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Bill 306 2021 An Act respecting York Region Wastewater status:

The intent of Bill 306 2021 appears to be:

The Minister's decision on the Upper York Sewage Solutions Undertaking is suspended and all actions related to that undertaking are prohibited.

Minister not to make decision

2 The Minister shall not make any decision under sections 8 to 11.1 of the Environmental Assessment Act in respect of the application for the Upper York Sewage Solutions Undertaking that was submitted for approval by the Regional Municipality of York.

Action not to be taken

3 Despite subsection 12.2 (1) of the Environmental Assessment Act, no person shall take any action in respect of the Upper York Sewage Solutions Undertaking.

No cause of action

4 (1) No cause of action arises against the Crown, any current or former member of the Executive Council and any current or former employee or agent of or advisor to the Crown as a direct or indirect result of,

(a) the enactment of this Act; or

(b) anything done or not done under the authority of this Act.

Bill 306 does not provide full disclosure of what the real and significant consequences are of suspending the Upper York Sewage Solutions Undertaking, which York Region has defined on their website as -

"Once approved, York Region will be the first municipality in Canada to adopt leading-edge microfiltration and reverse-osmosis wastewater treatment technology to turn wastewater into purified, clean water. "

Many advocates for better municipal sewage treatment have been very supportive of York's plans for a new, high-level sewage treatment project and were looking forward to this project reaching completion, since funding support was expected from both the Provincial and Federal governments. Now York Region and the Province want to walk away from this project but are not disclosing what the serious consequences are of doing this. If Bill 306 is passed, the only path forward, if York Council wants to develop on more farmland in Gwillimbury, is to twin their pipes to bring more Lake Ontario



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water across the hydrological divide into the Georgian Bay/Lake Simcoe watershed and send more water south to Lake Ontario via sewage and stormwater pipes.

It is important to note that because of York's existing "Big Pipe" diversion via their intrabasin transfer - moving water from one Great Lake to another - York is already in contravention of the Great Lakes St. Lawrence River Basin Sustainable Waters Resources Agreement signed on Dec 13, 2005 by all eight Great Lakes US States and Ontario and Quebec. During the lengthy negotiations of that landmark Agreement, prior to 2003 York Region was asked to give a presentation on their diversion/intrabasin transfer to the Ontario government's Annex Advisory Panel. When York did that, they admitted they did not know exactly how much water they were transferring since they mixed Toronto water with their Lake Simcoe watershed well water north of Aurora - ie Georgian Bay / Lake Simcoe water. York was told to install flow meters on their pipes immediately and to do everything they could to reduce their diversion or intrabasin transfer. The opportunity to do that was provided by the proposed new high-level sewage treatment plant - Upper York Sewage Solutions. This plant would enable York to take properties north of Aurora off Lake Ontario water supply and service the Lake Simcoe area watershed with Lake Simcoe water, and treat the local sewage at this new high-level sewage treatment plant south of Lake Simcoe. There was wide support for these plans, except for some locals who did not want any sewage treatment to happen in York! This is NIMBYISM - not in my backyard at its worst. Surely York Region and the Province can see the better and responsible way forward - treat sewage and stormwater in York's Georgian Bay / Lake Simcoe watershed and return to it the Georgian Bay/ Lake Simcoe watershed - in compliance with the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement.

Now if Bill 306 is passed, the opportunity to take the right action will be lost forever, since York Region north Councillors want to "twin" their big pipe for Lake Ontario water and send all of York 's sewage and stormwater south to the York Durham Sewage Treatment Plant, and thus discharge all of it into Lake Ontario. York must realize that this will more than double their current diversion/intrabasin transfer and that "prior notice of intent to do so" is required to be provided to all eight US Great Lakes States governors and the Premier of Quebec.

Based on this very significant potential increase in their diversion/intrabasin transfer without full disclosure, York Region and the Province of Ontario are in breach of the 2005 Agreement. Thus, our organization, the Georgian Bay Great Lakes Foundation, is requesting that Bill 306 be withdrawn and that the high-level Upper York Sewage Treatment solution be approved now. No further environmental assessment is needed. It is the only responsible action for York Region to take.

Finally, we note that Bill 306 includes a clause to try to prevent any legal action as a result of Bill 306 being passed. For obvious reasons, there is no mention in this Bill of the Great Lakes St. Lawrence River Basin Sustainable Water Resources Agreement (GLSLRSWA), to which Ontario is a signatory. At some point the other signatories will



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realize what the real intent of this Bill 306 is and they will take action under the terms of that Agreement.

Nowhere that we can find has York Region posted the amount of water that they are currently diverting, nor does Bill 306 tell the public and the signatories to the GLSLRSWA the increase in the amount of their diversion that would result from twinning their intake and discharging amounts as required. It is, then, impossible to determine the consequences of Bill 306.

Ontario and York Region are well advised to take the right action: do not pass Bill 306, but rather approve and begin construction of the new high-level sewage treatment plant so that York Region can actually reduce their diversion/intrabasin transfer.

Respectfully submitted by Georgian Bay Great Lakes Foundation

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Noted relevant sections of the GLSLRSWA:

“Diversion” means a transfer of Water from the Basin into another watershed, or from the watershed of one of the Great Lakes into that of another by any means of transfer, including but not limited to a pipeline

“Intra-Basin Transfer” means the transfer of Water from the watershed of one of the Great Lakes into the watershed of another Great Lake.

“New or Increased Diversion” means a new Diversion, an increase in an existing Diversion, or the alteration of an existing Withdrawal so that it becomes a Diversion.

“Proposal” means a Withdrawal, Diversion or Consumptive Use of Water that is subject to this Agreement.

“Regional Review” means the collective review by all Parties in accordance with this Agreement.

**ARTICLE 200
PROHIBITION OF DIVERSIONS
AND MANAGEMENT AND REGULATION OF WITHDRAWALS**

1. The Parties shall adopt and implement Measures to prohibit New or Increased Diversions, except as provided for in this Agreement.



Georgian Bay Great Lakes Foundation

Sound science on water quality, water levels, wetlands, and aquatic invasive species control

2. All Water Withdrawn from the Basin shall be returned, either naturally or after use, to the Source Watershed less an allowance for Consumptive Use. No surface water or groundwater from outside the Basin may be used to satisfy any portion of this criterion except if it:
 1. Is part of a water supply or wastewater treatment system that combines water from inside and outside of the Basin;
 2. Is treated to meet applicable water quality discharge standards and to prevent the introduction of invasive species into the Basin;
 3. Maximizes the portion of water returned to the Source Watershed as Basin Water and minimizes the surface water or groundwater from outside the Basin;

ARTICLE 201

EXCEPTIONS TO THE PROHIBITION OF DIVERSIONS

- c. If the Proposal results in a New or Increased Consumptive Use of 5 million gallons per day (19 million litres per day) or greater average over any 90-day period, the Proposal shall also undergo Regional Review.

ARTICLE 204

PROPOSALS SUBJECT TO REGIONAL REVIEW

1. Regional Review as outlined in Chapter 5 applies to a Proposal for any Exception requiring Regional Review under Article 201.
2. The Proposal may be approved by the Originating Party thereafter only if it meets the Exception Standard.

ARTICLE 210 JUDICIAL REVIEW

The Parties shall seek to adopt and implement Measures to permit a Party to, in an Originating Party's court of competent jurisdiction, seek judicial review of a decision of the Originating Party with respect to a Withdrawal, Consumptive Use or Exception if that decision is, according to this Agreement, subject to the Standard or the Exception Standard.



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