



Sent via Environmental Registry of Ontario (<https://ero.ontario.ca/notice/019-0198>)

August 29, 2019

Attention: Environmental Registry of Ontario

**The Regional
Municipality of
Durham**

Works Department

605 Rossland Rd. E.
Level 5
PO Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-668-2051

durham.ca

**RE: Region of Durham Comments: Canada-Ontario Agreement on
Great Lakes Water Quality and Ecosystem Health, 2020
ERO #019-0198**

Please find enclosed the comments as submitted on behalf of the Region of Durham regarding the proposed new Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

Original signed by:

Kelly Murphy, P.Eng., P.Ag., EP., ENV SP.
Project Manager, Works Department

c. J. Presta, P.Eng., MPA, Acting Commissioner, Works
C. Drimmie, Manager, Corporate Initiatives, Office of the CAO

Enclosed

If you require this information in an accessible format, please contact 1-800-372-1102 ext. 3370.



Region of Durham Comments: Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2020

From: Kelly Murphy, P.Eng., Project Manager, Works Department, Region of Durham
Date: August 29, 2019

Subject:

Region of Durham Comments: Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health, 2020 ([Environmental Registry of Ontario #019-0198](#))

Overview:

Since 1971, a series of Canada-Ontario Agreements on the Great Lakes have enabled both governments, together with local partners, to address the most significant challenges facing the Great Lakes. The current Canada-Ontario Agreement expires in December 2019. Canada and Ontario have negotiated a new draft Canada-Ontario Agreement (Agreement), which is open for comments until September 4, 2019. The Agreement guides actions by the Government of Canada and the Government of Ontario to address the most significant challenges facing the Great Lakes. In addition, the Agreement makes suggestions about actions that should be taken by Ontario's municipalities to achieve these goals.

The new draft Canada-Ontario Agreement is comprised of a Framework Agreement and 13 Annexes. Region of Durham staff have prepared comments on Framework and the relevant Annexes. These comments are being sent to the [Environmental Registry of Ontario](#) on behalf of the Region of Durham.

1. General Comments

- 1.1 The Ministry of Municipal Affairs and Housing should be added to the list of signatory Provincial ministries as land-use planning is closely related to the health of the Great Lakes.
- 1.2 There are many areas in the Agreement that overlap with or are currently addressed through provincial policy. Efforts should be made to ensure the

Agreement aligns with other Provincial and Federal policy and initiatives, the relationship between provincial source protection initiatives and municipally-led watershed planning should be identified.

- 1.3 Consideration should be given to ensuring alignment of the Provincial watershed planning guidance (yet to be released) and the latest proposed changes to the Provincial Policy Statement.
- 1.4 Conservation authorities are leaders in the protection of water in Ontario. Greater reference should be made to conservation authorities as partners in achieving the goals of the Agreement.

2. Articles

- 2.1 Definitions - The new definitions include reference to the Ontario Great Lakes Strategy adopted in 2015 and Ontario's Environment Plan 2018 draft (not yet finalized). The Region of Durham has not seen any Provincial response to the comments collected through the consultation on the province's 2018 Environment Plan.
- 2.2 Purpose - The commitments to action would be more credible if the agreement included timelines and a parallel commitment of funding for the term of the agreement to support the actions outlined.
- 2.3 Principles
 - a. Section (b) wording should be amended to read "openness and a view to innovation and continuous improvement to ensure effective...."
 - b. Section (d) speaks about "effective communication methods" but the agreement contains no action to evaluate the effectiveness of communication to the Great Lakes community or the public.
 - c. Sections (o) and (p) – how does the elimination of the Ontario Toxics Reduction Act through Bill 66 support these principles?

2.4 Article 5 – Administration

- a. The Canada-Ontario Agreement (COA) Management Committee, a committee given implementation responsibility in the previous agreement, has been eliminated from this Agreement. Annex Leads and their subcommittees will now report directly to the COA executive committee of Assistant Deputy Ministers (ADMs) and Regional Directors General which may only meet once per year.
- b. If the committee with oversight for implementation meets only once per year, the ability of the partners to get work done in a timely way may be limited.
- c. Annex Leads manage the implementation of each Annex and review science needs and priorities annually. They carry most of the workload.

2.5 Article 8 – Resources

- a. The parties are committed to implementation only if their respective legislature allocates them some funds to do so.
- b. This Agreement could go further and stipulate that it be accompanied by a requirement for five-year budget allocation and projected cashflow to clearly enable the parties to undertake the work identified in the Agreement. It is not clear what can or will be reasonably achieved with the resources allocated.

2.6 Annexes

- a. The structure of the Annexes has been altered compared to the previous agreement. Overarching goals, which could be interpreted as the aspirational, longer term objective have been removed and replaced with statements of expected “results”. Since most of the actions listed under the results have no timeline, is one to assume that all of the results mentioned will occur within the five-year time frame? Or do the results replace the longer-term objectives? There are some exceptions, especially in the Areas of Concern (AOCs) Annex where certain actions are clearer and more specific. There should be greater distinction between projects that start and

end and ongoing “monitoring and maintenance” types of activities that must be carried out continuously.

- b. It is not clear how the new structure of this Agreement relates to the structure of the lake-wide management plans. While the lake-wide management plans are more specific in nature, they also have no indication of the level of resources being dedicated to the work in terms of staffing or funding.

3. Annex 1 – Nutrients

- 3.1 This Annex is dominated by the actions for Lake Erie and Lake Ontario. This section has been considerably amended from the previous agreement. The previous agreement included some content on Lake Erie but considerably more was provided in the new Agreement. There is also a new focus on Lake Ontario. This may reflect the completion of considerable work on Lake Erie, as well as completion of lake-wide action and management plans for these two lakes. This section will be of great interest to the Region of Durham’s Works Department.
- 3.2 The establishment of phosphorus targets for both Lake Erie and Lake Ontario is promoted. This could affect Region of Durham water pollution control plants if objectives and limits are revised.
- 3.3 The focus on agriculture in this segment is extensive. Financial support for the agricultural initiatives (e.g. modelling) is specifically mentioned in a few places. This would benefit the Region of Durham’s agricultural sector.
- 3.4 It is unclear why parallel urban runoff issues have been separated into another Annex on wastewater and stormwater. Both Annexes mention the development of the “Canadian Nutrients Strategy for Lake Ontario” to address harmful and nuisance algae in AOCs and other nearshore areas.
- 3.5 Some of the actions in this section are listed as federal activities but they seem more aligned with the activities of Conservation Authorities (CAs). Examples include page 19 (l), page 19 (m).

3.6 Page 19 (j) mentions conducting research and modelling to understand factors contributing to Cladophora blooms. The Region of Durham would be concerned with any delays in decisions for Environmental Assessment (EA) studies conducted for infrastructure projects. It is important to note that existing studies and Lake Ontario water quality monitoring, including recognized peer review work, provide evidence-based science for the regulatory agencies.

4. Annex 2 – Harmful Pollutants

4.1 Question: how does Ontario's repeal of the Toxics Reduction Act (as part of Bill 66) relate to the commitments in this Annex? There is conflicting messaging between the documents. The federal government has added (g) on page 24 which is reminiscent of what the previous Ontario toxics reduction strategy tried to do, which was get companies to move to less use of toxics in their processes.

4.2 The lack of specific actions and timelines in this section is problematic. It is difficult to commit to a timeline if the level of resources is unknown. As currently laid out, it could take decades to implement the standards referred to in (m) and (p) on page 24.

4.3 Question: why has the Canada-Ontario Chemicals Management Committee been eliminated from this agreement?

4.4 Question – page 25, 3(b): what is included in “end of life” products? The answer may affect the Region of Durham's waste management policies and procedures.

4.5 Chloride is mentioned here on page 26 in the context of site-specific guidelines relating to protecting habitat for species at risk. Salt is dealt with more extensively under the stormwater Annex. New guidelines should be reviewed with feedback from municipal government during the development stages, which would be of interest to the Region of Durham's Works Department.

4.6 The lengthy section on plastic pollution seems to be a new addition reflecting recent reactions to findings around plastics. It should be clarified whether “support” for capture and cleanup projects means funding for these initiatives. In addition, (h) suggests there will be “investment in recycling facilities”. This is supported by the Region of Durham and would be of interest to its waste management and water supply operational business units.

4.7 On page 27, Ontario has added several “steps” they are taking on waste to help address plastics, but they are only tangentially related to Great Lakes water quality. A definition of “plastic polluters” would add clarity to this section.

5. Annex 3 – Water and Wastewater

5.1 This was not a separate Annex before, most of it was under the Nutrients Annex.

5.2 On page 29, it states that “Ontario is committed to reviewing and updating its wastewater policies and developing a new stormwater management policy” but no timeline is provided. Later in the document, the “promotion of eligible investments under infrastructure and other funding programs” is mentioned, and additional detail is provided in subsection (b) and (c) including green infrastructure. **Durham Region would welcome the offer of incentives for adding green infrastructure and full cost recovery of stormwater services. These activities align with the Region of Durham’s climate adaptation plan.**

5.3 Pages 30 and 32 - it would provide clarity if the province would articulate the details of their commitment to “work with municipalities” on the issues identified in (f) through (l). The Region of Durham suggests that the province could strengthen requirements for green standards in the Ontario Building Code.

5.4 Additional review and study is always welcome, but the Region of Durham is ready for action. For example, in (l) the impact of septic system reinspection has had on phosphorus levels in Lake Simcoe could be undertaken as part of a review and use as a guiding tool. The reinspection program has been in place in Lake Simcoe for several years and may provide viable information for the Agreement.

5.5 Question: since there are no timelines in this section, is the assumption that the noted actions will take place/be completed in the five-year timeframe of the agreement? This should be clarified.

6. Annex 5 – Areas of Concern

6.1 Only three of the 12 AOCs that were identified in 1987 have been mitigated. A few more are “close” to being delisted but there are few firm timelines and no indication of level of financial commitment to get any of these matters concluded.

- 6.2 It is unclear with the criteria listed how an AOC is determined. Question: Please clarify the criteria and how an local specific AOC is determined?

7. **Annex 6 – Lakewide Management**

- 7.1 In line with result 1 (d), the Region of Durham supports the coordination of the federal government, provincial government, CAs, academic institutions, and other stakeholders' research and monitoring initiatives wherever possible to reduce duplication of efforts and costs to taxpayers.
- 7.2 The comments in results 1 (d) and 2 (a) reference engaging the Great Lakes Community to undertake actions. According to definition (g), the Great Lakes Community includes municipal government. Is this a preface for downloading some responsibility to the municipalities? **The Region of Durham would recommend that these plans be followed up with specific funding allocations to support implementation by the agencies and government. This would incent others to also get on board.**
- 7.3 Result 3 – Under Section a) Items ii and iv – nearshore area priority area identification by 2020 – Question: are these new versions of AOCs?
- 7.4 Result 5 Ontario action c) “identify sensitive area”. For clarity, it is recommended that a definition of “sensitive area” be added.
- 7.5 The Region of Durham supports the collection and sharing of data as part of the Federal Geospatial Platform Initiative (page 54). **The Region of Durham would recommend that to get the most benefit from the data, the Great Lakes Community should be able to access it without cost.**

8. **Remaining Annexes**

- 8.1 Throughout the remaining Annexes, the details regarding timelines and identification of funding to undertake the actions are missing. These details would significantly strengthen the Agreement and the commitment.
- 8.2 Given the relationship between the health of the Great Lakes and source protection, continued provincial (and possibly federal funding) for source protection is recommended. Additionally, consideration should be given to the provision of

- funding as part of the Agreement for watershed planning for watersheds in the Great Lakes Basin and other local initiatives, which have a positive impact and are aligned with the goals of the Agreement (e.g. Oshawa Second Marsh Management Plan is currently under development by the City of Oshawa).
- 8.3 It is appreciated that groundwater is being addressed (page 67) in the Agreement. An acknowledgement of the link between the Great Lakes and groundwater supports the type of work that the York Durham Peel Toronto and The Conservation Authorities Moraine Coalition (YDPT-CAMC) have undertaken related to the Oak Ridges Moraine.
- 8.4 Page 67, Result 3, could require very widespread actions like reduction of impermeable surfaces and heightened salt management practices. These actions would impact Region of Durham responsibilities including winter road maintenance and facilities management.
- 8.5 Typo on page 68 third paragraph, fourth line – adaption where it should say **adaptation**.
- 8.6 Regarding Annex 10, the Region of Durham, with funding from the Friends of the Greenbelt Foundation and in partnership with five CAs (Toronto Region, Ganaraska Region, Kawartha Region, Lake Simcoe Region, and Central Lake Ontario), has retained the Ontario Climate Consortium to update climate projections for the region. These updated projections will consider the Great Lakes effect, which has not yet been taken into consideration in provincial or federal climate projections. Once completed later this year, the methodology can be shared broadly across the province.
- 8.7 Page 70 – the Region of Durham supports the extension of seasonal coverage of water quality monitoring, but the Agreement could consider (h) not just maintaining the provincial network of water quality and quantity monitoring in streams and lake, but rather increasing it, given climate change.
- 8.8 Page 71 (g) – is potentially problematic given Ontario’s recent funding cut to CAs for natural hazard/flooding programs. The implication is that municipalities will be expected to make planning decisions using flood mapping that CAs may not be funded to produce. This could be a concern since municipalities have to fulfill their

statutory obligations under the Planning Act—to keep people safely out of the flood plain. One government agency should be responsible for floodplain mapping and should likely be with Cas, which are watershed based versus municipal boundaries.

- 8.9 Flooding and erosion along the shoreline of Lake Ontario is an issue. Flooding and erosion has significant potential water quality implications and impacts to people and property. Consideration should be given to this issue in the Agreement.
- 8.10 Page 72 (d) – while it is beneficial to know how municipalities are progressing on climate change, it would be more impactful if the government provided financial support to implement these programs. The Region of Durham has a corporate and community energy plan and climate change plan. Matching funds to implement the program for these two plans would be beneficial for the communities within the Region.

For questions or comments, please contact Kelly Murphy, P.Eng., Project Manager, Works Department, at 905-668-7711 extension 3370 or kelly.murphy@durham.ca.