductions to phosphorus loads can be made to achieve the Lake Simcoe Protection Plan's phosphorus load target of 44 tonnes per year. Current 10 year average phosphorus loads are double that target and are going up as development and climate change impacts grow.
- Separately, directing sewage from further development in Upper York's sewage to a new facility on Lake Simcoe would effectively contravene the Lake Simcoe Protection Act's ban on new Sewage Treatment Plants. Decommissioning the already obsolete Holland Landing Sewage Lagoons, and labeling a new, much larger sewage plant and outflow as its replacement is a transparent attempt to use a "loophole": Holland Landing Sewage Lagoons have only been kept operational to facilitate this sleight of hand. Even if it were technically permissible (which we deny) it would undermine the purpose of the Lake Simcoe Protection Act and risk opening a Pandora's box of other municipal sewage schemes on Lake Simcoe.

Governments Should Focus on Preventing any Increase in Sewage Volume from Upper York Region

As it has not been demonstrated that either of the two most developed options for disposing of additional wastewater from upper York Region protects the Oak Ridges Moraine, Lake Simcoe and Duffins Creek, the most prudent approach is to cease expansion of sewage output in that part of the Region. the built-up area We submit that this can be accomplished without compromising the public interest because there is no real need for such expansion.

First, as Environmental Defence has said elsewhere, there is ample capacity for Ontario to accommodate all the new Greater Toronto Area households created from now until 2051 (Ontario's new development "horizon") within the GTA's existing neighborhoods and built-up areas. There is no sound justification for directing new GTA households to upper York Region, in particular, and certainly no justification for accommodating any demand that does arise outside existing neighborhoods in the area.

Second, with respect to any population growth that does occur within upper York Region, we urge both the province and municipal governments to work aggressively to ensure that associated sewage is accommodated within the sewage "budget" already handled by existing facilities. Governments should use both their legislative authority and funding that would otherwise be directed to treatment facilities to drive upstream reductions in household and industrial wastewater volume, such as re-use of low grade wastewater.

Sincerely,

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