

**Submission to the Minister of the Environment Regarding  
Protecting Lake Simcoe: Ontario's Strategy for Action**

**Residential and Civil Construction Alliance of Ontario**

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On behalf of its members and stakeholders in the wider construction and infrastructure sector, the Residential and Civil Construction Alliance of Ontario (RCCAO) is pleased to make a submission to the Minister of the Environment regarding the Discussion Paper entitled *Protecting Lake Simcoe: Ontario's Strategy for Action*.

RCCAO supports the principle of environmental stewardship and believes that, in order for the Government's strategy to sustain and preserve Lake Simcoe to be relevant, it must be consistent with and reinforce the principles and approaches set out in *Places to Grow: The Growth Plan for the Greater Golden Horseshoe*.

Our submission addresses the key issues of concern to our members, specifically those concerning balancing Lake protection with other provincial priorities, and ensuring necessary infrastructure development.

### **Discussion Item 1: Proposed Goal**

RCCAO, its members and stakeholders in the construction and infrastructure sector believe that the proposed goal as outlined in the Discussion Paper is too narrow. There is no doubt that improving and protecting the health of the Lake is a primary concern and that improving associated recreational opportunities is important, but no less important that other uses related to the Lake, including agriculture, residential housing and employment of many kinds.

The goals of the Lake Simcoe Protection Strategy must coordinate with those of *Places to Grow*, including the housing and employment growth targets laid out for the surrounding regions and the designation of the City of Barrie as a growth centre.

Key issues to be addressed by the Lake Simcoe Protection Strategy must be consistent with *Places to Grow*.

The population surrounding the Lake Simcoe Watershed is expected to grow significantly by 2031. It is estimated that the combined populations of Durham Region, York Region, Simcoe County, the City of Barrie and the City of Orillia will increase from 1,682,000 to 2,777,000. In *Places to Grow*, the Government recognized that economic growth is essential to preserve Ontario's standard of living and to build strong and prosperous communities. In order to manage the forecasted growth in a sustainable manner, *Places to Grow* has prescribed both the location and nature of future residential, employment, infrastructure and transit growth.

RCCAO supports the principles inherent in *Places to Grow*, notably the growth management policies and the recognition of the important role to be played by strategic infrastructure in supporting and accommodating forecasted population and economic growth.

Our members believe that the policies related to transportation, water and waste water systems and community infrastructure strike the appropriate balance between growth and environmental sustainability and that these policies will provide sufficient protection to the Lake Simcoe Watershed to enable the Government to act as a responsible steward of both the Lake and the economy.

Accordingly, the eventual strategy for Protecting Lake Simcoe must be consistent with the principles laid out in *Places to Grow*.

RCCAO therefore proposes a revised goal for the Lake Simcoe Protection Strategy that encompasses the broader context of other provincial legislation:

***To improve and protect the health of the Lake Simcoe Watershed ecosystem while accommodating the multiple uses of the Lake and surrounding region, including recreational opportunities, agriculture and residential and employment growth as projected in the Growth Plan for the Greater Golden Horseshoe.***

### **Discussion Item 2: What Would a Plan Cover?**

RCCAO recognizes that a Lake Simcoe Protection Plan will need to utilize a wide variety of tools and mechanisms to achieve its goals, as outlined in the Paper. We particularly support the statement in paragraph four that:

Any new management approaches or tools would build on and be integrated with existing approval processes, programs and tools within the provincial environmental, land use planning and growth management framework recently put in place including the *Clean Water Act 2006*, the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe 2006, the Provincial Policy Statement 2005, and reforms to the *Planning Act*.

The development industry, municipalities and other stakeholders are already facing challenges to accommodate and adapt to the huge array of new rules and regulations. Introducing another framework which did not utilize the same tools and build on these polices would be unconscionable.

In particular, we believe that the Lake Simcoe Protection Plan must recognize the role of well-maintained water and waste water infrastructure in ensuring the health of Lake Simcoe.

According to the figures cited by the Government in its Discussion Paper, the main sources of phosphorous in Lake Simcoe are inflowing rivers (37%) and atmospheric deposition (34%). Phosphorous that enters the Lake as a result of waste water from sewage treatment plants accounts for a small percentage of the total amount (7%). Although waste water is only the fourth largest source of phosphorous pollution affecting Lake Simcoe, we believe that several positive steps could be taken to reduce its impact on the Lake Simcoe Watershed even further.

Section 3.2.5 of *Places to Grow* features provisions that will minimize the impact of environmental pollution on Lake Simcoe. These include:

- Municipalities should generate sufficient revenue to recover the full cost of providing municipal water and waste water systems;
- Municipalities that share an inland water source and/or receiving body of water should co-ordinate their planning for potable water, stormwater, and waste water systems to ensure that water quality and quantity is maintained or improved;

- Municipalities, in conjunction with conservation authorities, are encouraged to prepare Watershed plans and to use such plans to guide development decisions and water and waste water servicing decisions; and
- Municipalities are encouraged to implement and support innovative stormwater management actions as part of redevelopment and intensification.

In addition to those listed above, further positive steps that could curb the inflow of phosphorous from residential, commercial and industrial uses or developments include proclaiming the *Sustainable Water and Sewer System Act, 2002* and enacting regulations to:

- Require full cost pricing for water;
- Establish mandatory metering to control how much water is used (and ultimately returned to the Lake); and
- Create dedicated reserves to ensure that water and waste water infrastructure is always adequately maintained and operating at peak efficiency.

Some groups have suggested that the geographic scope of a Plan should extend beyond the actual Lake Simcoe drainage basin to include lands to the West or all of Simcoe County. In our view, there is no scientific or planning rationale for including the Nottawasaga basin which drains directly into Georgian Bay and does not impact Lake Simcoe to any significant degree. While there is some airborne deposition of phosphorus from this area to the Lake, that is true of parts of Ontario (and the U.S) even farther afield.

We believe the Ministry made the right decision in limiting consideration of a Plan to the actual drainage basin.

Finally, we feel that the development of the Lake Simcoe Protection Plan provides an opportunity for Government to partner with the private sector and municipalities to develop new best practices in sustainable housing development. We encourage the Government to be flexible and creative in considering – and requiring municipalities to consider – non-traditional alternatives, recognizing that standards such as road widths, sidewalk requirements, limitations on batch plant sewage treatment, and many other factors can have major impacts on the volume and quality of storm water and effluent.

### **Discussion Item 3: Funding Mechanisms**

In its report entitled *Watertight*, the Provincial Government identified an accumulated backlog of desperately needed water and sewer repairs in Ontario estimated at up to \$18 billion.

In order to ensure that sewage systems in the Lake Simcoe Watershed can contribute to a reduction of the amount of phosphorous in the Lake, the Government must provide sufficient funding to build and maintain adequate water and waste water infrastructure. The Government could allocate funding by:

- Expanding and enhancing the Municipal Infrastructure Investment Initiative to provide funding for water and waste water infrastructure throughout the province, with a specific portion earmarked to support necessary developments under the Lake Simcoe Protection Strategy;

- Creating a funding envelope for water and waste water infrastructure under the proposed legislation, to guarantee sustainable and predictable funding for water and waste water infrastructure in the Lake Simcoe Watershed;
- Establishing a dedicated funding strategy for water and waste water infrastructure in the Lake Simcoe Watershed; or
- Ensuring that the *sub-area assessments* of the implications of forecasted growth for water and waste water servicing, to be undertaken by the Minister of Public Infrastructure Renewal in accordance with the requirements of *Places to Grow*, provide guaranteed funding to enable municipal governments to build the necessary infrastructure to address the implications of forecasted growth.

#### **Discussion Item 4: Implementation Partnership**

“Partnership” is a positive word to describe the governance approach to the Lake Simcoe Protection Plan, but it is also a feel-good term that can obscure many complications. RCCAO supports the suggestions in the paper that a Governing Council and Steering Committee should be comprised of representatives from government (which should be clearly defined to include the various levels of municipalities present in the region), industry and others. However the devil is always in the details. Ensuring a balance on these bodies and a real willingness to weigh all views and integrate the concerns of the Lake Simcoe Protection Plan with *Places to Grow*, municipal official plans, provincial agricultural priorities and other relevant documents will not be easy. Environmental protection is a very critical objective, but the purpose of the governing bodies must be to ensure that environmental goals can be met in ways that equally recognize and allow for planned regional growth and economic vitality.

#### **Discussion Item 5: Legislative Model**

RCCAO supports the idea of framework legislation followed by a much more detailed Plan, subject to the caveats expressed above and the very real need for full and comprehensive consultation with all stakeholders in the development of the Plan.

Again, we would emphasize the importance of the statement that “The proposed legislation and Plan would support and enhance existing provincial plans, such as the Growth Plan, the Oak Ridges Moraine Conservation Plan, and the Greenbelt Plan.” However, the sentence that follows, while understandable on its face, raises a number of concerns.

It would not be difficult for someone to argue that a complete no-growth scenario would be “most protective of the health of the Lake.” Indeed, it could be said that removing all residents, farms and businesses from the area would do even more to restore and preserve the health of the Lake. While the latter is obviously extreme to the point of outlandishness, it is the logical conclusion of this type of language which puts the health of the Lake above all other concerns.

Therefore, we propose that this sentiment should be expressed in a more balanced way:

***The proposed legislation could also provide that any legal conflicts between the proposed legislation and requirements under other provincial statutes be resolved in favour of protection of the health of the Lake to the***

***highest degree possible compatible with existing communities, traditional agricultural, recreational, fishery and commercial uses, and growth requirements under the Growth Plan for the Greater Golden Horseshoe.***

## **Conclusion**

RCCAO supports the principle of environmental stewardship and believes that in order for the Government's strategy to sustain and preserve Lake Simcoe to be relevant, it must be consistent with and reinforce the principles and approaches laid out in *Places to Grow*.

Our proposals are focused on ensuring that the infrastructure in the Lake Simcoe Watershed is able to contribute to the goal of a healthy and sustainable Lake Simcoe. We concur with the Government's objective to "raise the bar for sewage treatment standards and set strict limits on pollutants such as phosphorus." But, as we have outlined, there must be appropriate and dedicated funding strategies in place to meet this objective.

We look forward to the opportunity to work with the Ministry of the Environment, the Ministry of Public Infrastructure Renewal, the Ministry of Municipal Affairs and Housing and all other relevant stakeholders to shape an effective, innovative and balanced Protection Plan for Lake Simcoe.