



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

August 28, 2009

Ontario Growth Secretariat
Ministry of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON
M5G 2E5
And by email: placestogrow@ontario.ca

Re: **Simcoe Area: A Strategic Vision for Growth**

Dear Members of the Ontario Growth Secretariat:

The Canadian Environmental Law Association writes to provide our comments with respect to the June 2009 Strategic Vision for Growth for the Simcoe Area.

Firstly, we would like to acknowledge and support that the continued growth planning and infrastructure occur in existing settlement areas as outlined. We agree that servicing by municipal water and wastewater is very critical in this area for a variety of reasons including that of protection of ground and surface water resources and for public safety. We also agree that existing infrastructure must be built upon and improved, as opposed to new Greenfield infrastructure development. In that regard we suggest that there are very large gains to be made from improving the operations, efficiency, density, conservation, and repair and maintenance of existing infrastructure which would alleviate some of the new infusion of capital and new construction associated with those systems in a “business as usual” scenario.

We would suggest that there is lacking any vision or appreciation of the opportunity to integrate community energy planning and efficiency with future growth scenarios. This region is an ideal place to undertake integrated community energy planning whereby the energy utilization of water and waste water, transit, transportation, and built environment are considered so as to take advantage of new efficiencies available with current planning and technology options. This is important from the perspective of more efficient energy utilization as well as reducing green house gas emissions of the region. For more information, visit for example QUEST www.questcanada.org.

We also note that there is an insufficient focus on the opportunities for water conservation generally in the vision. This is despite the simultaneous publication of the province’s consultation paper, Stewardship, Leadership, Accountability, regarding a water conservation framework for the province which is currently posted to the Environmental Bill of Rights for comment.

There are further significant opportunities to strengthen the Simcoe area plan, particularly in terms of its protection of the County's watersheds.

The *Simcoe Area: A Strategic Vision for Growth* contains some troubling trends and omissions with respect to protecting Ontario's watersheds. In particular, there are worrying inconsistencies between the strategy and the water quality objectives of the Lake Simcoe Protection Act, as well as between the strategy and commitments made by the Premier under the regional *Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement*. Some of our specific concerns include:

- **The lack of consideration given to water conservation and efficiency.** Maximizing water conservation and efficiency is the cheapest, least energy intensive and most environmentally sensitive means of water supply for new growth. However, there is no mention of this approach in the strategy. This is a glaring omission, especially since the strategy champions other forms of green infrastructure but emphasizes a supply-side approach and the optimization of existing pipelines such as the one between Collingwood and Alliston in terms of water supply. Water demand management should be the first in the hierarchy of water supply options. It is curious that demand management is framed in this way under the transportation section of the strategy but not even mentioned under the water section.
- **Land use changes will reduce groundwater infiltration and increase pollution.** The plan proposes to open up prime agricultural lands along Highway 400 for the creation of two employment areas/nodes, which will contribute to the reduction of permeable surfaces by paving over huge areas of farmland. As a result, less water will reach critical groundwater aquifers and more industrial runoff will flow to the streams and rivers of the Lake Simcoe watershed.
- **Uncertainty around regional coordination and privatization.** The discussion paper indicates that the Simcoe Area Strategic Vision for Growth states that the Province will undertake a Simcoe area infrastructure plan, including a strategy for water and wastewater in the Simcoe area that includes mechanisms for coordinating service delivery. It is unclear from this whether water infrastructure and servicing is to remain under public control. The strategy's explicit preference for coordinated servicing aligns with the recommendations of the *Watertight* report, produced by a government sponsored expert panel, that advocates increased corporatization of water services. Corporatization has historically been a precursor to full privatization. While we agree and recognize that this Region requires coordination of its water and wastewater decisions, as well as coordination between infrastructure systems such as energy and water, it is critical that the Province be transparent with its citizens with respect to whether water and wastewater servicing is to remain under public control.
- **Inconsistency with provincial goals for energy reduction.** The failure to recognize the importance of water conservation and efficiency undermines the Province's efforts to reduce energy consumption since pumping, piping and treatment of water and wastewater consumes large amounts of energy, whereas conservation and efficiency saves energy.
- **The potential for a bad regional precedent.** Emphasizing supply-side approaches to water supply and management undermines the Premier's commitment to implement the *Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement* and the development of a provincial water conservation and efficiency plan. The more the Province moves water between different watersheds, the less it can make a credible case to oppose large scale transfers being considered by U.S. states

- that may be damaging to the basin's ecosystem. It is important for provincial planning documents to acknowledge the commitments made under the Great Lakes agreement and to incorporate the intent of that agreement into growth strategies.
- **Financial support for servicing.** Wastewater servicing and operation and the management and control of stormwater are stated as municipal responsibilities. It is unclear to what extent, if at all, the Province will support the municipalities in achieving wastewater servicing and managing stormwater?

We believe the Simcoe County strategy presents an excellent opportunity for the Province to get things right by integrating its laudable move towards green energy and green infrastructure with its recent progressive efforts on water policy and management. Progressive water initiatives such as source water protection and Great Lakes conservation and protection were nascent at the time of *Places to Grow* but now indicate a strong vision for water management in the province. Below are the opportunities we identify for strengthening the strategy to ensure it is consistent with the Province's bold vision of a vibrant green economy and sustainable watershed governance:

- **Water conservation and efficiency should be included as the first in the hierarchy of water supply options.** The identification of the importance of green infrastructure in the strategy is commendable. However, one of the most important forms of green infrastructure when it comes to water servicing - water conservation and efficiency - is missing. Additionally, experts are recognizing the connection between water supply decisions and energy use, with a number of Canadian cities now actively looking at water conservation and efficiency as a means to reduce energy consumption and decrease greenhouse gas emissions. This plan should take the opportunity to recognize this critical nexus and highlight the co-benefits of water demand management. This important connection was made in the *Green Energy Act* and it should be extended to provincial and regional growth planning.
- **Integrate sustainable water policy into growth and planning processes.** We agree that co-ordinating drinking water, wastewater, storm water and related systems including energy, transportation and land use decisions is of high importance. Among the issues to be coordinated include the prevention of intra-basin water transfers, the incorporation of source water protection as a governing factor in decision making, and the need for integrated community energy planning of which water and waste water systems are a major component. These issues must be considered at a very early stage in all related decision making and the need for better and earlier integration should be explicitly included in the strategy.
- **Clearly establish public ownership as an underlying principle.** On the other hand, we submit that ownership and governance of municipal drinking water and waste water assets and systems must remain public. Accordingly any discussion and consultation by the provincial government on this topic must establish public ownership of these systems as a first principle. There is no indication at present as to how the plan will be developed and with what input. Input should be broadly sought, and potential models under consideration should be the subject of consultation. We look forward to participating in those consultations and providing input.
- **Reflect outcomes of the Assimilative Capacity Study and the Lake Simcoe Protection Plan.** We suggest that the Growth Secretariat delay Official Plan changes so that they reflect Lake Simcoe's revised Assimilative Capacity Study, to be completed this fall, and revised subwatershed plans, which are all based on the Lake Simcoe Protection Plan's improved targets for phosphorus loading.

For your further information, we attach to the electronic version of this letter, a copy of the Blueprint for a Sustainable Water Strategy prepared by Carol Maas of the Polis Project this past June, and to which CELA contributed. It highlights the need and the opportunities for a robust approach to water conservation in this province and provides concrete recommendations. Such approaches are missing in the Simcoe Area Strategic Vision for Growth and we strongly recommend that the province pause, reconsider, and re-issue a Simcoe Area vision which reflects strong water conservation, energy conservation, and integrated planning across systems in the Plan.

We would be pleased to meet at any time to discuss these submissions further.

With kind regards,

Yours very truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

A handwritten signature in black ink, appearing to read 'Theresa A. McClenaghan', written in a cursive style.

Theresa A. McClenaghan

Executive Director and Counsel

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Cc Environmental Commissioner of Ontario, Gordon Miller

Cc Hon. John Gerretsen, Minister of the Environment

Cc Hon. Jim Watson , Minister of Municipal Affairs and Housing

Cc Hon. George Smitherman, Minister of Energy and Infrastructure

Cc Hon. Donna Cansfield, Minister of Natural Resources

Cc Hon. Premier Dalton McGuinty, Office of the Premier for Ontario