



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

December 18, 1996

Members of Regional Council
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Councillors:

Re: Long Term Water Supply Project

The Canadian Environmental Law Association (CELA) is a non-profit legal clinic, founded in 1970, which specializes in environmental law. CELA has a long history of involvement in issues of water management and environmental assessment.

We have serious concerns with the proposed York Region Long Term Water Supply Project and with the process of assessment used to date. We have reviewed the Summary Report of Alternatives, the letter of December 8, 1996 sent to you by Great Lakes United and the letter of December 5, 1996 sent by The Georgian Bay Association to Mr. Jamie Robinson of Consumers Gas and to Mr. Neil Embree of the Regional Municipality of York. We share the numerous concerns expressed by those organizations in these letters.

In particular, we share the concerns of Great Lakes United that the alternatives considered do not include living within the limits of the Region's natural resources; do not emphasize water conservation; do not place enough emphasis on ground water use; and do not account for the degradation of water quality resulting from excessive consumption of water.

From our own considerable experience with environmental assessment, including class environmental assessments, we also share the views of the two organizations that this project is clearly not of a type or scale for which the class assessment process is appropriate.

As the Class Environmental Assessment for Municipal Water and Wastewater Projects enumerates, the class process is designed for projects that are "recurring, usually similar in nature, usually limited in scale, have a predictable range of environmental effects, (and are) responsive to mitigating measures." (p. 1) This unprecedented project does not satisfy these criteria. Given its scale and complexity, and the number of communities potentially affected, it clearly requires an individual environmental assessment of the utmost rigour.

We also concur with the views of The Georgian Bay Association that the evaluation process of the alternatives strategies is flawed; that the public consultation process falls far short of

that required in environmental assessment in Ontario; and that the process has failed to fully evaluate potential environmental impacts.

Further, as specified in the Association's letter, the proponents have not fully considered federal and international approvals required for such a project, including those required by The Great Lakes Charter, the federal Canadian Environmental Assessment Act, and the Boundary Waters Treaty through the International Joint Commission.

From the perspective of administrative and municipal law, numerous hurdles and uncertainties are enumerated in the "Legal" section of the Summary Report of Alternatives. Further, the Ministry of Environment and Energy has indicated that the Ministry may not be supportive of a proposal to take water from Georgian Bay and discharge it into Lake Ontario, and that both the provincial and federal governments may oppose such a proposal. (pp 80-81, Summary Report of Alternatives).

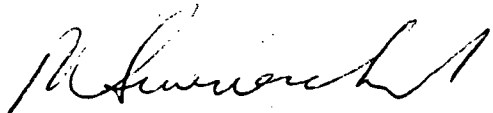
It is astonishing to us that the Summary presented to you includes no information of environmental effects, and that you are being asked to approve this unprecedented approach to water supply without detailed information before you. The environmental effects will undoubtedly be large-scale and very contentious throughout the areas affected. A large number of interests, organizations, and individual citizens may be expected to raise objections.

As a summary report of a project that amounts to a megaproject in Southern Ontario, the Summary Report is woefully inadequate and inappropriate. We urge you to require a reconsideration of this project, including a full, individual environmental assessment in full compliance with the Environmental Assessment Act. Such an assessment should include a realistic consideration of need, alternative water supply approaches, and full analysis of the environment affected, environmental effects and possible mitigation methods for each alternative.

Thank you for your attention to these submissions.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Michelle Swenarchuk
Executive Director



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