



**Agenda**  
**YORK REGIONAL COUNCIL SPECIAL MEETING**

November 26, 2020

9 a.m.

Electronic Meeting

Quorum: 11

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**Page No.**

**A. Call to Order**

**B. Disclosures of Interest**

**C. Presentations**

**C.1. COVID-19 Related Enforcement Issues**

Bruce Macgregor, Chief Administrative Officer

**D. Deputations**

(Subject to Council granting deputant status.)

None

**E. Communications**

**E.1. Upper York Sewage Solutions Environmental Assessment Update**

1

Memorandum from Erin Mahoney, Commissioner of Environmental Services dated November 26, 2020

Recommendation: Receive

**F. Consideration and Adoption of Reports**

None

**G. Private Session**

None

**H. Confirmatory Bylaw**

7

Introduction of Bylaw 2020-58 to confirm the proceedings of Council at this special meeting

**I. Adjournment**

## MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Erin Mahoney, Commissioner of Environmental Services

Date: November 26, 2020

Re: **Upper York Sewage Solutions Environmental Assessment Update**

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This memorandum provides an update to Council on the Upper York Sewage Solutions Environmental Assessment.

### **Background and Update on the Upper York Sewage Solutions Environmental Assessment**

The Upper York Sewage Solutions project was developed to provide wastewater servicing capacity to accommodate Provincially-approved growth for 153,000 people (residents and workers) in the Towns of Aurora, Newmarket, and East Gwillimbury. The proposed project includes a world-class Water Reclamation Centre in the Town of East Gwillimbury and a project-specific total phosphorus offset program that would significantly reduce phosphorus levels in Lake Simcoe.

In July 2014, the Environmental Assessment was submitted to the Province for approval after completion of more than five years of extensive scientific study and consultation with the public, stakeholders and Indigenous peoples, including the Chippewas of Georgina Island First Nation. Following expected timelines, an approval was anticipated in February 2015.

In January 2016, the then Ministry of the Environment and Climate Change published its review of the Environmental Assessment. The Ministry Review stated that Ministry staff was satisfied that the Region properly completed the environmental assessment process and complied with the *Environmental Assessment Act*.

In December 2016, the Region was informed that the Province had to complete the Crown's Duty to Consult obligation with Indigenous peoples, advising that this process would delay project approval. At the time, senior Ministry staff advised this process would be completed by Summer, 2017. Communications and meetings among the Province, Region and the Chippewas of Georgina Island First Nation related to the Duty to Consult occurred and led to creation of a transfer payment agreement between the Province and the First Nation for review of the Environmental Assessment. This agreement was signed in October 2019. The First

Nation submitted its review of the Environmental Assessment to the Province in July 2020. After the Region's review of this submission, there was no new information provided that would change the positive Provincial Government Review of the project released in 2016. Provincial staff have also confirmed this. The Region submitted their response to the review in November 2020.

### **July 17, 2020 letter from the Minister signals the Province is re-examining all options which may result in a southern sewer route**

Attachment 1 is a letter from Minister Yurek to Chairman Emmerson dated July 17, 2020. The letter officially advises the Region that the Province is considering options, including a potential southern trunk sewer, as an alternative to the Upper York Sewage Solutions project. The letter also contains several important points:

- the potential need for legislation to fast-track implementation of a southern solution instead of following normal approval timelines
- an infrastructure in-service date of 2026
- confirmation that no decision on the Upper York Sewage Solutions Environmental Assessment has yet been made
- that further work by the Province is required to assess a southern solution

At this time, the Minister's letter and discussions with the Province have not provided the detail necessary to inform Council of the full scope and impact of the Province's intentions for an alternate wastewater servicing solution or the means for implementing such a concept by 2026. Currently the Region does not have clarity on the Provincial approach to any alternative solution and is still awaiting a decision on the Upper York Sewage Solutions Environmental Assessment.

### **Province begins discussions with Durham Region given implications of a Provincially directed southern solution**

The Province has now connected with Durham Region, co-owners of the Duffin Creek Plant and Primary system with York Region. They have advised Durham Region of this Provincially proposed alternative given the co-ownership implications of a southern solution. Details of these discussions were provided to [Durham Regional Council in report from staff on November 25, 2020.](#)

After more than a decade of study and planning under the most rigorous process set out in the Province's *Environmental Assessment Act*, and at a cost exceeding \$100M to date, it has been proposed that the conclusions of that work be reconsidered.

It is proposed that York Regional staff continue to work with the Province of Ontario, Durham Region, and affected Indigenous communities to determine an implementable solution to long term servicing needs for Aurora, Newmarket and East Gwillimbury.

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Erin Mahoney  
Commissioner of Environmental Services

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Bruce Macgregor  
Chief Administrative Officer

Attachments (1)  
#11964621



**Ministry of the Environment,  
Conservation and Parks**

**Ministère de l'Environnement,  
de la Protection de la nature et des  
Parcs**

Office of the Minister

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July 17, 2020

Mr. Wayne Emmerson  
Chairman and Chief Executive Officer  
The Regional Municipality of York  
Email: [Wayne.Emmerson@york.ca](mailto:Wayne.Emmerson@york.ca)

Dear Chairman Emmerson,

I am writing to express my ongoing commitment to finalizing work that is ongoing between my ministry and your office to address wastewater capacity needs in York Region. I appreciate the urgency in completing this work and the fact that there is an expressed need to have a solution in place for 2026. I'm committed to doing what we can to meet this timeline.

I note your Council's interest in a legislative approach similar to Bill 171, *Building Transit Faster Act, 2020*. This approach has merit. In order to ensure our government can facilitate the best possible option, I have instructed my staff to re-examine all options originally considered and proposed for this project. I want to assure you my ministry and I are working quickly to find the best solution that meets the needs of York Region, while maintaining strong environmental protections. This may result in a return to the southern route connecting with the Duffin Creek Water Pollution Control Plant.

Staff from my ministry as well as from the Ministry of Transportation have had some productive conversations on a potential southern route as an alternative. It is also understood that to enable and expedite this alternative, legislation may be necessary as the normal process may take too long for an in-service date of 2026.

With respect to any decision on the Upper York Sewage Solution environmental assessment, I can advise you that my ministry received comments from the Chippewas of Georgina Island at the end of June and are currently reviewing these comments. As such, a final decision on this environmental assessment has not yet been made.

I appreciate your ongoing patience and collaboration as we work through discussions on the southern solution. Between now and Fall, my ministry staff and your staff will need to establish an agreeable critical path as well as what regulatory and legislative steps will be needed to facilitate with an eye to the 2026 timeline.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Yurek". The signature is fluid and cursive, with a large, stylized "J" and "Y".

Jeff Yurek  
Minister of the Environment, Conservation and Parks





THE REGIONAL MUNICIPALITY OF YORK

**BYLAW NO. 2020-58**

A Bylaw to confirm the proceedings of  
Council at its Special Meeting held on November 26, 2020

THE REGIONAL MUNICIPALITY OF YORK HEREBY ENACTS AS FOLLOWS:

1. The action of Council in respect of each motion, resolution and other action passed and taken by the Council at its special meeting of November 26, 2020, is, except where the prior approval of the Local Planning Appeal Tribunal is required, hereby adopted, ratified and confirmed.
2. The Regional Chair and the proper officers of the Municipality are hereby authorized and directed to do all things necessary to give effect to Council's action or to obtain approvals where required, and, except where otherwise provided, the Regional Chair, or another Member of Regional Council designated by the Regional Chair, and the Regional Clerk are hereby directed to execute all documents necessary in that behalf, and the Regional Clerk is hereby authorized and directed to affix the corporate seal of the Municipality to all of these documents.

ENACTED AND PASSED this 26<sup>th</sup> day of November, 2020

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Regional Clerk

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Regional Chair

#11989975