

The Regional Municipality of York

Committee of the Whole
Environmental Services
January 14, 2021

Report of the Commissioner of Environmental Services

Upper York Sewage Solutions Individual Environmental Assessment Approval Status Update

1. Recommendations

1. That Regional staff continue discussions with the Province of Ontario and Durham Region related to a potential Provincially preferred southern solution as an alternative to the preferred solution identified in the Upper York Sewage Solutions Environmental Assessment and report back on the status of discussions in February 2021.
2. That Council affirm its support for the Lake Simcoe Solution as documented in the Upper York Sewage Solutions Environmental Assessment per the resolution approved by Durham Council on [December 16, 2020](#).
3. The Regional Clerk circulate this report to the Premier, all Members of Provincial Parliament in Durham and York Regions, and the Clerks of the local municipalities in the Region of Durham and York Region.

2. Summary

The purpose of this report is to provide an update on the Upper York Sewage Solutions (UYSS) Environmental Assessment file and subsequent information related to an alternative solution proposed by the Province. With continuing uncertainty for wastewater servicing in the three impacted communities (Towns of Aurora, Newmarket and East Gwillimbury), this report summarizes the current state of the project.

Key Points:

- The UYSS 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
- In July 2014, the UYSS Environmental Assessment was submitted to the Province for approval
- In January 2016, the then Ministry of the Environment and Climate Change published its positive review of the Environmental Assessment and the identified

preferred alternative (Ministry Review)

- In December 2016, the Region was informed that the Province had to complete the Crown's Duty to Consult obligation with Indigenous peoples
- In July 2020, the Chippewas of Georgina Island First Nation completed their Peer Review of the Environmental Assessment. The Peer Review did not contain any new information that would alter the findings of the Ministry Review
- On July 17, 2020, the Minister of Environment Conservation and Parks (Minister Yurek) sent a letter to Chairman Emmerson advising the Region that the Province is considering options, including a potential southern trunk sewer, as an alternative to the preferred alternative identified by the UYSS Environmental Assessment
- On December 2, 2020 Durham Works Committee approved the following resolution "Request from the Region of Durham that the Region of York affirm by Resolution its support for the Lake Simcoe Solution as Documented in the Upper York Sewage Solutions (UYSS) Environmental Assessment add resolution"

3. Background

Upper York Sewage Solutions Environmental Assessment was completed in July 2014

The UYSS 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 off-set program that would significantly reduce phosphorus levels in the Lake Simcoe watershed.

In July 2014, the UYSS 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, a decision on the approval was anticipated in February 2015.

In January 2016, the then Ministry of the Environment and Climate Change published its positive review of the Environmental Assessment and the identified preferred alternative. The Ministry Review stated that Ministry staff were 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. Upon the Ministry's request in March 2017, the Region completed a voluntary Health Impact Assessment in consultation with the Chippewas of Georgina Island

First Nation in November 2018. The independent Health Impact Assessment found positive results in support of the Environmental Assessment and preferred alternative.

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 Chippewas of Georgina Island First Nation completed their Peer Review of the Environmental Assessment and provided no new information

Since October 2019, the Chippewas of Georgina Island First Nation undertook their peer review of the UYSS Environmental Assessment, fully funded by the Province. The Chippewas of Georgina Island First Nation peer review was completed and submitted to the Province on June 30, 2020. The Region received a copy of the Chippewas of Georgina Island First Nation peer review in September 2020 and responded to the points raised. After the Region's review of the Chippewas of Georgina Island First Nation submission, no new information was identified that would change the positive conclusions of the Ministry Review of the UYSS Environmental Assessment released in 2016. Provincial staff have also confirmed this separately. The Region submitted its response to the Chippewas of Georgina Island First Nation peer review to the Ministry of Environment Conservation and Parks in November 2020.

Approval in principle for Disaster Mitigation and Adaptation (DMAF) Funding

In 2018, the Region and the Lake Simcoe Region Conservation Authority (LSRCA) submitted an expression of interest to the Federal Government for a potential treatment facility on the Holland River designed to remove phosphorus generated in the Holland Marsh. The principle of the submission was that it would potentially serve as an alternative to the stormwater retrofits proposed in the UYSS and use DMAF and UYSS project funding to build the facility. With the federal funding, the resulting treatment facility would cost approximately the same as the proposed stormwater retrofits for the UYSS project but would beneficially remove many times more phosphorus (approximately several tonnes compared to a projected 500 kg). Leveraging Federal funding provides a significant benefit to UYSS project, the Region and Lake Simcoe.

During the spring of 2020, the Federal Government contacted the Region and requested submission of a full application for the Holland Marsh treatment facility in conjunction with a further funding round as part of the broader COVID-19 response and potential economic stimulus. The Region and LSRCA submitted a full application with the caveat that the Region could not fund their portion of the project without approval of the UYSS and the approved change from stormwater retrofits to the Holland Marsh treatment facility as part of the proposed Phosphorus off-set program. The Federal Government informed York Region and subsequently publicly announced in November 2020 that the DMAF submission was approved in principle. Further discussions would need to ensue on the balance of the funding.

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

[Minister Yurek's letter](#) to Chairman Emmerson advised the Region that the Province is considering all options, including a potential southern trunk sewer, as an alternative to the UYSS project. At this time, the Minister's letter and discussions with the Province have not provided the detail necessary to inform Council of the specific scope and impact of the Province's intentions for an alternate wastewater servicing solution or the means for implementing such a concept by 2026, the targeted in-service date. Currently, Region staff are seeking clarity on the Provincial approach to implement any alternative solution and a Provincial decision on the UYSS Environmental Assessment is still pending.

4. Analysis

Region continues to advance discussions with the Province

York Region continues to support and stand-by the UYSS Environmental Assessment and the identified preferred solution. The Region concluded that it is the best solution and a great opportunity for the Lake Simcoe watershed by providing several benefits. A Provincial staff review has supported these conclusions. Despite having a world class solution, rigorously determined through the UYSS Environmental Assessment process, the Region has engaged in discussions with the Province with the ultimate goal of establishing a viable servicing solution for the affected communities. Regional staff have endeavored to advance discussions with the Province to obtain details on the Province's positions and plans to explore an expedited alternative wastewater servicing solution involving a potential southern (Lake Ontario) alternative.

Province has engaged Durham Region given implications of a potential southern servicing solution

The Province has communicated with Durham Region, who along with York Region, co-own Duffin Creek Plant and York Durham Sanitary Sewer Primary System, including the Primary Trunk Sewer. Provincial staff, at the Region's urging, have advised Durham Region of this Provincial initiative because of the co-ownership implications of a potential southern solution. Details of these discussions were provided to Durham Region Council in a staff report on [November 25, 2020](#). Durham Region Council provided authority to Durham Region staff to engage in further discussions with the Province to determine impacts and mitigating factors related to the Provincial proposal.

York Regional staff will continue to work with the Province, Durham Region, and affected Indigenous communities to determine an implementable solution to long-term servicing needs for the Towns of Aurora, Newmarket and East Gwillimbury. York Region continues to support the Environmental Assessment submitted to the Province in 2014. The Water Reclamation Centre meets the Province's imposed condition to include an "Innovative Wastewater Treatment Technologies (Innovative Alternative) such as development and use of a wastewater purification system and water recycling facilities to be located in The

Regional Municipality of York”. The Region fully assessed and inventoried the potentially affected natural, built, social, economic and cultural environments as defined by the *Environmental Assessment Act* and established a solution that will provide a lasting benefit to the watershed. The Region still awaits a Provincial decision on the Individual Environmental Assessment. In accordance with the request from Durham Council it is recommended that Regional Council affirm its support for the Lake Simcoe Solution as documented in the Upper York Sewage Solutions (UYSS) Environmental Assessment.

5. Financial

The 2020 Capital Program carries a total project cost for the UYSS project of \$628 million. Approximately \$100M has been spent to the end of 2020, \$475M remains in the 10-year plan for the proposed project. With an Environmental Assessment approval in early 2021, the project could have been ready for operation by the end of 2028.

A Provincial southern alternative has not been advanced through design or subjected to a rigorous cost analysis due to the early stages of work underway in response to the province’s inquiry. Progressing with a large complex trunk sewer has not been contemplated in detail to date. A potential southern Lake Ontario alternative servicing solution was screened out during the comparison of the benefits and challenges of potential alternative servicing solutions during the UYSS Environmental Assessment process.

6. Local Impact

Region is advancing Interim Solutions to mitigate approval delays

The UYSS project remains critical for servicing Provincially mandated growth in the Towns of Aurora, Newmarket and East Gwillimbury. To support continued growth in these communities, on June 28, 2018, Council authorized an assignment of capacity for 10,500 persons due to the completion of two interim solutions:

- modifications to the Aurora Pumping Station Equalization Tank
- construction of a new Henderson Pumping Station

An additional capacity of 1,000 persons is reserved for Centres and Corridors in these three municipalities once the capacity provided by the interim solutions is complete. The Region remains committed to monitor system performance and investigate additional interim solutions. To assist local municipalities in managing and planning for long-term growth, staff will provide Council with a capacity monitoring report in 2021.

Further discussions are on-going with the three affected municipalities to consider feasible options to generate short-term wastewater capacity. Concepts include wastewater attenuation of peak flows, local private servicing, inflow and infiltration reduction and other infra-stretching options. These are being considered and advanced by Regional staff.

Region is implementing modifications to the existing York Durham Sewage System in the Town of Newmarket

On March 7, 2018, the Province issued a Declaration Order to exempt modifications to the York Durham Sewage System, which was a component of the UYSS project, from the requirements of the *Environmental Assessment Act*. With the Declaration Order, the Region has proceeded to implement this infrastructure in the Town of Newmarket (twinning of the forcemain and alterations to the Newmarket Sewage Pumping Station and the Bogart Creek Sewage Pumping Station). Construction started in June 2019 and commissioning is expected in 2021. Commissioning of the new forcemain will unlock capacity for 1,500 persons in the Town of Newmarket in accordance with the 2016 capacity assignment.

7. Conclusion

It is recommended that Regional staff continue discussions with the Province of Ontario and Durham Region related to a potential provincially preferred southern solution as an alternative to the preferred solution identified in the UYSS Environmental Assessment with the ultimate goal of establishing sewage servicing for the affected communities. It is also recommended that Council affirm its support for the Lake Simcoe Solution as documented in the UYSS Environmental Assessment.

For more information on this report, please contact Mike Rabeau, Director, Capital Planning and Delivery at 1-877-464-9675 ext. 75157. Accessible formats or communication supports are available upon request.

Recommended by: **Erin Mahoney, M. Eng.**
Commissioner of Environmental Services

Approved for Submission: **Bruce Macgregor**
Chief Administrative Officer

Private Attachments: (1)
December 17, 2020
#12009775