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Pickering, Ontario
L1V 6A3
November 27, 1998

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Mr. Dave Griffin, EBR Coordinator
Ministry of the Environment
Environmental Assessment Branch
250 Davisville Avenue, 5th Floor
Toronto, Ontario
M4S 1H2

Re: York Region Long Term Water Supply Project - Lake Ontario Water Supply via Durham West - Terms of Reference For an Individual Environmental Assessment

Dear Mr. Griffin,

The following are my comments with regards to York Region's Terms of Reference for an Individual Environmental Assessment for a Lake Ontario Water Supply via Durham West. Page and section numbers refer to the Terms of Reference document unless otherwise specified.

1) Page 2, Section 2.1 - York Region's Projected Growth

I am concerned that the projected population growth and development of York Region, if achieved, will have quite a detrimental impact upon the natural and social environment. Toronto and the GTA currently suffer a surfeit of problems such as overpopulation, traffic congestion, a high traffic accident rate, rampant urban sprawl, natural habitat destruction, environmental degradation, air/water/soil pollution and resulting health problems, smog, loss of farmland, excessive and frivolous use of pesticides and herbicides for non-agricultural purposes, to name a few. The projected growth and development of York Region, regardless of how well managed under the auspices of an Official Plan, will exacerbate these problems. The additional stresses on the environment due to possible climate change together with potential disruptions of food supplies would make it unwise to pursue the growth outlined in York Region's Official Plan. The entire rationale for the Lake Ontario Water Supply via Durham West appears to be based upon these questionable growth and development assumptions.

Recommendation 1: York Region should withdraw the Terms of Reference and revise it's Official Plan so that expected growth and development are significantly reduced to a more environmentally acceptable level. A temporary moratorium on any further residential, commercial and industrial development is advisable until revisions to the plan are complete. The region's water needs could then be re-examined in light of the revised plan.

Recommendation 2: If York Region does not agree with Recommendation 1, the Ministry of the Environment (MOE) should NOT approve the Terms of Reference.

- 2) Page 2, Section 2.1 - Promotion of Reduced Water Use
Page 4, Section 4.1 - Water-Use Efficiency Programs

Section 2.1 states that York Region's Official Plan includes policies that promote reduced water use. Section 4.1 states that implementation of water-use efficiency programs is one of the principal components of York Region's Water Supply Master Plan strategy.

The Official Plan was approved in 1994. Why did York Region not vigorously develop and implement water-use efficiency programs starting in 1994, prior to developing a Water Supply Master Plan? Why are these programs only being developed now?

The most effective way to encourage the consumer to conserve water is by means of price. The higher the price of water, the less the consumer will use. This is only common sense. Canadian households use twice as much water as European households and pay less than half as much for it.¹

Why are York Region and its municipalities not currently promoting water conservation by means of appropriate pricing? Why do York Region's water-use efficiency programs not include the implementation of appropriate pricing that would more effectively encourage water conservation? Why has York Region submitted the Terms of Reference without first attempting to reduce its demand for water by means of appropriate pricing?

According to statistics in the Fall 1998 newsletter published by Durham Region Works Department, the average daily per capita water consumption in Canada is 350 litres whereas in France and Germany it is 150 litres.² What is York Region's average daily per capita water consumption? If York Region reduced its average daily per capita water consumption to 150 litres, what impact would this have on the need for the Lake Ontario Water Supply via Durham West project?

Recommendation 3: As soon as possible, York Region and its municipalities should implement appropriate pricing to cover the complete cost of water and sewage service and to encourage significant water conservation. The resulting decrease in water demand would reduce the Long Term Water Supply Master Plan's estimates of York Region's water requirements upon which the Terms of Reference is based. This recommendation together with York Region's proposed water-use efficiency programs could make the Lake Ontario Water Supply via Durham West option unnecessary.

Both the MOE Mission Statement and Statement of Environmental Values declare that the MOE will "foster the efficient use and conservation of resources". The Statement of Environmental Values further elaborates that the MOE "will also promote energy and water conservation". I call upon the Ministry of the Environment to live up to its Mission Statement and Statement of Environmental Values and to use all means at its disposal to encourage York Region to adopt and faithfully implement Recommendation 3.

¹ Environment Canada website, derived from International Water Supply Association statistics, 1995.

² Organization for Economic Cooperation and Development (OECD) statistics, 1991. Durham Region intends to publish more current OECD statistics in the next "Durham Works" newsletter.

Recommendation 4: If York Region rejects Recommendation 3, then the Ministry of the Environment should NOT approve the Terms of Reference.

Recommendation 5: In order to prevent any exorbitant profit from accruing to York Region, its municipalities or any private sector partners due to the implementation of Recommendation 3, the allowable profit to these entities should be capped at a reasonable amount. Any remaining annual revenues above the capped profit should be allocated as follows: 50% to be used to implement water-use efficiency programs free of charge to low-income groups in York region and 50% given to an environmental group with sufficient expertise (Federation of Ontario Naturalists, World Wildlife Fund, Canadian Environmental Law Association) to pursue environmental goals in York Region (environmental advocacy, public education, research, remedial programs, etc).

3) Page 4, Section 3.2 - Water Supply To Proposed Pickering Airport Lands

There is significant opposition to the proposed designation of federal land in Pickering for an airport. The majority of Pickering residents do not want an airport built on these lands. York Region's decision to include sufficient capacity in its proposed water supply to furnish the requirements of the proposed Pickering Airport lands is unwise and indicative of very poor judgement. The ready availability of a water supply will simply encourage the federal government to run roughshod over the wishes of local residents and significantly increases the probability that an airport will be built in the area. The construction and operation of an airport along with the inevitable commercial, industrial and residential development will have severe detrimental impacts on the natural and social environment, thereby exacerbating the already considerable environmental problems in the Toronto and GTA area as outlined in item 1 above.

Recommendation 6: York Region should downsize the capacity of the Lake Ontario Water Supply via Durham West project to completely eliminate the possibility of furnishing the water requirements of the proposed Pickering Airport lands. York Region should agree that it will never provide, directly or indirectly, any of the water requirements of the proposed Pickering Airport lands from the Lake Ontario Water Supply via Durham West. The Terms of Reference must be amended to incorporate these changes.

The MOE's Statement of Environmental Values states that "The Ministry will adopt an ecosystem approach to environmental protection and resource management" and that "When making decisions, the Ministry will consider the cumulative effects on the environment...". I call upon the Ministry of the Environment to live up to its Statement of Environmental Values and to use all means at its disposal to encourage York Region to accept Recommendation 6.

Recommendation 7: If York Region rejects Recommendation 6, then the Ministry of the Environment should NOT approve the Terms of Reference.

Recommendation 8: As a show of good faith and solidarity with the Pickering community, York Region and its municipalities should go on record publicly to vigorously oppose both the official airport designation for the federal lands in Pickering and the construction of any airport on these lands.

4) Page 3, Section 2.3 - Disadvantages To Pickering

Section 2.3 mentions that disadvantages to the Town of Pickering resulting from Durham Region cooperation on this project will be investigated further during the Environmental Assessment.

Recommendation 9: In order to ensure that the disadvantages to the Town of Pickering due to Durham Region cooperation on this project are comprehensively and objectively identified and explored, York Region should provide full participant funding to the Town of Pickering so that the necessary, competent, independent expertise can be hired by Pickering to protect its best interests.

Recommendation 10: If any related hearings or other legal proceedings occur, York region should provide full intervenor funding to the Town of Pickering.

Recommendation 11: If York Region persists in maintaining sufficient capacity in the Lake Ontario Water Supply via Durham West to provide the water requirements of the proposed Pickering Airport lands, the consequent disadvantages of an airport to Pickering should be thoroughly investigated during the Environmental Assessment.

5) Page 8, Exhibit 4.2A - Proposed Primary & Secondary Generation Criteria - Raw Water Intake

Recommendation 12: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize disturbance to habitat for fish species utilizing the nearshore of Lake Ontario for feeding, spawning, or rearing
- Minimize disturbance to plant or animal species considered to be regionally or locally significant

Include the following in the primary generation criteria:

- Avoid conservation areas, wetlands and parks

6) Page 9, Exhibit 4.2B - Proposed Primary & Secondary Generation Criteria - Raw Water Pumping Station(s)

Recommendation 13: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize impacts to significant or sensitive vegetation
- Minimize encroachments on habitats for species of plants and animals at risk
- Minimize encroachment on wooded areas
- Minimize the effects to ecological corridors and linkages

Include the following in the primary generation criteria:

- Avoid conservation areas and parks

7) Page 10, Exhibit 4.2C - Proposed Primary & Secondary Generation Criteria - Water Treatment Plant

Recommendation 14: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize impacts to significant or sensitive vegetation
- Minimize encroachments on habitats for species of plants and animals at risk
- Minimize encroachment on wooded areas
- Minimize the effects to ecological corridors and linkages

Include the following in the primary generation criteria:

- Avoid conservation areas and parks

8) Page 11, Exhibit 4.2D - Proposed Primary & Secondary Generation Criteria - Water Storage Reservoir

Recommendation 15: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize impacts to significant or sensitive vegetation
- Minimize encroachments on habitats for species of plants and animals at risk
- Minimize encroachment on wooded areas
- Minimize the effects to ecological corridors and linkages

Include the following in the primary generation criteria:

- Avoid conservation areas and parks

9) Page 12, Exhibit 4.2E - Proposed Primary & Secondary Generation Criteria - Transmission Water Main(s)

Recommendation 16: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize crossings of watercourses with significant or sensitive fish species
- Minimize impacts to significant or sensitive vegetation
- Minimize encroachments on habitats for species of plants and animals at risk

- Minimize encroachment or crossing of wooded areas
- Minimize the effects to ecological corridors and linkages

Include the following in the primary generation criteria:

- Avoid conservation areas, wetlands and parks

10) Page 13, Exhibit 4.2F - Proposed Primary & Secondary Generation Criteria - Treated Water Pumping Stations

Recommendation 17: The criteria used to identify alternative routes and sites should be made more restrictive to minimize detrimental environmental impacts. The following secondary generation criteria for the natural environment should be reclassified as primary generation criteria with appropriate change in wording to emphasize avoidance.:

- Minimize impacts to significant or sensitive vegetation
- Minimize encroachments on habitats for species of plants and animals at risk
- Minimize encroachment on wooded areas
- Minimize the effects to ecological corridors and linkages

Include the following in the primary generation criteria:

- Avoid conservation areas and parks

11) Page 15, Exhibit 5.1 - Infrastructure Corridor Study Area (ICSA)

On the map shown in Exhibit 5.1, the ICSA appears to encompass Petticoat Creek Conservation Area and most of the wetlands around Frenchman's Bay. The ICSA also appears to encroach on Rouge Valley natural areas but this is difficult to ascertain due to the smallness of detail in the map reproduction. These areas should be considered off-limits for any component of the Lake Ontario Water Supply via Durham West project. It is certainly not acceptable to permit heavy construction or the siting of a pumping station in any of these areas.

Recommendation 18: Amend the Terms of Reference to exclude Petticoat Creek Conservation Area, the wetlands around Frenchman's Bay and any Rouge Valley natural areas from the ICSA.

12) Page 19, Exhibit 6.1 - Evaluation Criteria & Indicators

Recommendation 19: Clarify the Socio-Economic Environment criteria and indicators to ensure that the following issues will be adequately addressed during investigation of alternative sites and alignments:

- the adverse health effects due to stress resulting from increased traffic backup and congestion during construction
- the probability of increased traffic accidents and resulting adverse health effects during construction
- adverse health effects to individuals with lung problems posed by dust created during construction

- the adverse health effects to individuals in adjacent areas due to noise during construction and operation
- the destructive impact of flooding on adjacent neighborhoods and local traffic due to a major pipe rupture during operation of the system
- the impact of a major pipe rupture during operation of the system on the ability to evacuate the area due to an emergency at the Pickering Nuclear power plant. Whites Road and Highway 401 are shown as evacuation routes on a map in the material sent out to residents by Ontario Hydro. Whites Road and Highway 401 are within the ICSA. Consider the worst-case scenario.

Recommendation 20: Clarify the Natural Environment criteria and indicators to ensure that the following issue will be adequately addressed during investigation of alternative sites and alignments:

- the destructive impact of flooding on natural habitats and wildlife due to a major pipe rupture during operation of the system

13) Page 26, Exhibit 7.2C - Summary of Issues & Concerns - Consultation With Sportsmen & Naturalist Clubs

In response to concerns identified through consultation, York Region has modified the text in the Environmental Assessment Work Plan to indicate a willingness to consult with sportsmen and naturalists clubs for the duration of the project.

Recommendation 21: Instead of agreeing just to “consult” with naturalists clubs, York Region should provide full participant funding to one of the larger naturalist or environmental groups (Federation of Ontario Naturalists, World Wildlife Fund, Canadian Environmental Law Association, etc.) with sufficient expertise to independently and objectively assess all phases of the project. This would confer some credibility to York Region’s stated concern for the environment.

14) Page 29, Exhibit 7.2F - Summary of Issues & Concerns - Impact on Sewage Systems

Recommendation 22: The scope of the Environmental Assessment should include expansions and any other changes to sewage systems in York Region and adjacent regions. Environmental Assessment of the water project should not be dissociated from the sewage system and should be far more than just a cursory evaluation of the impact on the sewage system.

The MOE’s Statement of Environmental Values states that “The Ministry will adopt an ecosystem approach to environmental protection and resource management” and that “When making decisions, the Ministry will consider the cumulative effects on the environment...”. I call upon the Ministry of the Environment to live up to its Statement of Environmental Values and to use all means at its disposal to encourage York Region to accept Recommendation 22.

15) Effect on Lake Ontario

The Terms of Reference should be amended to consider the broader environmental impacts on Lake Ontario. Climate change may reduce the level of water in Lake Ontario. What environmental impact will the removal of the proposed 526ML/d of water have on a Lake Ontario with reduced water levels and taking into consideration existing and other proposed future water demands?

Recommendation 23: The Terms of Reference should include an assessment of the broader environmental impacts on Lake Ontario.

The MOE's Statement of Environmental Values states that "The Ministry will adopt an ecosystem approach to environmental protection and resource management" and that "When making decisions, the Ministry will consider the cumulative effects on the environment...". I call upon the Ministry of the Environment to live up to its Statement of Environmental Values and to use all means at its disposal to encourage York Region to accept Recommendation 23.

16) Tunnelling versus Open-Cut Construction:

Recommendation 24: Tunnelling for the water mains should be used instead of open-cut construction in all urban areas and any environmental areas that require minimization of impacts.

17) Partial Amelioration of Environmental Impact

The Lake Ontario Water Supply via Durham West project will result in long-term, detrimental environmental impacts as it will encourage excessive population growth and development in York region as well as the possible construction of an airport in Pickering with its attendant development. The following recommendations are meant to ameliorate a small amount of the environmental damage.

Recommendation 25: If York Region rejects Recommendation 3 and pushes ahead with the water supply project, then an environmental tax or levy should be imposed in perpetuity on all water transported through the Lake Ontario Water Supply via Durham West system and on all resulting sewage. The tax or levy should generate an amount equal to 5% of the total revenues from water and sewage service associated the system . If the system supplies water to the proposed Pickering Airport lands, the tax or levy should be increased to 20%. The funds generated by the tax would be allocated annually as follows: 50% to be used to implement water-use efficiency programs free of charge to low-income groups in York and Durham regions and 50% given to an environmental group with sufficient expertise (Federation of Ontario Naturalists, World Wildlife Fund, Canadian Environmental Law Association) to pursue environmental goals in Ontario.

Recommendation 26: York Region should agree never to use any poisons, insecticides, pesticides or herbicides on any properties or rights-of-way occupied by any components of the water supply system. Pumping station, water treatment plant, and water reservoir sites should be allowed to regenerate naturally (no manicured lawns, gardens, etc).

Recommendation 27: York Region and its municipalities should pass appropriate legislation banning the sale of all pesticides and herbicides for non-agricultural purposes within their jurisdictions and making it illegal to use any of these products on all residential, commercial, industrial and public property within their jurisdictions.

Recommendation 28: York Region and its municipalities should pass legislation requiring the use of renewable energy systems (for example, active and passive solar technology) for any future residential, commercial, industrial or public developments in York Region to reduce the need for conventional power plants and the amount of carbon dioxide released to the atmosphere.

Conclusion

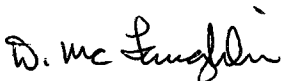
The Lake Ontario Water Supply via Durham West project would not be needed if York Region were to do the following:

- aggressively pursue water conservation through appropriate pricing in conjunction with the proposed water-efficiency program
- revise its Official Plan to reduce population growth and development to more environmentally tolerable levels

I call upon the Ministry of the Environment to adhere to its Mission Statement and Statement of Environmental Values by using all means and powers at its disposal to have the project cancelled and to encourage York Region to follow the above actions.

The cancellation of the project is the preferred and most environmentally beneficial option.

Sincerely,



Doug McLaughlin

cc Maurice Brenner, Regional Councillor, Ward 1, Pickering
Debbie Korolnek, Long Term Water Project Manager, York Region
Tony Iacobelli, World Wildlife Fund Canada
Kathy Cooper, Canadian Environmental Law Association
Linda Pimm, Federation of Ontario Naturalists